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June 30, 2019

Ms. Rebecca A. Womeldorf  
 Secretary of the Committee on Rules of Practice and Procedure  
 Administrative Office of the United States Courts  
 One Columbus Circle, N.E. Washington, D.C. 20544  
**VIA EMAIL to RulesCommittee\_Secretary@ao.uscourts.gov**

Re: Rules Suggestion Bankruptcy FRBP 3002(c)(6)(A)

I write regarding Rule 3002(c)(6)(A) which appears to have been created to give creditors an extension of time to file claims for insufficient notice.

As the committee knows, time to file claims is controlled entirely by Rule, and that Rule is FRBP 3002(c). The only possible exceptions to that time limit are also in Rule 3002(c)<sup>1</sup>,

The exception in Rule 3002 relates to an exception for creditors who have insufficient notice “because the debtor failed to timely file the list of creditors' names and addresses required by Rule 1007(a).” Taken literally, this only provides relief if Debtor is in actual violation of Rule 1007.

That's probably not what the committee meant. What the committee seems to have meant was, “the creditor was not given timely notice by mail at an appropriate address, nor actual notice, in time to make a claim.”

But despite this intent, this is not what the Rule actually says. Therefore, Courts struggling with the Rule's “plain meaning” have reached intuitively bizarre and disparate conclusions: See E.g. In re Fryman (Bankr. E.D. Ky., 2019) (an unscheduled creditor not entitled to an extension because under the plain meaning, a list was filed including all *scheduled* creditors within FRBP 1007, so the text does not avail creditor), In re Mazik, 592 B.R. 812 (Bankr. E.D. Pa. 2018) (scheduled creditor then unlisted in actual matrix entitled to extension because Debtor did not actually list all scheduled creditors as required by Rule 1007, therefore coming within the text of the Rule), In re Wulff, 598 B.R. 459 (Bankr. E.D. Wis. 2019) (listed and scheduled creditor with address incorrect in both the schedules and the matrix not entitled to extension because under plain text, Debtor complied with Rule 1007 and just had the wrong address).

In all these cases, there was no dispute that the Creditor did not get actual notice, and did not get even constructive notice by mail at an appropriate address. But the precise arbitrary details, (which bear no relation to policy or what the committee wanted) result in disparate

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<sup>1</sup> Rule 9006(b)(3) makes only the exceptions in Rule 3002 available and prohibits the Court from extending or shorting time otherwise, even for any other good cause.

results for obviously similarly situated parties.

I therefore respectfully suggest therefore that the Committee review what it meant and update the language accordingly.

Thanks again for the attention of the committee,

  
George Weiss