

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

AUDREY EUGENIA TRIPLETT,

Debtor-Appellant,

v.

GORDON E. GOUVEIA, Trustee, et al.

Appellee.

CAUSE NO.: 2:20-CV-110-HAB
Bankruptcy No. 2:19-22143

OPINION AND ORDER

Audrey Eugenia Triplett is a bankruptcy debtor with a Chapter 7 proceeding pending in the Bankruptcy Court in this district docketed as Case No. 2:19-22143-JRA. While she was represented by counsel in the bankruptcy action, Triplett filed a civil action in the district court under cause 2:20-CV-97-PPS-APR naming two defendants, Gordon Gouveia, the bankruptcy trustee, and Patrick Young, her bankruptcy attorney. In her complaint, Triplett asked the court to “review and decide on an existing bankruptcy case” and further sought to have the sale of her house stopped and her bankruptcy petition dismissed. (ECF No. 1, Cause No. 2:20-CV-97-PPS-APR). The district judge dismissed the action and directed the Clerk, pursuant to Fed.R.Bankr.P. 8001(a)(4), to transmit a copy of the opinion along with the complaint to the bankruptcy clerk. In doing so, the District Judge construed Triplett’s complaint as a Notice of Appeal from Bankruptcy Judge Ahler’s Order to Employ Broker and Effect Sale of Real Estates Parcel. (ECF No. 3, Cause No. 2:20-CV-97-PPS-APR). Subsequently, Triplett filed a separate Notice of Appeal and Statement of Election to District Court on March 17, 2020.¹ (ECF No. 1, Cause No. 2:20-cv-00110-

¹ Triplett paid a \$5.00 filing fee but, to date, has not paid the remaining \$293.00 docketing fee. (ECF No. 2). The failure to pay this fee is an alternate ground supporting dismissal of this appeal.

HAB). This Court has jurisdiction over appeals from orders of the Bankruptcy Court pursuant to 28 U.S.C. § 158(a).

Triplett's appeal was filed *pro se*. Her attorney moved to withdraw from the bankruptcy case on May 18, 2020, the same day Triplett filed her brief. The Order to Employ Broker and Effect Sale of Real Estate Parcel that is the subject of her appeal was entered on March 3, 2020, while Triplett was still represented by counsel. (ECF No. 26 in N.D. Ind. Bankr. Case No. 19-22142-JRA). Counsel did not object to the Trustee's Application to Employ Broker. In her brief, Triplett pleads with the Court to overturn the bankruptcy judge's order employing a real estate broker because she does not want to lose her home and never intended when she filed bankruptcy to have her home sold.

Unfortunately, there is little this Court can do to aid Triplett now. Because Triplett did not object to the Trustee's application to employ broker and effect sale of real estate in the bankruptcy court, any argument against such an order is now foreclosed. *See In re Sokolik*, 635 F.3d 261, 268 (7th Cir. 2011) (“[W]hen an issue was not raised in the bankruptcy court, a finding that the issue is waived at the district court level is ‘the correct result, since to find otherwise would permit a litigant simply to bypass the bankruptcy court.’” (quoting *In re Weber*, 25 F.3d 413, 415 (7th Cir. 1994))); *In re Kroner*, 953 F.2d 317, 319–320 (7th Cir. 1992). Accordingly, the Court concludes that Triplett waived her right to appeal the bankruptcy judge's order by not objecting before the bankruptcy judge. The appeal is, therefore, DISMISSED.² The Clerk is directed to enter judgment in favor of the Trustee.

² The Court also notes that the focus of Triplett's objections relate to the imminent sale of the house. The bankruptcy order she is presently appealing is narrow; it simply authorizes the Trustee to employ a realtor to effect the sale of the house. Any proposed sale, as noted in the bankruptcy order, is to be by application to the bankruptcy court with notice to the creditors. Thus, her argument is premature as there has been no application to complete the sale in the bankruptcy court.

SO ORDERED on January 27, 2021.

s/ Holly A. Brady

JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT