

**This order is SIGNED.**

**Dated: May 9, 2022**



**JOEL T. MARKER  
U.S. Bankruptcy Judge**



*msc*

*Prepared and submitted by:*

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH

<p>In re:</p> <p>EMPIRE SOLAR GROUP, LLC,</p> <p>Debtor.</p>	<p><b>Bankruptcy Case No. 21-23636</b></p> <p>Chapter 7</p> <p>Honorable Joel T. Marker</p>
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**ORDER GRANTING MOTION, PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN ORDER APPROVING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE TRUSTEE, ON THE ONE HAND, AND JONES, WALDO, HOLBROOK & MCDONOUGH, P.C. ON THE OTHER HAND**

This matter is before the Court on the *Motion, Pursuant to 11 U.S.C. § 105(a) and Federal Rules of Bankruptcy Procedure 9014 and 9019, for Entry of an Order Approving a*

*Settlement Agreement and Mutual Release of Claims Between the Trustee, on the One Hand, and Jones, Waldo, Holbrook & McDonough, P.C., on the Other Hand* (the “**Motion**”) which was filed by Steven R. Bailey (the “**Trustee**”), who is the Chapter 7 Trustee in the above-entitled case. The Motion was filed on April 6, 2022, as docket #338.

In the Motion, the Trustee asks the Court to approve the form and content of a *Settlement Agreement and Mutual Release of Claims* (the “**Agreement**”) between the Trustee, on the one hand, and Jones, Waldo, Holbrook & McDonough, P.C. (“**Jones Waldo**”), on the other hand, to settle and resolve the claims asserted by the Trustee. In summary, the Agreement provides for the settlement of the claims asserted by the Trustee in return for a settlement payment totaling \$57,500.00 (the “**Settlement Payment**”). The Agreement also provides for mutual releases, and for an allowed general unsecured claim in the amount of the Settlement Payment. A signed copy of the Agreement is attached to the Motion.

The Court, after reviewing the Motion and the Agreement and such other and further matters in the file as the Court deemed appropriate, after considering any responses or objections to the Motion in the Court’s file, after further noting that the deadline for responding or objecting to the Motion has now expired, and after independently determining that the Motion and the Agreement attached thereto appears to be in the best interests of the estate and its creditors, has determined that the Motion is well-taken, and that the relief requested therein should be granted.

Accordingly, pursuant to 11 U.S.C. § 105(a) and Federal Rules of Bankruptcy Procedure 9014 and 9019, based upon the foregoing, and good cause appearing therefor, **IT IS HEREBY ORDERED** as follows:

1. The Motion shall be, and it hereby is, approved.
2. The Agreement attached to the Motion shall be, and it hereby is, approved as to the form and content in its entirety, and the Agreement is binding on the estate.

3. The Trustee's execution of the Agreement for and on behalf of the estate is approved, and the Trustee is authorized to consummate the Agreement in accordance with its terms.

4. Once this Order becomes final and non-appealable, the Jones Waldo claim shall be deemed amended pursuant to Section 502(h) of the Bankruptcy Code to provide that Jones Waldo has an allowed general unsecured claim in the amount of \$57,500.00, which allowed general unsecured claim shall be treated and paid in the same manner as all other allowed general unsecured claims in the Debtor's case. In all other respects, the Jones Waldo Claim shall be deemed disallowed.

=====END OF ORDER=====

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of May 2022, a true and correct copy of the foregoing [proposed] ***ORDER GRANTING MOTION, PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN ORDER APPROVING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE TRUSTEE, ON THE ONE HAND, AND JONES, WALDO, HOLBROOK & MCDONOUGH, P.C. ON THE OTHER HAND*** (the “Order”) was electronically filed and therefore served via CM/ECF on the following:

- **B. Scott Allen** allen@mvmlegal.com, coley@mvmlegal.com
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- **United States Trustee** [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)

/s/ Carrie Hurst

**DESIGNATION OF PARTIES TO BE SERVED**

Service of the foregoing ***ORDER GRANTING MOTION, PURSUANT TO 11 U.S.C. § 105(a) AND FEDERAL RULES OF BANKRUPTCY PROCEDURE 9014 AND 9019, FOR ENTRY OF AN ORDER APPROVING A SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS BETWEEN THE TRUSTEE, ON THE ONE HAND, AND JONES, WALDO, HOLBROOK & MCDONOUGH, P.C. ON THE OTHER HAND ON THE OTHER HAND***

(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:

- **B. Scott Allen** allen@mvmlegal.com, coley@mvmlegal.com
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- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov

**By U.S. Mail** – In addition to the foregoing persons of record receiving notice of the entry of the Order through the CM/ECF system, the NON-ECF parties requesting notice and parties set forth in the Court’s Order limiting notice as attached hereto as Exhibit A should be served with a copy of the Order by U.S. Mail pursuant to Fed R. Civ. P. 5(b).

*/s/ Carrie Hurst*

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