

Electronically filed on August 31, 2007

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**ATTORNEYS FOR FORD ELSAESSER,
CHAPTER 11 TRUSTEE**

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

JOSEPH D. MILANOWSKI,

Debtor.

Chapter 11 – Involuntary

Case No. BK-S-07-13162-LBR

**MOTION FOR ORDER (1) LIMITING
NOTICE AND APPROVING MASTER
SERVICE LIST FOR NOTICES
UNDER RULE 2002 OF THE
FEDERAL RULES OF BANKRUPTCY
PROCEDURE AND (2) FURTHER
LIMITING NOTICE AND
APPROVING A LIMITED SERVICE
LIST**

Date: September 28, 2007

Time: 1:30 p.m.

Ford Elsaesser, the Trustee (the “Trustee”) for the estate (the “Estate”) of Joseph D. Milanowski (the “Debtor”) submits this *Motion for Order (1) Limiting Notice and Approving*

1 *Master Service List for Notices Under Rule 2002 of the Federal Rules of Bankruptcy Procedure*
2 *and (2) Further Limiting Notice and Approving a Limited Service List* (the “Motion”), pursuant
3 to Fed. R. Bankr. P. 2002 (i) and (m) for an order (1) limiting notice of matters in this case for
4 notices required to be served under Rule 2002(a),(b) and (f) of the Federal Rules of Bankruptcy
5 Procedure to certain parties who would be included in a Master Service List as suggested below
6 and authorizing the establishment and maintenance of such a Master Service List and (2) further
7 limiting notice of matters in this case (except where general notice is required to be served on the
8 Master Service List) to certain parties who would be included in a Limited Service List as
9 suggested below and authorizing the establishment and maintenance of such a Limited Service
10 List. The Trustee submits the *Declaration of Thomas Rice in Support of the Motion for Order*
11 *(1) Limiting Notice and Approving Master Service List for Notices Under Rule 2002 of the*
12 *Federal Rules of Bankruptcy Procedure and (2) Further Limiting Notice and Approving a*
13 *Limited Service List* (the “Rice Declaration”) in support of the Motion and would state as
14 follows:
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16

17 **POINTS AND AUTHORITIES**

18 1. On August 29, 2007, a mailing matrix was filed by the Trustee on behalf of the
19 Debtor that listed potential creditors and other parties in interest totaling approximately 8,000
20 persons and entities (the “Matrix”). As stated in the Rice Declaration, the Matrix was compiled
21 to give the broadest possible notice of the initiation of this Chapter 11 case. *See* Rice
22 Declaration ¶5. It is likely that a majority of the parties listed in the Matrix do not have claims
23 against the Debtor.
24

25 2. While the Trustee believed that the initial notice regarding commencement of this
26 Chapter 11 case should be served on the Matrix, the continued service on all parties on the
27
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1 Matrix would be not only expensive, but unnecessary under Rule 2002 of the Federal Rules of
2 Bankruptcy Procedure. Rule 2002(a), (b) and (f) each require notice to all creditors, not parties
3 in interest, much less potential parties-in-interest. Fed. R. Bankr. P. 2002 (a),(b) and (f). Thus
4 the Trustee seeks to limit further notices under Rule 2002 (a), (b) and (f) to the following parties
5 who shall comprise the master service list (the “Master Service List”):
6

- 7 a. Any and all creditors that are listed on the Debtor’s schedules prior to the
8 bar date for filing proofs of claim;
- 9 b. After the bar date for filing proofs of claim, any and all creditors listed on
10 the Debtor’s schedules as noncontingent, liquidated and undisputed;
- 11 c. Any and all creditors that file a proof of claim in this Chapter 11 case; and
- 12 d. Any and all parties listed on the Limited Service List (as defined below).

13
14 3. In order to avoid further unnecessary expense in this case and proceedings, the
15 Trustee also requests that notice of all matters, except those matters that are required to be served
16 on the Master Service List, should be limited to parties listed in a limited service list
17 (the “Limited Service List”). The Trustee proposes that the parties listed on the Limited Service
18 List include the following, the names and addresses of which are set forth in Exhibit “A”
19 attached hereto:
20

- 21 a. The United States Trustee;
- 22 b. The Unsecured Creditors’ Committee, if one is appointed, and its counsel
23 and any other committee appointed pursuant to 11 U.S.C. § 1102, and
24 counsel;
- 25 c. Secured creditors and their counsel if any are identified;

- 1 d. The unsecured creditors holding the 20 largest unsecured claims against
2 the Debtor (the Debtor has not yet identified the creditors holding the 20
3 largest unsecured claims; however, when such a list is filed with the Court
4 the Master Service List will be modified to include such creditors);
5
6 e. Governmental entities (and counsel) listed on the list attached hereto; and
7
8 f. Any party not listed above who files with the Court a notice of appearance
9 and request for notice and serves such notice with the counsel for the
10 Trustee.

11 4. In order to ensure uniform and current notice, the Trustee also requests that the
12 Court authorizes the Trustee to establish and maintain both the Master Service List and Limited
13 Service List, which includes the parties listed above, and update them on a periodic basis and file
14 the updated versions with the Court. Each filed updated version of the Master Service List and
15 Limited Service List would be dated and numbered.

16 5. The Trustee further requests that parties be required to use the current Master
17 Service List and Limited Service List, where appropriate, for providing notice in this Chapter 11
18 case.

19 6. While the Trustee shall establish and maintain the Master Service List and
20 Limited Service List, the Trustee requests that parties in interest shall be responsible for
21 providing the Trustee's counsel with any corrections or changes to names and addresses. Parties
22 on the Master Service List and Limited Service List may also notify Trustee's counsel in writing
23 if they prefer to receive service by e-mail rather than regular mail. Furthermore, to the extent a
24 party on the Master Service List and/or the Limited Service List receives notification of
25 pleadings via the Notice of Electronic Filing that is automatically generated by the Court, service
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1 will not be required at such parties' physical address. A copy of the Master Service List and
2 Limited Service List will be maintained at the website associated with this Chapter 11 case,
3 www.coxsmith.com/milanowski/. Notice of the website was served on the Matrix.

4
5 7. Furthermore, the Trustee requests that parties may request to be added to or
6 deleted from the Master Service List and Limited Service List upon written request to the Court.

7 **CONCLUSION**

8 WHEREFORE, for cause shown, the Trustee requests that the Court enter an order
9 limiting notice and authorizing the establishment and maintenance of a Master Service List and
10 Limited Service List pursuant to the conditions outlined above.

11 DATED: August 31, 2007

12 Respectfully submitted,

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18 By: /s/ Thomas Rice

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EXHIBIT A

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In re:

JOSEPH D. MILANOWSKI,

Debtor.

Chapter 11 – Involuntary

Case No. BK-S-07-13162-LBR

**LIMITED SERVICE LIST FOR
LIMITED NOTICE #1**

Date: N/A

Time: N/A

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1 STATE OF NEVADA DEPT. OF MOTOR VEHICLES
2 ATTN: LEGAL DIVISION
3 555 WRIGHT WAY
4 CARSON CITY, NEVADA 89711

5 NEVADA DEPARTMENT OF TAXATION
6 BANKRUPTCY SECTION
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8 LAS VEGAS, NV 89101

9 DEPT. OF EMPLOYMENT, TRAINING & REHAB
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21 P.O. BOX 551220
22 LAS VEGAS, NV 89155-1220

23 CLARK COUNTY ASSESSOR
24 C/O BANKRUPTCY CLERK
25 500 S GRAND CENTRAL PKWY
26 P.O. BOX 551401
27 LAS VEGAS, NV 89155-1401

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15 DATED: August 31, 2007

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