

12-57 Robertson Cohen v. Marlene Moosman

BAP Appeal No. 12-57

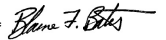
Docket No. 6-2

Filed: 08/01/2012

Page:

United States
Bankruptcy Appellate Panel
of the Tenth Circuit
A True Copy
Blaine F. Bates, Clerk of Court

Attested by:



General Docket

U.S. Bankruptcy Appellate Panel of the Tenth Circuit

Bankruptcy Appellate Panel Docket #: 12-57**Docketed:** 07/19/2012

Robertson Cohen v. Marlene Moosman

Appeal From: United States Bankruptcy Court for the District of Colorado**Fee Status:** Fee Paid**Case Type Information:**

- 1) Bankruptcy Appeal
- 2) Chapter 7 Non-Business-Adv
- 3) Other

Originating Court Information:**District:** 1082-1 : 10-32206**Adversary Proceeding:** 11-01481**Trial Judge:** A. Bruce Campbell, U.S. Bankruptcy Judge**Date Filed:** 07/19/2011**Date Order/Judgment:**

07/05/2012

Date NOA Filed:

07/17/2012

Date Rec'd BAP:

07/17/2012

Prior Cases:

None

Current Cases:

None

Panel Assignment: Not available

ROBERTSON COHEN
Plaintiff – Appellee

Kevin S. Neiman, Attorney
Direct: 303-996-8600
Email: kneiman@hblegal.net
Fax: 303-996-8636
[COR LD NTC Retained]
Horowitz & Burnett, P.C.
Firm: 303-933-4529
1660 Lincoln St., Ste. 1900
Denver, CO 80264

v.

MARLENE M. MOOSMAN, also known as Marlene
Moosman, also known as Marlene Marie Mossman
Defendant – Appellant

Alan L. Bugg
Direct: 719-520-0164
[COR LD NTC Retained]
733 E. Costilla St., Ste. A & B
Colorado Springs, CO 80903

IN RE MARLENE M. MOOSMAN, also known as
Marlene Moosman, also known as Marlene Marie
Mossman,

BAP No. CO-12-057

Debtor.

ROBERTSON COHEN,

Bankr. No. 10-32206

Adv. No. 11-01481

Chapter 7

Plaintiff – Appellee,

v.

MARLENE M. MOOSMAN,

Defendant – Appellant.

- | | | |
|------------|----------|---|
| 07/17/2012 | <u>1</u> | APPEAL: Bankruptcy appeal filed. BAP case number: CO-12-057. Appeal filed in the Bankruptcy Court on 07/17/2012. Notification of appeal transmitted from the Bankruptcy Court by NEF; record downloaded from the Bankruptcy Court docket. [Entry date: 07/20/2012]. [72758] Designation of Record due to clerk of bankruptcy court by 07/31/2012 for Appellant Marlene M. Moosman. Statement of Issues due to clerk of bankruptcy court by 07/31/2012 for Appellant Marlene M. Moosman. |
| 07/20/2012 | <u>2</u> | NOTICE: Notice that appeal has been docketed with appeal caption. Entry of Appearance due 08/03/2012 for Appellee Robertson Cohen and Appellant Marlene M. Moosman. Statement of Interested Parties due 08/03/2012 for Appellee Robertson Cohen and Appellant Marlene M. Moosman. Statement Regarding Oral Argument due 08/03/2012 for Appellee Robertson Cohen and Appellant Marlene M. Moosman. Appellant's brief due 09/04/2012 for Appellant Marlene M. Moosman. All parties served 07/20/2012. Entry Date: 07/20/2012. [72759] |
| 07/27/2012 | <u>5</u> | ELECTION: Appellee's election to have appeal heard in district court filed by Appellee Robertson Cohen. Election is Timely. Attached Certificate of Service lists parties as served on 07/27/2012. [72817] (Neiman, Kevin) |

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO

In re:)	
)	
MARLENE M. MOOSMAN,)	
)	Case No.: 10-32206 ABC
)	Chapter 7
Debtor.)	

NOTICE OF APPEAL

COMES NOW the debtor through counsel and files her Notice of Appeal pursuant to 28 USC § 158. This is an from the *Order granting Plaintiff's Motion for Summary Judgment* (Docket No. 53) entered on the record July 5, 2012. Appellant appeals the following issues:

- 1) This appeal is timely because it is filed within 15 days of the date of entry of the court's order (July 5, 2012).
- 2) The debtor appeals the court's decision denying to her the exemption for the cash value of a certain policy of whole life insurance. The debtor contends that the cash value of her life insurance in 2010 on the date of filing was less than the value of the same in 2006. In other words, the debtor's accumulated cash value declined in value on account of loans taken against the policy. The debtor contends that any or all cash value should have been found to be exempt pursuant to CRS § 13-54-102 (1)(1)(I)(A).
- 3) The history of the policy is that during the 48 months prior to the filing the debtor had contributed monies to the policy and the policy had increased in value. In an attempt to satisfy her creditors and to avoid bankruptcy, the debtor withdrew most of the cash surrender value, leaving an amount at filing that was less than the cash value 48 months prior to the filing. It is therefore the debtor's position that there was no increase in cash value during the preceding 48 months.
- 4) Further, the debtor appeals the court's decision ordering her insurance company to surrender monies which by contract no longer exist. The debtor believes that the court's decision impairs her contract with her insurance carrier.

The names of all parties to the judgment, order or decree being appealed and the names addresses and telephone numbers of their respective attorneys are as follows:

Appellant:

Marlene E. Moosman
2326 Carmel Drive
Colorado Springs, Co 80910

Counsel for Appellant:

Alan L. Bugg, # 9653
Law Office of Stephen H. Swift, P.C.
733 East Costilla Street, Suites A&B
Colorado Springs, CO 80903
(719) 520-0164
(719) 520-0248 Fax
E-mail: paula@swiftlaw.net; abug77@msn.com

Appellee:

Robertson B. Cohen, Esq.
Chapter 7 Trustee
P.O. Box 621940
Littleton, CO 80162
(303) 933-4529
E-mail: trustecohen@cohenlawyers.com

Attorney for Appellee:

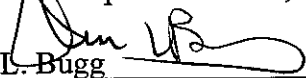
Kevin Nieman, Esq.
1600 Lincoln Street, Suite 1900
Denver, CO 80264

Chapter 7 Trustee:

Same as Appellee

Respectfully submitted this 17th day of July, 2012.

Law Office of Stephen H. Swift, P.C.


/s/ Alan L. Bugg

Alan L. Bugg, # 9653
733 East Costilla Street, Suites A&B
Colorado Springs, CO 80903
(719) 520-0164
(719) 520-0248 Fax

NOTICE

If a Bankruptcy Appellate Panel service is authorized to hear this appeal, each party has a right to have the appeal heard by the district court. The appellant may exercise the right only by filing a separate statement of election at the time of filing this notice of appeal. Any other party may elect, within the time provided by 28 USC § 158 (c) to have the appeal heard by the district court.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed, postage prepaid, to the following persons this 17th day of July, 2012:

Ms. Marlene Moosman
2326 Carmel Drive
Colorado Springs, Co 80910

Robertson B. Cohen, Esq.
Chapter 7 Trustee
P.O. Box 621940
Littleton, CO 80162

Kevin Nieman, Esq.
1600 Lincoln Street, # 1600
Denver, Co 80264

Prudential Ins. Co of America
P.O. Box 7390
Philadelphia, PA 19176

Mr. Edgar Whiting, Esq.
Cuyler Burk, LLP
Parsippany Corporate Center
Four Century Drive
Parsippany, N.J. 07054

 /s/ Alan L. Bugg

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
Honorable A. Bruce Campbell

In re:)	
)	
MARLENE M. MOOSMAN,)	Case No. 10-32206 ABC
Debtor.)	Chapter 7
)	
ROBERTSON B. COHEN, Chapter 7 Trustee,)	Adv. No. 11-1481 ABC
Plaintiff,)	
v.)	
)	
PRUDENTIAL INSURANCE COMPANY OF)	
AMERICA and MARLENE M. MOOSMAN,)	
Defendants.)	

JUDGMENT

Pursuant to and in accordance with the Order Granting Plaintiff's Motion for Summary Judgment and Denying Defendant Marlene M. Moosman's Motion for Summary Judgment, entered by the Honorable A. Bruce Campbell, United States Bankruptcy Judge, on July 5, 2012

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of Plaintiff/Trustee Robertson B. Cohen, and against Defendants Prudential Insurance Company of America and Marlene M. Moosman, as follows:

1. Pursuant to C.R.S. § 13-54-102(1)(A), the \$1,459.79 cash surrender value of Marlene M. Moosman's life insurance policy with Prudential Insurance Company of America is non-exempt.
2. Prudential Insurance Company of America shall turnover \$1,459.79 to the Trustee within 14 days from the date of this Judgment.


DATED: July 5, 2012

FOR THE COURT:
BRADFORD L. BOLTON, CLERK



Deputy Clerk

APPROVED AS TO FORM:



A. Bruce Campbell, Judge

[BAP Appeal No. 112-577](#)[Docket No. 61-23](#)[Filed: 08/01/2012](#)[Page: 91 of 30](#)

FeeDeferred, APPEAL

**U.S. Bankruptcy Court
District of Colorado (Denver)
Adversary Proceeding #: 11-01481-ABC**

Assigned to: A. Bruce Campbell

Date Filed: 07/19/11

Lead BK Case: [10-32206](#)

Lead BK Title: Marlene M. Moosman

Lead BK Chapter: 7

Demand:

Nature[s] of Suit: 11 Recovery of money/property - 542 turnover of property

Plaintiff**Robertson B. Cohen**

represented by **Kevin S. Neiman**
1660 Lincoln St.
Ste. 1900
Denver, CO 80264
303-996-8600
Fax : 303-966-8636
Email: kneiman@hblegal.net
LEAD ATTORNEY

V.

Defendant**The Prudential Insurance Company of America**

represented by **Edgar M. Whiting**
Cuyler Burk, P.C.
Four Century Dr.
Parsippany, NJ 07052
LEAD ATTORNEY

Defendant**Marlene M. Moosman**
SSN / ITIN: xxx-xx-6865

represented by **Alan L. Bugg**
733 E. Costilla
Ste. A&B
Colorado Springs, CO 80903
719-520-0164
Email: paula@swiftlaw.net

Filing Date	#	Docket Text
07/18/2012	63	Motion For Review of Clerk's Determination Regarding Non-Taxable Costs Filed by Kevin S. Neiman on behalf of Robertson B. Cohen. (Attachments: # 1 Proposed/Unsigned Order) (Neiman, Kevin) (Entered: 07/18/2012)
07/17/2012	62	Receipt of Notice of Appeal(11-01481-ABC) [appeal,ntcapla] (298.00) Filing Fee. Receipt number 16452694. Fee amount 298.00 (U.S. Treasury) (Entered: 07/17/2012)
07/17/2012	61	Notice of Appeal Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 54 Judgment for AP Case). Appellant Designation due by 07/31/2012. Appellee designation due by 08/14/2012. (Attachments: # 1 Certificate of Service) (Bugg, Alan) (Entered: 07/17/2012)
07/16/2012	60	Court Certificate of Mailing. Number of notices mailed: 1 Date Mailed 7/16/2012 (related document(s) 59 Notice). (saj) (Entered: 07/16/2012)
07/16/2012	59	Notice Non-Taxation of Costs. (related document(s) 58 Bill of Costs). (saj) (Entered: 07/16/2012)
07/09/2012	58	Bill of Costs Filed by Kevin S. Neiman on behalf of Robertson B. Cohen. (Neiman, Kevin) (Entered: 07/09/2012)
07/07/2012	57	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 55 Notice of Entry on Docket of Judgment or Order). No. of Notices: 1. Notice Date 07/07/2012. (Admin.) (Entered: 07/07/2012)
07/05/2012		Disposition of Adversary Proceeding Number 11-01481-ABC. Final Order or Judgment Has Entered. (vo) (Entered: 07/05/2012)
07/05/2012	56	Court Certificate of Mailing. Number of notices mailed: 1, Date Mailed 7/5/2012 (related document(s) 53 Order on Motion For Summary Judgment, Order on Motion For Summary Judgment, 54 Judgment for AP Case, 55 Notice of Entry on Docket of Judgment or Order). (vo) (Entered: 07/05/2012)
07/05/2012	55	Notice of Entry on Docket of Judgment or Order. Date Mailed: 7/5/2012 (related document(s) 54 Judgment for AP Case). (vo) (Entered: 07/05/2012)
		Judgment For Plaintiff/Trustee Robertson B. Cohen Against

07/05/2012	54	Defendants Prudential Insurance Company of America and Marlene M. Moosman (related document(s) 53 Order on Motion For Summary Judgment, Order on Motion For Summary Judgment). (vo) (Entered: 07/05/2012)
07/05/2012	53	ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND DENYING DEFENDANT MARLENE M. MOOSMAN'S MOTION FOR SUMMARY JUDGMENT, (related document(s): 36 Motion for Summary Judgment, 41 Motion for Summary Judgment). (vo) (Entered: 07/05/2012)
05/17/2012	52	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 51 Order on Motion to Vacate Hearing). No. of Notices: 1. Notice Date 05/17/2012. (Admin.) (Entered: 05/17/2012)
05/15/2012	51	Order Granting Joint Motion To Vacate Trial and Related Deadlines. (related document(s): 50 Motion to Vacate Hearing). (saj) (Entered: 05/15/2012)
05/11/2012	50	Joint Motion to Vacate Hearing Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 24 Scheduling Order). (Attachments: # 1 Proposed/Unsigned Order) (Neiman, Kevin) (Entered: 05/11/2012)
04/24/2012	49	Corrected Certificate of Service Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 46 Document). (Bugg, Alan) (Entered: 04/24/2012)
04/24/2012	48	Response Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s): 46 Document). (Attachments: # 1 Certificate of Service) (Bugg, Alan) (Entered: 04/24/2012)
04/23/2012	47	Response Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 46 Document). (Neiman, Kevin) (Entered: 04/23/2012)
04/23/2012	46	Supplement to Motion for Summary Judgement Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Bugg, Alan) (Entered: 04/23/2012)
04/18/2012	45	Response Filed by Edgar M. Whiting on behalf of The Prudential Insurance Company of America (related document(s) 36 Motion for Summary Judgment, 41 Motion for Summary Judgment). (saj) (Entered: 04/19/2012)

04/05/2012	44	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 40 Order on Motion to Extend Time-Adversary). No. of Notices: 0. Notice Date 04/05/2012. (Admin.) (Entered: 04/05/2012)
04/05/2012	43	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 39 Order on Motion to Extend Time-Adversary). No. of Notices: 0. Notice Date 04/05/2012. (Admin.) (Entered: 04/05/2012)
04/05/2012	42	Response Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 36 Motion for Summary Judgment). (Attachments: # 1 Exhibit A-J) (Neiman, Kevin) (Entered: 04/05/2012)
04/05/2012	41	Motion For Summary Judgment Filed by Kevin S. Neiman on behalf of Robertson B. Cohen. (Attachments: # 1 Exhibit A-J# 2 Proposed/Unsigned Order) (Neiman, Kevin) (Entered: 04/05/2012)
04/02/2012	40	Order Granting Unopposed Motion by Trustee to Extend Deadline to Respond to Motion for Summary Judgment (related document(s): 37 Motion to Extend Time). Document due by 4/6/2012 (saj) (Entered: 04/03/2012)
04/02/2012	39	Order Granting Motion by Trustee to Extend Discovery and Dispositive Motion Deadlines (related document(s): 35 Motion to Extend Time). Discovery due by 3/30/2012 , Dispositive Motion due 4/6/2012 (saj) (Entered: 04/03/2012)
03/30/2012	38	Supporting Document Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 22 7026f Report, 33 Witness List and Exhibits, 34 26a Disclosure). (Bugg, Alan) (Entered: 03/30/2012)
03/26/2012	37	Motion to Extend Time Due To Other Reasons To Other Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 36 Motion for Summary Judgment). (Attachments: # 1 Proposed/Unsigned Order) (Neiman, Kevin) (Entered: 03/26/2012)
03/16/2012	36	Motion For Summary Judgment Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Proposed/Unsigned Order) (Bugg, Alan) (Entered: 03/16/2012)
		Motion to Extend Time Due To Other Reasons To Other Filed

03/16/2012	35	by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 24 Scheduling Order). (Attachments: # 1 Exhibit A# 2 Proposed/Unsigned Order) (Neiman, Kevin) (Entered: 03/16/2012)
02/02/2012	34	F.R.C.P. 26 (a) Disclosure Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 1 Complaint, 23 Minutes of Proceedings/Minute Order). (Bugg, Alan) (Entered: 02/02/2012)
01/30/2012	33	List of Witnesses and Exhibits Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 5 Affidavit, 7 Summons Service Executed-Adversary, 22 7026f Report, 25 26a Disclosure, 27 26a Disclosure). (Bugg, Alan) (Entered: 01/30/2012)
01/26/2012	32	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 31 Order on Motion to Vacate). No. of Notices: 1. Notice Date 01/26/2012. (Admin.) (Entered: 01/26/2012)
01/24/2012	31	Order Vacating Entry of Default and Order Regarding Compliance with Scheduling Order (related document(s): 29 Motion to Vacate). (re) (Entered: 01/24/2012)
01/23/2012	30	Answer to Complaint Filed by Edgar M. Whiting on behalf of The Prudential Insurance Company of America (related document(s) 1 Complaint). (re) (Entered: 01/24/2012)
01/23/2012	29	Stipulation to Vacate Entry of Default filed by Kevin S. Neiman , Edgar M. Whiting on behalf of Robertson B. Cohen , The Prudential Insurance Company of America (related document(s): 14 Virtual Clerks Entry of Default). (re) (Entered: 01/24/2012)
12/22/2011	28	Response Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s): 13 Response, 15 Response). (Bugg, Alan) (Entered: 12/22/2011)
11/15/2011	27	F.R.C.P. 26 (a) Disclosure Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 1 Complaint, 24 Scheduling Order). (Bugg, Alan) (Entered: 11/15/2011)
11/15/2011	26	Notice of Withdrawal of Document Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 25 26a Disclosure). (Bugg, Alan) (Entered: 11/15/2011)
		F.R.C.P. 26 (a) Disclosure Filed by Alan L. Bugg on behalf of

BARPA Appah No 12357 Docket No 6123 Filed 08/01/2012 Page 16 of 90

11/11/2011	25	Marlene M. Moosman (related document(s) 21 BNC Certificate of Mailing, 23 Minutes of Proceedings/Minute Order, 24 Scheduling Order). (Bugg, Alan) (Entered: 11/11/2011)
11/10/2011	24	Order Pursuant to Scheduling Conference Held November 9, 2011 (related document(s) 1 Complaint). Discovery due by 3/16/2012 for 1 , Dispositive Motion due 3/23/2012 (saj) (Entered: 11/10/2011)
11/09/2011	23	Minutes of Proceedings Rule 16(b) status/scheduling conference (related document(s) 1 Complaint). Trial to be held on 6/12/2012 at 09:00 AM Colorado Springs Courtroom 101 . (saj) (Entered: 11/10/2011)
11/01/2011	22	Joint F.R.B.P. 7026 (f) Report Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s) 20 Notice of Hearing). (Neiman, Kevin) (Entered: 11/01/2011)
09/18/2011	21	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 20 Notice of Hearing). No. of Notices: 0. Service Date 09/18/2011. (Admin.) (Entered: 09/18/2011)
09/16/2011	20	Notice of Fed.R.Civ.P. 16(b) Status/Scheduling Conference On Law and Motion Calendar (related document(s) 1 Complaint). Status Hearing to be held on 11/9/2011 at 10:00 AM BRCH Courtroom C205. (saj) (Entered: 09/16/2011)
09/10/2011	19	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 18 Order on Motion To Intervene). No. of Notices: 0. Service Date 09/10/2011. (Admin.) (Entered: 09/10/2011)
09/08/2011	18	Order Granting Motion To Intervene (related document(s): 10 Motion to Intervene). (saj) (Entered: 09/08/2011)
09/04/2011	17	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 14 Virtual Clerks Entry of Default). No. of Notices: 1. Service Date 09/04/2011. (Admin.) (Entered: 09/04/2011)
09/02/2011	16	Court Certificate of Mailing. Number of notices mailed: 1 Date Mailed 9/2/2011 (related document(s) 14 Virtual Clerks Entry of Default). (pt) (Entered: 09/02/2011)
08/30/2011	15	Response Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s): 13 Response). (Attachments: 1 Certificate of Service) (Bugg, Alan) (Entered: 08/30/2011)
		Virtual Clerk's Entry of Default As To The Prudential Insurance

BAFPA Appah No 12357 Docket No 6123 Filed 08/01/2012 Page 13 of 90

08/30/2011	14	Company of America (related document(s) 12 Motion for Clerk's Entry of Default). (RSM) (Entered: 08/30/2011)
08/26/2011	13	Response Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 10 Motion to Intervene). (Neiman, Kevin) (Entered: 08/26/2011)
08/26/2011	12	Motion For Clerk's Entry of Default Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 1 Complaint). (Neiman, Kevin) (Entered: 08/26/2011)
08/17/2011	11	9013-1.1 Notice Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 10 motion Motion to Intervene). 9013 Objections due by 8/30/2011 for 10 , (Attachments: 1 Certificate of Service for 9013 notice 2 Exhibit "A" 3 Exhibit "B")(Bugg, Alan) (Entered: 08/17/2011)
08/17/2011	10	Motion to Intervene Re: Complaint by Robertson Cohen v The Prudential Ins. Co. of America Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Attachments: 1 Proposed/Unsigned Order) (Bugg, Alan) (Entered: 08/17/2011)
07/30/2011	9	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 6 Order to Vacate). No. of Notices: 0. Service Date 07/30/2011. (Admin.) (Entered: 07/30/2011)
07/29/2011	8	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 4 Order to Show Cause). No. of Notices: 0. Service Date 07/29/2011. (Admin.) (Entered: 07/29/2011)
07/28/2011		Corrected Entry. Document #5 docketed in error using the incorrect event. Notation to text. Document terminated. Refer to document #7 .(related document(s): 5 Affidavit). (psj) (Entered: 07/28/2011)
07/28/2011	6	Order Vacating Order Show Cause (related document(s) 4 Order to Show Cause). (sdp) (Entered: 07/28/2011)
07/27/2011	7	Summons Service Executed On: The registered agent of Prudential Insurance Company on July 27, 2011 Filed by Kevin S. Neiman on behalf of Robertson B. Cohen . (sdp) Docketed pursuant to General Procedure Order Per GPO 2009-3 (2006-5). Modified added GPO language on 7/28/2011 (sdp). (Entered: 07/28/2011)
		Per GPO 2009-3 (2006-5), this entry has been redocketed. Refer to Document #7. Affidavit Filed by Kevin S. Neiman on

07/27/2011	5	behalf of Robertson B. Cohen. (Neiman, Kevin) Modified on 7/28/2011 (psj) . (Entered: 07/27/2011)
07/27/2011	4	Order To Show Cause To Plaintiff Regarding Failure to Prosecute Adversary Proceeding (related document(s) 1 motion Complaint). Show Cause Response due date 8/10/2011. (sdp) (Entered: 07/27/2011)
07/19/2011	3	The trustee or debtor-in-possession commencing this proceeding having requested deferral of the filing fee pursuant to paragraph (6) of the Bankruptcy Court Miscellaneous Fee Schedule, the request is hereby GRANTED and the filing fee shall be payable only from the estate and to the extent there is any estate realized. (Admin) (Entered: 07/19/2011)
07/19/2011		This adversary Proceeding has been commenced by the trustee or debtor-in-possession. Pursuant to paragraph (6) of the Bankruptcy Court Miscellaneous Fee Schedule promulgated by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b), payment of the filing fee for commencing a proceeding by the trustee or debtor-in-possession is payable only from the estate and to the extent there is any estate realized. Until such time as there are sufficient funds available from the estate to pay this filing fee, the trustee or debtor-in-possession hereby requests that the filing fee be deferred. Filed by Kevin S. Neiman on behalf of Robertson B. Cohen. (Neiman, Kevin) (Entered: 07/19/2011)
07/19/2011	2	Summons Issued on The Prudential Insurance Company of America Answer Due 08/18/2011 Government Agencies Are Allowed 35 Days From Service Of The Summons To Answer This Complaint (Neiman, Kevin) (Entered: 07/19/2011)
07/19/2011	1	Adversary case 11-01481. Complaint by Robertson B. Cohen against The Prudential Insurance Company of America. Fee to be Deferred.. Adversary Status Deadline 11/16/2011 (11 (Recovery of money/property - 542 turnover of property)) (Neiman, Kevin) (Entered: 07/19/2011)

PACER Service Center		
Transaction Receipt		
07/20/2012 14:07:04		
PACER		Client

BA Appah No 12557 Docket No 6123 Filed 08/01/2012 Page 17 of 90

Login:	us3967	Code:	
Description:	Docket Report	Search Criteria:	11-01481-ABC Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html
Billable Pages:	5	Cost:	0.50

MEANSNO

**U.S. Bankruptcy Court
District of Colorado (Denver)
Bankruptcy Petition #: 10-32206-ABC**

Assigned to: A. Bruce Campbell
Chapter 7
Voluntary
Asset

Date filed: 08/31/2010
Debtor discharged: 12/29/2010

Debtor disposition: Standard Discharge

Debtor

Marlene M. Moosman
2326 Carmel Drive
Colorado Springs, CO 80910
EL PASO-CO
SSN / ITIN: xxx-xx-6865
aka Marlene Marie Mossman
aka Marlene Moosman

represented by **Alan L. Bugg**
733 E. Costilla
Ste. A&B
Colorado Springs, CO 80903
719-520-0164
Email: paula@swiftlaw.net

Trustee

Robertson B. Cohen
P.O. Box 621940
Littleton, CO 80162
303-933-4529

represented by **Kevin S. Neiman**
1660 Lincoln St.
Ste. 1900
Denver, CO 80264
303-996-8600
Fax : 303-966-8636
Email: kneiman@hblegal.net

Robertson B. Cohen

P.O. Box 621940
Littleton, CO 80162
303-933-4529
Fax : 866-230-8268
Email: trusteecohen@cohenlawyers.com

U.S. Trustee

US Trustee
999 18th St.
Ste. 1551
Denver, CO 80202
303-312-7230

Filing Date	#	Docket Text

07/05/2012		Disposition of Adversary Proceeding Number 11-01481-ABC. Final Order or Judgment Has Entered. (vo) (Entered: 07/05/2012)
01/05/2012	39	Request for Notice (Recovery Management Systems Corp.,) (Entered: 01/05/2012)
09/10/2011	38	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 37 Order on Application to Dismiss/Withdraw Document). No. of Notices: 1. Service Date 09/10/2011. (Admin.) (Entered: 09/10/2011)
09/08/2011	37	Order Granting Motion To Withdraw Document (related document(s): 36 Motion to Dismiss/Withdraw Document). (pt) (Entered: 09/08/2011)
09/08/2011		Corrected Entry. Per CAT, document #35 was docketed in error - incorrect event. Refer to document #36 (related document (s): 35 Notice). (jc) (Entered: 09/08/2011)
09/07/2011	36	Motion to Dismiss/Withdraw Document Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s) 32 Other Motion, 35 Notice) . (Attachments: 1 Proposed/Unsigned Order) (pt) Docketed pursuant to General Procedure Order Per GPO 2009-3 (2006-5) . (Entered: 09/08/2011)
09/07/2011	35	Per GPO 2009-3 (2006-5) this entry was docketed in error. Refer to document #36. Notice Re: Withdrawl of document. Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Attachments: 1 Proposed/Unsigned Order) (Bugg, Alan) Modified on 9/8/2011 (jc) . (Entered: 09/07/2011)
08/19/2011	34	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 33 Notification Entry). No. of Notices: 1. Service Date 08/19/2011. (Admin.) (Entered: 08/19/2011)
08/17/2011	33	Public Notice of Deficient Filing, Error or Defect and Application of L.B.R. 5005-4(1). The Electronic Filer of Document Number 32 is hereby notified the errors noted below shall be corrected by the close of the third court day following transmittal of this Notice, failing which the electronic document will be deemed stricken and, absent order of the court, no further action will be taken on the document. Error to be corrected: 9013-1.1 Notice is attached to Motion. E-Filer is to Re-file 9013-1.1 Notice as a separate notice using the Notice category, 9013-1.1 Notice event (related document(s) 32 Other Motion). (pt) (Entered: 08/17/2011)

08/16/2011	32	Motion Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Attachments: 1 Exhibit A 2 Exhibit B) (Bugg, Alan) (Entered: 08/16/2011)
07/19/2011	31	Adversary case 11-01481. Complaint by Robertson B. Cohen against The Prudential Insurance Company of America. Fee to be Deferred.. Adversary Status Deadline 11/16/2011 (11 (Recovery of money/property - 542 turnover of property)) (Neiman, Kevin) (Entered: 07/19/2011)
06/09/2011	30	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 29 Order on Application to Employ). No. of Notices: 1. Service Date 06/09/2011. (Admin.) (Entered: 06/09/2011)
06/07/2011	29	Order Approving Trustee's Application to Approve Employment of Horowitz & Burnett, P.C. As His Counsel. (related document(s): 27 Application to Employ). (pt) (Entered: 06/07/2011)
06/01/2011	28	Certificate of Service Filed by Kevin S. Neiman on behalf of Robertson B. Cohen (related document(s): 27 Application to Employ). (Neiman, Kevin) (Entered: 06/01/2011)
06/01/2011	27	Application to Employ Horowitz & Burnett, P.C as counsel Filed by Kevin S. Neiman on behalf of Robertson B. Cohen. (Attachments: 1 Exhibit A 2 Proposed/Unsigned Order) (Neiman, Kevin) (Entered: 06/01/2011)
05/06/2011	26	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 25 Order on Objection to Exemption). No. of Notices: 1. Service Date 05/06/2011. (Admin.) (Entered: 05/06/2011)
05/04/2011	25	Order Granting Objection to Claim of Exemption (related document(s): 17 Objection to Exemption). (bel) (Entered: 05/04/2011)
05/02/2011	24	Certificate of Non-Contested Matter Filed by Robertson B. Cohen on behalf of Robertson B. Cohen (related document (s): 17 Objection to Exemption). (Cohen, Robertson) (Entered: 05/02/2011)
03/20/2011	23	Courts Notice and BNC Certificate of Mailing Re: Notice of Possible Dividend (related document(s) 22 Notice of Possible Dividends). No. of Notices: 6. Service Date 03/20/2011. (Admin.) (Entered: 03/20/2011)

03/17/2011	22	Notice of Possible Dividends. It appearing to the Trustee that a dividend to creditors is possible; Creditors are hereby notified that if they desire to participate in a distribution of assets, they must file a claim with the court no later than the date shown below. Pursuant to Fed.R.B.P. 3002(c)(1) and (5) a proof of claim shall be filed BY A GOVERNMENTAL UNIT not later than 180 days after the date of the order for relief, or the date shown below, whichever is later. All claimants who are seeking an administrative claim must obtain a Court Order pursuant to the Bankruptcy Code Proofs of Claim due by 06/20/2011. (Cohen, Robertson) (Entered: 03/17/2011)
12/31/2010	21	Courts Notice and BNC Certificate of Mailing Re: Order of Discharge (related document(s) 20 Order Discharging Debtor). No. of Notices: 6. Service Date 12/31/2010. (Admin.) (Entered: 12/31/2010)
12/29/2010	20	Order Discharging Debtor . (vxd) (Entered: 12/29/2010)
11/04/2010	19	Certificate of Service Filed by Robertson B. Cohen on behalf of Robertson B. Cohen (related document(s): 17 Objection to Exemption, 18 9013-1.1 Notice). (Cohen, Robertson) (Entered: 11/04/2010)
11/03/2010	18	9013-1.1 Notice Filed by Robertson B. Cohen on behalf of Robertson B. Cohen (related document(s): 17 motion Objection to Exemption). 9013 Objections due by 12/1/2010 for 17 , (Cohen, Robertson) (Entered: 11/03/2010)
11/03/2010	17	Objection to Exemption Filed by Robertson B. Cohen on behalf of Robertson B. Cohen. (Attachments: 1 Proposed/Unsigned Order 2 Certificate of Service) (Cohen, Robertson) (Entered: 11/03/2010)
11/02/2010	16	Financial Management Course Certificate Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Bugg, Alan) (Entered: 11/02/2010)
10/21/2010	15	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 13 No action taken on Order Approving Chapter 7 Trustee's Stipulation for Turnover). No. of Notices: 1. Service Date 10/21/2010. (Admin.) (Entered: 10/21/2010)
10/20/2010	14	Courts Notice or Order and BNC Certificate of Mailing (related document(s) 11 Notification Entry). No. of Notices: 1. Service Date 10/20/2010. (Admin.) (Entered: 10/20/2010)

10/19/2010	13	ORDERED that the Chapter 7 Trustee's Stipulation for Turnover Of Information regarding Prudential Life Insurance Policy filed 10/19/2010 is hereby APPROVED (related document(s) 12 Granting Stipulation for Turnover). (ew) (Entered: 10/19/2010)
10/19/2010	12	Corrected Stipulation For Turnover Of Information regarding Prudential Life Insurance Policy Between Robertson B. Cohen and Debtor Filed by Robertson B. Cohen on behalf of Robertson B. Cohen. (Attachments: 1 Proposed/Unsigned Order) (Cohen, Robertson) (Entered: 10/19/2010)
10/18/2010	11	Public Notice of Deficient Filing, Error or Defect and Application of L.B.R. 5005-4(1). The Electronic Filer of Document Number 9 is hereby notified the errors noted below shall be corrected by the close of the third court day following transmittal of this Notice, failing which the electronic document will be deemed stricken and, absent order of the court, no further action will be taken on the document. Error to be corrected: the 'Proposed Order' pdf attached is not a proposed order. E-Filer is to re-docket the pleading using the correct category and event for the pdf (related document(s) 9 Stipulation for Turnover). (ew) (Entered: 10/18/2010)
10/18/2010	10	Certificate of Service Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s): 9 Stipulation for Turnover). (Bugg, Alan) (Entered: 10/18/2010)
10/13/2010	9	Stipulation For Turnover Of Information for Prudentail Life Insurance policy Between Robertson B. Cohen and Debtors Filed by Robertson B. Cohen on behalf of Robertson B. Cohen. (Attachments: 1 Proposed/Unsigned Order) (Cohen, Robertson) (Entered: 10/13/2010)
09/24/2010	8	Certificate of Service Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s): 1 Voluntary Petition-Chapter 7). (Bugg, Alan) (Entered: 09/24/2010)
09/03/2010	7	Courts Notice and BNC Certificate of Mailing Re: Meeting of Creditors (related document(s) 6 Meeting of Creditors-Chapter 7). No. of Notices: 8. Service Date 09/03/2010. (Admin.) (Entered: 09/03/2010)
09/01/2010		Statement Concerning Payment Advises/No Employee Income Records is filed with the Voluntary Petition. (related document (s) 1 Voluntary Petition-Chapter 7). (sar) (Entered: 09/01/2010)
		Meeting of Creditors & Notice of Appointment of Interim

08/31/2010	6	Trustee Robertson B. Cohen with 341(a) meeting to be held on 10/04/2010 at 03:30 PM at Colorado Springs Courtroom 101 Objections to Discharge due by 12/03/2010 (Entered: 08/31/2010)
08/31/2010	5	Receipt of Voluntary Petition-Chapter 7(10-32206) [misc,volp7a] (299.00) Filing Fee. Receipt number 12082747. Fee amount 299.00 (U.S. Treasury) (Entered: 08/31/2010)
08/31/2010	4	Statement of Social Security Number Filed by Alan L. Bugg on behalf of Marlene M. Moosman (related document(s): 1 Voluntary Petition-Chapter 7). (Bugg, Alan) (Entered: 08/31/2010)
08/31/2010	3	Disclosure of Compensation In the Amount of \$ 1,555.00 Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Bugg, Alan) (Entered: 08/31/2010)
08/31/2010	2	Statement of Intent. Filed by Alan L. Bugg on behalf of Marlene M. Moosman. (Bugg, Alan) (Entered: 08/31/2010)
08/31/2010	1	Chapter 7 Voluntary Petition. Total Number of Creditors Uploaded: 12.. Section 521 Incomplete Filings due by 10/15/2010. (Bugg, Alan) (Entered: 08/31/2010)

PACER Service Center			
Transaction Receipt			
07/20/2012 14:07:55			
PACER Login:	us3967	Client Code:	
Description:	Docket Report	Search Criteria:	10-32206-ABC Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html
Billable Pages:	4	Cost:	0.40

UNITED STATES BANKRUPTCY APPELLATE PANEL

OF THE TENTH CIRCUIT
OFFICE OF THE CLERK

Blaine F. Bates
Clerk of Court

Byron White U.S. Courthouse
1823 Stout St., Denver, CO 80257
(303) 335-2900

July 20, 2012

TO: All Parties
RE: Robertson Cohen v. Marlene Moosman
BAP No.: CO-12-057
Bk. No.: 10-32206
Adv. No.: 11-01481

Notice: This appeal was entered on the docket on July 19, 2012 by the Bankruptcy Appellate Panel (“BAP”) and assigned the above BAP number. Provided no timely election is filed, this appeal will proceed before the BAP. A copy of the appeal caption is attached for your review.

Scheduling Information:

- **Within 14 days after the date of this letter**, all parties must file an entry of appearance containing the filer’s name, address, telephone and facsimile numbers, and ECF e-mail address. 10th Cir. BAP L.R. 8001-4(a). An appellant’s failure to enter an appearance may result in dismissal of the case. An appellee who fails to enter an appearance may be removed from the case for purposes of service by the Court without further notice. See 10th Cir. BAP ECF - 16. Although attorneys who authorize their names to appear on filed papers are deemed to have entered an appearance, and may not withdraw without the Court’s permission, the Court requires a separate appearance from all attorneys. 10th Cir. BAP L.R. 8001-4(a).
- **Within 14 days after the date of this letter**, all parties, other than governmental parties, must file a statement disclosing any interested party who is not listed in the notice of appeal. 10th Cir. BAP L.R. 8001-4(b). An appellant’s failure to file this statement may result in dismissal of the case. An appellee’s failure to file this statement may result in any papers filed by the appellee being stricken from the record.
- **Within 14 days after the date of this letter**, all parties must file a statement regarding oral argument indicating whether oral argument is requested. 10th Cir. BAP L.R. 8001-4(c). An appellant’s failure to file this statement may result in dismissal of the case. An appellee’s failure to file this statement may result in any papers filed by the appellee being stricken from the record.
- The Entry of Appearance, Statement of Interested Parties, and Statement Regarding Oral Argument may be combined into one document. 10th Cir. BAP L.R. 8001-4(d).
- **Within 45 days after the date of this letter**, the Appellant’s opening brief and appendix must be filed. An appellant’s failure to file a brief and appendix may result in dismissal of the case. The Appellee’s opening brief is due 14 days after the Appellant’s brief is served, and the Appellant’s reply brief is due 14 days after the Appellee’s brief is served. Fed. R. Bankr. P. 8009 to 8010; 10th Cir. BAP L.R. 8009-1 to 8010-1.

- **Within 14 days after the filing of the notice of appeal**, the appellant shall file with the clerk of the bankruptcy court a designation of the items to be included in the record on appeal and a statement of the issues to be presented. An appellant’s failure to file a designation and statement may result in dismissal of the case. Fed. R. Bankr. P. 8006; 10th Cir. BAP L.R. 8018-4(c).
- **Please note:** This Court has adopted a mandatory electronic case filing system (“ECF”). 10th Cir. BAP L.R. 8008-1(a). Persons exempt from mandatory ECF shall file an original and three copies of all papers. Fed. R. Bankr. P. 8008(a). All appeals filed after October 1, 2010, other than those filed by pro se parties, shall be referred to the Tenth Circuit Mediation Office. General Order No. 6 (Sept. 30, 2010). All papers presented for filing shall contain proof of service. Fed. R. Bankr. P. 8008(d). Any motion, other than a procedural motion or motion for stay that does not contain a statement regarding opposition may be denied. 10th Cir. BAP L.R. 8011-1(a).

Appeals before the BAP are governed by Part VIII of the Federal Rules of Bankruptcy Procedure, the BAP’s local rules, and the ECF Filing Procedures and Guidance. The rules, ECF Filing Procedures, “Guide to BAP Appeals,” and samples of papers filed in a typical BAP appeal are available on the BAP’s website, www.bap10.uscourts.gov, or upon request from the BAP Clerk’s Office. Please contact the BAP Clerk’s Office with any questions.

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT**

IN RE MARLENE M. MOOSMAN, also
known as Marlene Moosman, also known as
Marlene Marie Mossman,

Debtor.

ROBERTSON COHEN,

Plaintiff - Appellee,

v.

MARLENE M. MOOSMAN,

Defendant - Appellant.

BAP No. CO-12-057

Bankr. No. 10-32206
Adv. No. 11-01481
Chapter 7

CHECKLIST FOR BAP BRIEF

Fed. R. Bankr. P. 8010; 10th Cir. BAP L.R. 8010-1

The Appellant's Brief must be printed on only one side of the page with 1" margins using text no smaller than 12-point font and contain the following information:

- Cover page with the following information:
 - Case caption
 - Title "Brief"
 - Filing party's name
 - Counsel or pro se party's name, address, phone number, fax number, and ECF e-mail address
- Table of contents with page references (references to documents in an appendix must be to pages of the appendix (e.g., Appellant App. at 27))
- Alphabetical table of authorities with page references
- Statement of the basis of appellate jurisdiction
- Statement of the issues presented and applicable standard of review
- Statement of the case
- Statement of facts
- Summary of argument (optional)
- Argument
- Conclusion
- Statement of related cases, if any (must be on the last page of the brief)
- Any addenda (e.g., text of relevant statutes)
- Also note the following page limits:
 - Principal Briefs: 50 pages
 - Reply Briefs: 25 pages
 - Page limits exclude any statement of related cases and addenda.

Be advised that this Court has adopted a mandatory electronic case filing system. *See* 10th Cir. BAP L.R. 8008-1(a). An electronically filed document is considered the original; therefore, no additional paper copies are required. *See* 10th Cir. BAP L.R. 8008-1(b) and ECF - 2(c). The file size for a single electronically filed document is limited to ten megabytes (10MB). ECF - 12(b). Documents that exceed 10MB must be divided into subparts and attached as additional documents within the same electronic filing transaction. *Id.* The description of each attached part must identify the page numbers within the document (e.g., Appellant's Appendix, pp. 51 - 100). *Id.*

CHECKLIST FOR BAP APPENDIX

Fed. R. Bankr. P. 8009(b); 10th Cir. BAP L.R. 8009-3

The Appellant's Appendix must be separate from the brief, printed on only one side of the page, and contain the following items:

- Cover page with the following information:
 - Case caption
 - Title "Appendix"
 - Filing party's name
 - Counsel or pro se party's name, address, phone number, fax number, and ECF e-mail address
- Table of Contents containing the following information for each document:
 - Full name of each document
 - Bankruptcy court docket number for each document
 - Page number of each document (each page in the appendix must have its own, consecutive page number)
- Bankruptcy court docket sheet, which includes the entry of the notice of appeal
- Complaint and answer, or other equivalent pleadings (i.e., motion filed)
- Any pretrial orders
- Any transcript or relevant portions of transcript (a full transcript is required to challenge finding of fact)
- Judgment or order from which the appeal is taken
- Bankruptcy court's opinion, findings of fact, or conclusions of law
- Any other orders relevant to the appeal
- Any motion and response on which the bankruptcy court ruled
- Notice of appeal

Be advised that this Court has adopted a mandatory electronic case filing system. *See* 10th Cir. BAP L.R. 8008-1(a). An electronically filed document is considered the original; therefore, no additional paper copies are required. *See* 10th Cir. BAP L.R. 8008-1(b) and ECF - 2(c). The file size for a single electronically filed document is limited to ten megabytes (10MB). ECF - 12(b). Documents that exceed 10MB must be divided into subparts and attached as additional documents within the same electronic filing transaction. *Id.* The description of each attached part must identify the page numbers within the document (e.g., Appellant's Appendix, pp. 51 - 100). *Id.*

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT**

IN RE MARLENE M. MOOSMAN, also
known as Marlene Moosman, also known
as Marlene Marie Moosman,

Debtor.

BAP No. CO-12-057

ROBERTSON COHEN,

Plaintiff- Appellee,

Bankr. No. 10-32206
Adv. No. 11-1481
Chapter 7

v.

MARLENE M. MOOSMAN,

Defendant-Appellant.

**APPELLEE'S NOTICE OF ELECTION TO HAVE APPEAL
HEARD BY DISTRICT COURT**

Pursuant to Federal Rule of Bankruptcy Procedure 8001(e), Appellee Robertson Cohen elects to have the appeal commenced by Appellant Marlene Mooseman via her *Notice of Appeal* (Adv. Dkt. No. 61) to be heard by the United States District Court for the District of Colorado, pursuant to 28 U.S.C. §§ 158(a) and 158(c)(1)(B).

Dated: July 27, 2012.

HOROWITZ & BURNETT, P.C.

/s/ Kevin S. Neiman

Kevin S. Neiman, # 36560

1660 Lincoln Street, Suite 1900

Denver, CO 80264

Phone No.: (303) 996-8600

Fax No.: (303) 996-8636

ECF E-mail Address: kneiman@hblegal.net

Counsel for the Appellee

CERTIFICATE OF SERVICE

The undersigned certifies that on July 27, 2012, I caused a true and correct copy of the foregoing to be served via first class U.S. mail, postage prepaid, on the following:

Alan L. Bugg, Esq.
Steven H. Swift, Esq.
Law Office of Stephen H. Swift, P.C.
733 E. Costilla, Suites A&B
Colorado Springs, CO 80903

Edgar M. Whiting, Esq.
Cuyler Burk, LLP
Four Century Drive
Parsippany, NJ 07054

/s/ Trulee Hoy

Trulee Hoy, Paralegal to
Kevin S. Neiman