

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

IN RE: §
§
JOSEPH NOVOSEL, D.P.M., PC. § Case No. 98-11068
§
§
Debtor § Chapter 7

**ORDER DISMISSING WITHOUT PREJUDICE
THE APPLICATION OF CHAPTER 7 TRUSTEE
FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES**

ON THIS DATE the Court considered the “Trustee's Final Report, Application for Compensation and Report of Proposed Distribution” filed on September 16, 2002 by Daniel Jacob Goldberg in his capacity as trustee for the estate in the above-referenced case. The Court has reviewed the certificate of service submitted with the application and finds that the Applicant has failed to provide to all creditors with proper notice of the Application as required by 11 U.S.C. §330(a) and Federal Rule of Bankruptcy Procedure 2002(a). The Court speculates that this deficiency may be due to a misconstruction of Local Rule 2016(c) which, in the opinion of the Court, acts only to limit the number of parties which, without the necessity of a request, must be sent the total application with all exhibits attached. That rule cannot and does not relieve an applicant for compensation of his clear obligation under the Bankruptcy Code and Rules to provide at least a summary notice of the fee request to all other creditors and parties requesting notice which contains, at a minimum, the following information: (1) the caption of the Application; (2) the identity and capacity of the Applicant; (3) the date of the filing of the Application; (4) the amount of fees and expenses sought by the Application; (5) the time period covered by the Application; (6) the location of the Clerk's office in which the Application has been filed; (7) the fact that a copy of the Application and accompanying exhibits will be supplied by the Applicant upon request at no cost to the requesting party; and (8) the inclusion of the 20-

day negative notice language under which any respondent to the Application must act. Due to the failure to provide notice to all parties entitled to such notice, good cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Trustee's Final Report, Application for Compensation and Report of Proposed Distribution is **DISMISSED** without prejudice to the refiling of such application with proper notice to all parties.

BILL PARKER
UNITED STATES BANKRUPTCY JUDGE