

Michael R. Johnson (Utah Bar No. 7070)
David H. Leigh (Utah Bar No. 9433)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, 14th Floor
P.O. Box 45385
Salt Lake City, UT 84145
(801) 532-1500
Email: mjohnson@rqn.com
Email: dleigh@rqn.com

Attorneys for Steven R. Bailey, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

**EMPIRE SOLAR GROUP, LLC,
Debtor.**

Bankruptcy Case No. 21-23636

Chapter 7

Honorable Joel T. Marker

**CHAPTER 7 TRUSTEE'S MOTION FOR ENTRY OF STANDING ORDER
ESTABLISHING NOTICE PROCEDURES**

Pursuant to Federal Rules of Bankruptcy Procedure 2002 and 9007, Steven R. Bailey (the “Trustee”), the duly appointed trustee in the above-captioned Chapter 7 bankruptcy case, through counsel, hereby respectfully moves this Court for entry of a standing order establishing notice procedures in this case. In further support hereof, the Trustee states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.
2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.
3. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

BACKGROUND

4. Empire Solar Group, LLC (the “**Debtor**”) filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on August 22, 2021.

5. The Trustee was appointed as the Chapter 7 Trustee of the Debtor’s estate on August 23, 2021.

6. The official mailing matrix in this case is approximately 66 pages long and includes over 1,700 notice recipients.

7. The Trustee anticipates making filings in this case that, absent an order limiting notice, would require that notice be provided to the entire creditor body.

8. An example of such anticipated filings would be notices of settlements or compromises under Rule 9019, and notices of hearings related to such Rule 9019 motions. *See* Fed. R. Bank. P. 2002(a)(3) (absent an order for cause shown directing that notice not be sent, all creditors and other parties are entitled to 21 days’ notice of the hearing to approve a compromise or settlement).

RELIEF REQUESTED

9. By this Motion, the Trustee requests that the Court enter a standing order establishing notice procedures in this case.

PROPOSED NOTICE PROCEDURES

10. Rule 9007 of the Federal Rules of Bankruptcy Procedure provides that “[w]hen notice is to be given under these rules, the court shall designate, if not otherwise specified herein . . . the entities to whom. . . the notice shall be given.” Fed. R. Bankr. P. 9007. Rule 2002(m), in turn, provides that the Court “may from time to time enter orders designating the matters with

respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” Fed. R. Bankr. P. 2002(m).

11. In bankruptcy cases such as this with a large creditor matrix, the Court, creditors, and other parties-in-interest are better served by having established procedures limiting the notice required for filings with the Court, and for related hearings. Such procedures ensure appropriate notice to those parties involved in a particular case affected by a particular issue without requiring the bankruptcy estate, creditors, or other parties-in-interest to incur unnecessary fees and expenses serving all parties involved with that case.

12. Courts, including courts in this District, routinely grant requests to limit notice in large bankruptcy cases. *See, e.g., In re Dee Allen Randall et al*, No. 10-37546, Dkt No. 364 (Bankr. D. Utah Dec. 1, 2011); *In re Stay in my Home, P.A.*, No. 8:18-BK-08436-RCT, 2018 WL 4927911, at *1 (Bankr. M.D. Fla. Oct. 5, 2018).

13. Further, with respect to notices of hearings on settlements or compromises, Bankruptcy Rule 2002(a)(3) expressly provides that, upon cause shown, the Court may direct that “notice not be sent.” If the Court can direct that notice of a settlement or compromise not be sent at all, it logically follows that the Court can also direct that notice of a settlement or compromise be provided to less than the entire creditor body.

14. Accordingly, the Trustee hereby requests that the Court enter an Order providing that, except as otherwise provided below, filings and/or notice of filings in this case will be proper if served upon, in any addition to any party whose interests are directly impacted by a specific filing, each of the following:

(a) The United States Trustee;

- (b) The Trustee, counsel for the Trustee, and any of the Trustee's hired professionals;
- (c) Counsel for the Debtor;
- (d) All pre-petition Secured Creditors;
- (e) The Internal Revenue Service;
- (f) The Utah State Tax Commission; and
- (g) Any party who has already filed with the Court a request for notice.

An initial mailing list of the parties identified in (a) through (g) above is attached hereto as Exhibit A.

15. The limited notice procedure requested in this Motion will not apply to the following:

- (a) Notice of the time fixed for filing proofs of claim;
- (b) Any motion and notice of any hearing on any other request filed by the Trustee which would impact the substantive rights of the general creditor body of the Debtor, such as notice of the Trustee's Final Report and any proposed distributions to creditors;
- (c) Filings in adversary proceedings which are served pursuant to Rule 7004 of the Federal Rules of Bankruptcy Procedure; or
- (d) Any other motion, pleading, paper or proceeding and notice of any hearing thereon concerning any other matter to which the Court directs, either on its own motion or upon motion of any party in interest after notice and

opportunity for a hearing, that the limited notice procedures proposed herein expressly not apply.

16. Furthermore, and notwithstanding the foregoing, the Trustee will continue to post any motions and corresponding notices that are filed with the Court on the Trustee's website dedicated to providing information regarding the Debtor's bankruptcy case. That website address is www.empiresolarbankruptcy.com, and all creditors and parties in interest will still be able to review that website for pertinent case information.

CONCLUSION

WHEREFORE, the Trustee respectfully requests that the Court enter an order establishing the above limited notice procedures and granting such further relief as is just and proper. A proposed order is attached hereto as Exhibit B.

DATED this 31st day of March, 2022.

RAY QUINNEY & NEBEKER P.C.

/s/ Michael R. Johnson

Michael R. Johnson

David H. Leigh

Attorneys for Chapter 7 Trustee

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of March, 2022, a true and correct copy of the foregoing **CHAPTER 7 TRUSTEE’S MOTION FOR ENTRY OF STANDING ORDER ESTABLISHING NOTICE PROCEDURES** was electronically filed and therefore served via ECF on the following:

- **B. Scott Allen** allen@mvmlegal.com, coley@mvmlegal.com
- **Rod N. Andreason** randreason@kmclaw.com, mkowalczyk@kmclaw.com
- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfcbis.com
- **Megan K Baker** baker.megan@dorsey.com, long.scarlette@dorsey.com
- **Matthew M. Boley** mboley@ck.law, klopez@ck.law
- **Daniel K. Brough** dbrough@btjd.com, hollyv@btjd.com; docketing@btjd.com
- **Ryan C. Cadwallader** rcadwallader@kmclaw.com, twhite@kmclaw.com
- **Deborah Rae Chandler** dchandler@aklawfirm.com
- **P. Matthew Cox** mw@scmlaw.com, ec@scmlaw.com
- **Douglas Farr** dfarr@buchalter.com, docket@buchalter.com
- **Bryan T. Glover** bryan.glover@stoel.com, lisa.petras@stoel.com
- **Michael F. Holbein** mholbein@sgrlaw.com
- **Armand J. Howell** armand@hwmlawfirm.com, armand@ecf.courtdrive.com; megan@ecf.courtdrive.com
- **Chad Johnson** chad@idahojobjustice.com, dunja@idahojobjustice.com; robyn@idahojobjustice.com; kati@utahjobjustice.com
- **Michael R. Johnson** mjohnson@rqn.com, docket@rqn.com; ASanchez@rqn.com
- **David H. Leigh** dleigh@rqn.com, ASanchez@rqn.com; docket@rqn.com
- **Christopher J Martinez** martinez.chris@dorsey.com
- **Jason A. McNeill** mcneill@mvmlegal.com, coley@mvmlegal.com
- **Blake D. Miller** bmiller@aklawfirm.com, millermobile@gmail.com; miller.blaked@gmail.com
- **Stuart J. Miller** sjm@lankmill.com
- **Gregory S. Moesinger** gmoesinger@kmclaw.com, tsanders@kmclaw.com
- **Austin Nate** anate@rqn.com
- **Darren B. Neilson** dneilson@parsonsbehle.com
- **Mary E. Olsen** molsen@thegardnerfirm.com
- **Ellen E. Ostrow** ellen.ostrow@stoel.com, docketclerk@stoel.com; michelle.smock@stoel.com
- **Mark C. Rose** mrose@mbt-law.com, markcroselegal@gmail.com
- **Brian M. Rothschild** brothschild@parsonsbehle.com, ecf@parsonsbehle.com; docket@parsonsbehle.com
- **Jeffrey Weston Shields** jshields@joneswaldo.com, 5962725420@filings.docketbird.com; jwilding@joneswaldo.com
- **Jeremy C. Sink** jsink@kmclaw.com, mcarlson@kmclaw.com
- **Mark S. Swan** mswan@strongandhanni.com, mark@swanlaw.net

- **Jeffrey L. Trousdale** jtrousdale@cohnckinghorn.com, mparks@ck.law;tkosec@ck.law
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

I further certify that on the 31st day of March, 2022, a true and correct copy of the foregoing was mailed by first class mail, postage prepaid, to the following non-ECF parties requesting notice:

Hyrum J. Bosserman
BENNETT TUELLER JOHNSON & DEERE
3165 E. Millrock Drive
Suite 500
Salt Lake City, UT 84121

Steve Brown
Steve Brown & Associates, LLC
1414 East Indian School Road
Suite 200
Phoenix, AZ 85014

Daylight Roofing
Donaciano Talamantes
1266 14th Street
Imperial Beach, CA 91932

John P. Dillman
Linebarger Goggan Blair & Sampson, LLP
PO Box 3064
Houston, TX 77253-3064

Eco Rocha LLC
6089 Mustang Breeze Trail UNIT 102
Henderson, NV 98011

Micheal Gipson
411 West Walnut St
Independence, MO 64050
Steven W. Kelly
S&D Law
1290 Broadway Ste 1650
Denver, CO 80203

Gil Miller
Rocky Mountain Advisory
215 South State Street Ste 550
Salt Lake City, UT 84111

Evarista Nnadi
2311 Prometheus Ct.
Henderson, NV 89074

Raymond J. Rotella
Kosto & Rotella P.A.
P.O. Box 113
Orlando, FL 32802

/s/ Carrie Hurst

1599051

EXHIBIT A

United States Trustee
405 South main Street, #300
Salt Lake City, UT 84111

Steven R. Bailey, Trustee
2454 Washington Blvd
Ogden, UT 84401

Mark C. Rose
McKay, Burton & Thurman P.C.
15 West South Temple, Suite 1000
Salt Lake City, UT 84101

Gil Miller
Rocky Mountain Advisory
215 South State Street Ste 550
Salt Lake City, UT 84111

Michael Johnson
David Leigh
Ray Quinney & Nebeker P.C.
36 South State Street, Suite 1400
Salt Lake City, UT 84111

Uinta Bank
140 Yellow Creek Rd.
Evanston, WY 82930

Durham Commercial Capital Corp
101 Sullys Trail, Bldg 20
Pittsford, NY 14534

D & J Properties
3020 South West Temple
Salt Lake City UT 84115

Wesco Distribution, Inc.
3425 East Van Buren Street
Phoenix, AZ 84008

Gambit, LLC
235 Washakie Dr.
Evanston, WY 82930

Consolidated Electrical Distributors, Inc.
15230 N. 75th St., Suite 2020
Scottsdale, AZ 85260

CT Corporation System, as
representative
330 N. Brand Blvd., Suite 700
Glendale, CA 91203
Attn: SPRS

Byline Financial Group
2801 Lakeside Drive, Suite 212
Deerfield, IL 60015

Suntuity Solar Limited Liability
Company
2137 NJ-35
Holmdel, NJ 07733

Onesource Distributors, LLC
3951 Oceanic Drive
Oceanside, CA 92056

Codale Electric Supply, Inc.
5225 W. 2400 South
South Salt Lake City, UT 84120

Crawford Electric Supply Company, Inc.
7390 Northcourt Rd.
Houston, TX 77040

Independent Electric Supply, Inc.
2001 Marina Blvd,
San Leandro, CA 94577

QED Inc., dba Quality Electrical
Distributors
1661 W. 3rd Ave.,
Denver, CO 80233

Viking Electric Supply, Inc.
451 Industrial Boulevard NE,
Minneapolis, MN 55413

World Electric Supply, Inc.
569 Stuart Lane
Jacksonville, FL 32254

Wesco Distribution, Inc.
3425 East Van Buren Street
Phoenix, AZ 85008

John P. Dillman
Linebarger Goggan Blair & Sampson, LLP
PO Box 3064
Houston, TX 77253-3064

Micheal Gipson
411 West Walnut St
Independence, MO 64050

Steven W. Kelly
S&D Law
1290 Broadway Suite 1650
Denver, CO 80203

Raymond J. Rotella
Kosto & Rotella P.A.
P.O. Box 113
Orlando, FL 32802

Michael F. Holbein
Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street NE, Ste 1000
Atlanta, GA 30309

Daniel Brough
Hyrum J. Bosserman
BENNETT TUELLER JOHNSON & DEERE
3165 East Millrock Dr., Suite 500
Salt Lake City, UT 84121

Steve Brown

Steve Brown & Associates, LLC
1414 East Indian School Road
Suite 200
Phoenix, AZ 85014

Daylight Roofing
Donaciano Talamantes
1266 14th Street
Imperial Beach, CA 91932

Eco Rocha LLC
6089 Mustang Breeze Trail UNIT 102
Henderson, NV 98011

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

State of Utah
AG Office, Tax Financial Service Div.
160 East 300 South, 5th Floor
P.O. Box 140874
Salt Lake City, UT 84114

EXHIBIT B

Prepared and Submitted by:

Michael R. Johnson (7070)
David H. Leigh (9433)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, 14th Floor
P.O. Box 45385
Salt Lake City, UT 84145
(801) 532-1500
Email: mjohnson@rqn.com
Email: dleigh@rqn.com

Attorneys for Steven R. Bailey, Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH**

In re:

**EMPIRE SOLAR GROUP, LLC,
Debtor.**

Bankruptcy Case No. 21-23636

Chapter 7

Honorable Joel T. Marker

ORDER ESTABLISHING NOTICE PROCEDURES

This matter is before the Court on the *Chapter 7 Trustee's Motion for Entry of Standing Order Establishing Notice Procedures* (the "**Motion**") that was filed on March 31, 2022, by Steven R. Bailey, the Chapter 7 Trustee (the "**Trustee**").

In the Motion, the Trustee seeks an Order establishing notice procedures in this case.

The Court, after carefully reviewing the Motion and such other and further papers and pleadings that were filed in support of and in opposition thereto, has determined that the Motion is well-taken, and that the relief requested therein should be granted.

Based upon the foregoing, and good cause appearing, **IT IS HEREBY ORDERED** as follows:

1. The Motion is GRANTED.
2. The procedures set forth therein are APPROVED.
3. All filings and hearings and/or notices of filings or hearings in this case will be proper and due and sufficient notice if served upon, or notice is provided to, in any addition to any party whose interests are directly impacted by any specific filing, each of the following:
 - A. The United States Trustee;
 - B. The Trustee, counsel for the Trustee, and any of the Trustee's hired professionals;
 - C. Counsel for the Debtor;
 - D. All pre-petition Secured Creditors;
 - E. The Internal Revenue Service;
 - F. The Utah State Tax Commission; and
 - G. Any party who has already filed with the Court a request for notice.
4. Notwithstanding the foregoing, the Trustee shall continue to post any motions and corresponding notices that are filed with the Court on the Trustee's website dedicated to providing information regarding the Debtor's bankruptcy case. That website address is www.empiresolarbankruptcy.com.
5. Also notwithstanding the foregoing, the limited notice procedure authorized above shall not apply to any of the following:
 - A. Notice of the time fixed for filing proofs of claim;
 - B. Any motion and notice of any hearing on any other request filed by the Trustee which would impact the substantive rights of the general creditor body of the Debtor;

- C. Filings in adversary proceedings which are served pursuant to Rule 7004 of the Federal Rules of Bankruptcy Procedure; or
- D. Any other motion, pleading, paper or proceeding and notice of any hearing thereon concerning any other matter to which the Court directs, either on its own motion or upon motion of any party in interest after notice and opportunity for a hearing, that the limited notice procedures established herein expressly not apply.

-----END OF ORDER-----

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 2022, a true and correct copy of the foregoing *proposed ORDER ESTABLISHING NOTICE PROCEDURES* was electronically filed and therefore served via ECF on the following:

- **B. Scott Allen** allen@mvmlegal.com, coley@mvmlegal.com
- **Rod N. Andreason** randreason@kmclaw.com, mkowalczyk@kmclaw.com
- **Steven R. Bailey tr** karen@baileylaw.org, UT06@ecfcbis.com
- **Megan K Baker** baker.megan@dorsey.com, long.scarlette@dorsey.com
- **Matthew M. Boley** mboley@ck.law, klopez@ck.law
- **Daniel K. Brough** dbrough@btjd.com, hollyv@btjd.com;docketing@btjd.com
- **Ryan C. Cadwallader** rcadwallader@kmclaw.com, twhite@kmclaw.com
- **Deborah Rae Chandler** dchandler@aklawfirm.com
- **P. Matthew Cox** mw@scmlaw.com, ec@scmlaw.com
- **Douglas Farr** dfarr@buchalter.com, docket@buchalter.com
- **Bryan T. Glover** bryan.glover@stoel.com, lisa.petras@stoel.com
- **Michael F. Holbein** mholbein@sgrlaw.com
- **Armand J. Howell** armand@hwmlawfirm.com, armand@ecf.courtdrive.com;meghan@ecf.courtdrive.com
- **Chad Johnson** chad@idahojobjustice.com, dunja@idahojobjustice.com;robyn@idahojobjustice.com;kati@utahjobjustice.com
- **Michael R. Johnson** mjohnson@rqn.com, docket@rqn.com;ASanchez@rqn.com
- **David H. Leigh** dleigh@rqn.com, ASanchez@rqn.com;docket@rqn.com
- **Christopher J Martinez** martinez.chris@dorsey.com
- **Jason A. McNeill** mcneill@mvmlegal.com, coley@mvmlegal.com
- **Blake D. Miller** bmiller@aklawfirm.com, millermobile@gmail.com;miller.blaked@gmail.com
- **Stuart J. Miller** sjm@lankmill.com
- **Gregory S. Moesinger** gmoesinger@kmclaw.com, tsanders@kmclaw.com
- **Austin Nate** anate@rqn.com
- **Darren B. Neilson** dneilson@parsonsbehle.com
- **Mary E. Olsen** molsen@thegardnerfirm.com
- **Ellen E. Ostrow** ellen.ostrow@stoel.com, docketclerk@stoel.com;michelle.smock@stoel.com
- **Mark C. Rose** mrose@mbt-law.com, markcroselegal@gmail.com
- **Brian M. Rothschild** brothschild@parsonsbehle.com, ecf@parsonsbehle.com;docket@parsonsbehle.com
- **Jeffrey Weston Shields** jshields@joneswaldo.com, 5962725420@filings.docketbird.com;jwilding@joneswaldo.com
- **Jeremy C. Sink** jsink@kmclaw.com, mcarlson@kmclaw.com
- **Mark S. Swan** mswan@strongandhanni.com, mark@swanlaw.net

- **Jeffrey L. Trousdale** jtrousdale@cohnkinghorn.com,
mparks@ck.law; tkosec@ck.law
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

I further certify that on the ___ day of _____, 2022, a true and correct copy of the foregoing was mailed by first class mail, postage prepaid, to the following non-ECF parties requesting notice:

- Hyrum J. Bosserman
BENNETT TUELLER JOHNSON & DEERE
3165 E. Millrock Drive
Suite 500
Salt Lake City, UT 84121

Steve Brown
Steve Brown & Associates, LLC
1414 East Indian School Road
Suite 200
Phoenix, AZ 85014

Daylight Roofing
Donaciano Talamantes
1266 14th Street
Imperial Beach, CA 91932

John P. Dillman
Linebarger Goggan Blair & Sampson, LLP
PO Box 3064
Houston, TX 77253-3064

Eco Rocha LLC
6089 Mustang Breeze Trail UNIT 102
Henderson, NV 98011

Micheal Gipson
411 West Walnut St
Independence, MO 64050

Steven W. Kelly
S&D Law
1290 Broadway Ste 1650
Denver, CO 80203

Gil Miller
Rocky Mountain Advisory
215 South State Street Ste 550
Salt Lake City, UT 84111

Evarista Nnadi
2311 Prometheus Ct.
Henderson, NV 89074

Raymond J. Rotella
Kosto & Rotella P.A.
P.O. Box 113
Orlando, FL 32802

1599052

DESIGNATION OF PARTIES TO BE SERVED

Service of the foregoing **ORDER ESTABLISHING NOTICE PROCEDURES** (the “**Order**”) should be served on the persons in the manner designated below:

By electronic service: I certify that the parties of record in this case as identified immediately below are registered CM/ECF users and will be served notice of entry of the foregoing Order through the CM/ECF System:

By first class U.S. Mail: I certify that the parties of record in this case as identified on the attached service list will be served notice of entry of the foregoing Order by first class U.S. Mail: