

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re

LEO STOLLER,

Debtor.

Chapter 7

Case No. 05-64075

Hon. Jack B. Schmetterer

District Court Case No. 07-CV-0092

**STATEMENT AND RESERVATION OF RIGHTS OF TRUSTEE IN LIEU OF
DESIGNATION OF ADDITIONAL ITEMS FOR RECORD ON APPEAL**

Richard M. Fogel, not individually, but as chapter 7 trustee (the “Trustee”) for the bankruptcy estate of Leo Stoller (the “Debtor”), submits the following statement and reservation of rights in lieu of his designation of additional items for record on appeal:

Background

1. On December 20, 2005 (the “Petition Date”), the Debtor filed a voluntary petition in this Court for relief under chapter 13 of the Bankruptcy Code. The Debtor’s case was converted to a case under chapter 7 on September 1, 2006 (the “Conversion Date”). The Trustee was duly appointed on September 6, 2006 to administer the Debtor’s estate (the “Estate”).

2. Since the Conversion Date, the Debtor has filed four Notices of Appeal, in which the Debtor endeavors to appeal eleven orders (whether entered or not). In fact, the Debtor has indicated on numerous occasions that he will continue to appeal each and every order of the Bankruptcy Court until he is able to reach a settlement of his bankruptcy case with the Trustee and the Debtor’s creditors.

3. In light of numerous defects on the face of each of the Debtor’s purported Notices of Appeals, the pending the ruling of the U.S. District Court for the Northern District of Illinois

in connection with certain of the Debtor's pending appeals, and the frivolous and vexatious in nature of the purported appeals, the Trustee submits this statement in lieu of his designation of additional items for the record on appeal and expressly reserves his right to supplement or amend this statement and to appropriately respond to any and all appeals of the Debtor if, when, and to the extent that the Debtor files and perfects a proper appeal.

Respectfully submitted,

Richard M. Fogel, not individually, but as
chapter 7 trustee for the bankruptcy estate
of Leo Stoller

Dated: January 16, 2007

By: /s/ Janice A. Alwin
One of his attorneys

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CERTIFICATE OF SERVICE

Janice A. Alwin certifies that service of the above and foregoing notice and attached pleadings was accomplished through the Electronic Notice for Registrants on the attached CM/ECF service list, as well as upon the attached mail service list by electronic mail on this 16th day of January, 2007.

/s/ Janice A. Alwin

The following is the list of attorneys who are currently on the list to receive e-mail notices for this case.

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