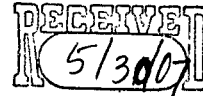


-----Original Message-----

From: PAUL MANNES
To: Judge McFeeley
To: Christopher Klein
To: Eugene Wedoff
To: Kenneth Meyers
Cc: Thomas Zilly
Cc: Peter McCabe
Sent: May 30, 2007 12:34 PM
Subject: Rules

07-BK-C



Dear Brethren -

My thought when I was involved in the Rules Process was that one purpose of the our work was to eliminate uncertainty when that could be accomplished without the appearance of "legislating." The corollary to that proposition espoused by Judge Ed Leavy was that just because one judge got it wrong was not a good enough reason to change a rule.

I have a high profile case filed under chapter 11, and after cratering, converted to chapter 7. The issue is whether conversion of a case creates a 30-day period for filing objections under 4003(b). While I sense a way to dodge the issue in this particular case, I know that the issue will rise again. The courts are divided - compare Smith, 235 F3d 472 with Campbell, 313 B R 313.

Could the Committee discuss whether:

(1) Rule 1019(2) is sufficiently lucid and no new period is created for filing objections to exemptions?

(2) Rule 4003(b) should be amended by noting that Rule 1019(2) has no application to the exemption process?

(3) In the light of Taylor v. Freeland and the often occurring disincentive to object to exemptions in a case under chapter 13, should Rule 1019(2) be changed to include objections to exemptions?

It annoys me that our rules that are designed to ease the process can be the source of a problem.

Thanks for listening to me. Paul