



U.S. Department of Justice

Office of the United States Trustee

Region 5, Districts of Louisiana & Mississippi

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To: Region 5 Chapter 7 Trustees

From: Henry G. Hobbs, Jr.
Acting U.S. Trustee

Date: December 30, 2013

Re: Consolidation of the Review of Trustee Final Reports
Effective immediately

As part of the ongoing efforts to improve operations, the review of Trustee Final Reports ("TFRs") is being consolidated under one reviewer for the Region. The goal is to provide a more consistent, uniform and timely review of these reports. The TFR reviewer will be Sheila Carr, Paralegal in the New Orleans UST Office.

Please carefully read this letter and ensure your staff reads this letter as it provides instruction on how and where to deliver your TFRs going forward. This may be different than current procedures.

Submissions Excluded from the Consolidated Procedure

Please continue to submit the case documents to your local United States Trustee's office in accordance with the procedures established by the local office in the following instances:

- 1) Case closing submissions by non-panel trustees
- 2) Review of trustee requests for interim distributions including payment of professional fees.
- 3) Amendments to TFRs approved prior to the effective date of the consolidation

- 4) NDRs with funds
- 5) Converted ch. 11 cases

Additionally, if you have a case in which some or all of the record is sealed or is to be sealed, please consult with your local AUST prior to submission of the TFR.

Case Assignment

Cases will be assigned to Reviewers based on your judicial district. Cases may be reassigned based on inventory levels, duty assignments, leave requests, and at the discretion of the team leaders or supervisor. At present, the following staff members will review TFRs: Sheila Carr, Paralegal, New Orleans. John Bruno, Bankruptcy Analyst, New Orleans will assist in supervising the process.

TFR Submissions

Under the new consolidated procedure, all TFR submissions will be electronic and no hardcopy will be submitted to the United States Trustee unless specifically requested by the Reviewer. The Reviewer will file the TFR with the court, but the trustee must file and serve the NFR. The trustee will maintain the original wet signature TFR for the greater of at least two years after the date the trustee was discharged or the time period set forth in any applicable local court rules regarding electronically filed documents and the retention of original verified documents or documents signed under penalty of perjury.

Submission in cases with \$25,000 or less in Gross Receipts and Single Asset Cases

- Prepare the data-enabled electronic TFR, ensuring the report contains your electronic signature and required exhibits. The four exhibits, which should all be attached as one document, are:
 - Exhibit A Individual Estate Property Record (Form 1)
 - Exhibit B Cash Receipt and Disbursement Record (Form 2)
 - Exhibit C Claims Review Analysis
 - Exhibit D Proposed Distribution Report
- Financial account numbers must be redacted and only the last four digits of a financial account number may be shown on Form 2.
- Prepare the Notice of Final Report (NFR).
- Scan or download the bank statement which reflects a balance matching the TFR.

Application for Compensation (as a separate document)

- Email the data-enabled TFR, NFR, bank statement and Comp Report to USTP.Region05.TFR@usdoj.gov

- The subject line of the email must be formatted as follows (A three digit prefix will be added to the case number corresponding to the UST ACMS Court designation.):
 - a. TFR
 - b. Field Office Code (SH-Shreveport, NO-New Orleans, JA-Jackson)
 - c. Three digit prefix –
 - 361 – Alexandria
 - 362 – Lake Charles
 - 363 – Monroe
 - 364 – Lafayette
 - 365 – Shreveport
 - 371-Northern MS
 - 381- Gulfport Southern MS

 - 383-Jackson Southern MS

 - 302-Eastern District LA

 - 313-Middle District LA
 - d. Seven digit case number
 - e. Debtor last name or first name of business
 - f. Trustee last name.

Example: TFR-SH-363-11-34567 Doe-Conine
 TFR-SH-364-11-54321 Smith-Debaillon

2. Send the electronic TFR to the following email address:

USTP.Region05.TFR@usdoj.gov

- The attachments to the email must be named as follows:

TFR: Ten Digit Case number debtor's last name TFR Trustee's last name
NFR: Ten Digit Case Number debtor's last name NFR Trustee's last name
Bank Statement: Ten Digit Case Number debtor's last name Bank Statement Trustee's last name

- To the extent applicable, attach any additional documents that may be required by the bankruptcy court through administrative order, local rule, or current practice.
- Additional supporting documents may be requested by the Reviewer. However, in all surplus cases, attach a worksheet which sets forth the surplus to debtor and interest on claims. Name the attachment "Surplus Funds". In all cases containing wage claims attach a worksheet which breaks out deductions and payments of taxes for each wage claimant. Name the attachment "Wage Claims".

Submission in cases with more than \$25,000 in Gross Receipts

- Follow the guidance set forth for cases with \$25,000 or less in gross receipts.
- provide the bank statements as an attachment to the email and via hard copy at the time of submission.
- Additional documents or docket reference numbers may be requested depending on the complexity of the case.
- After the review is complete, the original bank statements and checks will be returned to you to be maintained with the case file, for future submission with the TDR.

Errors and Corrections

If the TFR has one or more errors, you will receive an email that contains a description of the problem in the format set forth in the attachment. You will have 48 business hours to submit the required corrections. Corrections must be directed to the Reviewer and sent by email with a subject line that identifies the TFR and notes that it is a correction. If the correction is not received within 48 hours, the TFR will be noted as returned. Upon receipt of the correction, the Reviewer will deem the corrected TFR as new and will process the review based on the date the correction was submitted.

If a TFR has been filed with the court and must be amended, you will submit the amended TFR to the same Reviewer who filed the TFR. Upon receipt of the amended TFR, the Reviewer will process and file it.

Errors and corrections will be tracked to ensure the accurate submission of reports and the timely resubmissions of corrections. Habitual problems will be addressed promptly with the trustee by the local office.

Treatment of Requests for Administrative Expenses

Please follow local practice with regard to the filing or submission of applications for trustee fees and expenses and professional fees and expenses. If

local practice requires you to send the trustee fee application to the United States Trustee prior to filing, please include the fee applications as an attachment to the email containing the TFR and name the attachment as follows: Seven digit case number Name Trustee Fee App or seven digit case number Name Attorney Fee App. Final fee applications should be transmitted to the TFR mailbox identified above.

Final fee applications should be sent to the same TFR mailbox for review with the same file naming configuration as detailed above. If the Reviewer identifies a concern with an application, the Reviewer will contact the appropriate party, identify the problem, and propose an appropriate reduction or resolution. The professional will have 48 business hours to respond. If the Reviewer is unable to resolve the concern, the matter will be referred to the appropriate local office to resolve.

Conclusion

We understand that there will be some adjustment to the new procedure and the process may change as we move forward. Please be patient and carefully review the information provided in this memorandum. If you have any questions or feedback concerning the consolidation process, please contact John Bruno, Bankruptcy Analyst, New Orleans at john.bruno@usdoj.gov.

Contact Information

General information: John Bruno, Bankruptcy Analyst
(504) 589-2591
john.bruno@usdoj.gov

Case information: Sheila Carr, Paralegal Specialist
(504) 589-4091
shelia.carr@usdoj.gov (all of Louisiana and Mississippi)