

5/2 /02  
*no a.m.*  
*matters*

U. S. BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

**BIG STONE GAP CALENDAR - MAY 6, 2002**

(The Honorable William F. Stone, Jr. Presiding)

(Start: \_\_\_\_\_ Recess: \_\_\_\_\_ ♦Resume: \_\_\_\_\_ Stop: \_\_\_\_\_ ♦Trials: \_\_\_\_\_ Proceedings \_\_\_\_\_)

Attys: Debtors: Case Nos.: Trustees:

**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Hutchinson LLOYD & LEEJEANNA SARGENT-ch13 7-02-00423 Widener/PR  
Plan filed 2/1;d/e #6  
*-Mod Plan filed 4/5; scheduled for conf on 6/4 @ 1*

Oglebay BILLY & SHELIA STEFFEY-ch13 7-01-04756 Widener/JJ  
Plan (amended) filed 3/26, d/e # 28 (filed with c/s)

Motion for valuation: 2001 Ford Ranger \$9,000.00: Americredit, filed 3/28 d/e #31 #32, & (Amended Motion, d/e #33 filed 4/5)

Hutchinson JUDY WRIGHT 7-01-04754 Widener/MC  
Plan filed 11/13, d/e # 6; CONTD from 2/12  
**Objection:** Rural Housing Services, US Dept of Agri (Eckert) filed 1/16, d/e # 17

Hutchinson DENNIS & VIRGINIA HAWK-ch13 7-02-00471 Widener/VS  
Plan filed 2/6,d/e # 6  
**Note: Response of GMAC to Valuation Mot Included OBJ to PLAN also, d/e # 19, filed 4/22 (see below\*)**

Motion for valuation: 1994 Ford Probe: First Union, filed 3/29, d/e # 16

Motion for valuation: 1999 Cadillac : GMAC - filed 3/29, d/e # 17  
\*Response of GMAC (Eason) and Objection to Mot. Filed 4/22, d/e # 19

**1:00 P. M. - CHAPTER 13 CONFIRMATIONS**

Wolfe/ Hutchinson	DANNY CORNETT-ch13 Mod Plan filed 2/27; d/e # 34, 35	7-98-00823	Widiener/PR
Hutchinson	CLARENCE & WILMA HESS Plan filed 12/11, d/e # 6 contd from 3/26 <b>-ORDER of 4/24 dismissed case for failure to comply with order of 3/19</b>	7-01-05149	Widener/S
Lamie	MICHAEL & MONICA WILSON-ch13 Mod Plan filed 3/4 d/e # 16, 17  Mot. Of Trustee to Convert/dismiss, d/e # 12, contd from 4/9 to hear w/mod plan	7-02-00266	Widener/JJ
Gifford	STEVIE JACKSON-ch13 Mod Plan filed 3/4; d/e # 97, 98, 99, 100 *bifurcated case	7-00-01623*	Widener/PR
Gifford	SHIRLEY JACKSON-ch13 Plan filed 3/4; d/e # 7, 8, 10, 11 *bifurcated case	7-02-00926*	Widener/JJ
Carmody	PHILLIP & TINA LESTER-ch13 Mod Plan Plan filed 3/25, d/e # 23, 24 Motion of Trustee To Dismiss/Convert contd fr 3/26 to hear w/mod plan, d/e # 20  <b>CASE DISMISSED without prejudice by order of 4/18, d/e # 32, on trustee's motion; failure to comply w/4-11 order</b>	7-01-05253	Widener

Big Stone Gap Calendar - 5/6/02

**1:00 P. M. - MISCELLANEOUS HEARINGS**

Hutchinson MERLENE STAPLETON-ch13 7-00-01402 Widener/SJ  
Trustee Motion to Dismiss or Convert filed 3/14, d/e # 19, contd from 4/9

Hutchinson BILLY SPEARS, JR. - Ch. 7 7-01-00420 Wick/SJ  
Motion to Reopen Case cont'd by order of 3/26 [d/e #27]

**1:30 P. M. - MISCELLANEOUS HEARINGS**

Hutchinson/  
Wolfe LAWRENCE & BRENDA HARVEL-ch13 7-97-00578 Widener/AF  
Motion to Hold Ikey Joe Chadwell, Lee County Treasurer, in contempt of  
court filed 4/1, d/e # 37 (*see also d/e #30; 33*)

Alan/  
Leonard ISON COAL CO INC-ch7 7-95-01878 Wick/AF  
Trustee's Obj to Claims filed 2/27: :  
#3: Associates Commercial Corp - d/e # 307  
  
#5: Golden Oak Mining - d/e # 308  
  
#7: Caterpillar Financial Service, d/e # 309 Response filed 3/21 #359(Esposito)  
#8: Caterpillar Financial Service - d/e # 310 Response filed 4/1 #366(Esposito)  
  
#9: GMAC - d/e # 311  
#10: GMAC - d/e # 312  
#11: GMAC - d/e # 313  
  
#12: Industrial Gas & Supply, d/e # 314  
#15: Industrial Gas & Supply, d/e # 317  
  
#14: Kentucky Revenue Cabinet - d/e # 316  
#37: Kentucky Revenue Cabinet, d/e # 337  
#39: Kentucky Revenue Cabinet, d/e # 339  
  
#17: Orix Credit Alliance, d/e # 318  
#18: Orix Credit Allianice, d/e # 319

Big Stone Gap Calendar - 5/6/02

**1:30 P. M. - MISCELLANEOUS HEARINGS**

Alan/  
Leonard

ISON COAL CO INC-ch7

7-95-01878

Wick/AF

Trustee's Obj to Claims filed 2/27: **:continued from previous page**

#19: First Commonwealth Bank , d/e # 320

#20: First Commonwealth Bank, d/e # 321

#21: Signet Leasing & Financial, d/e # 322

#22: Clarendon National Insurance, d/e # 323

#25: Whayne Supply - d/e # 326

#26: Va Iron, Coal & Coke - d/e # 327

#27: Austin Power ; d/e # 328

Response filed 4/2, d/e # 367 (Esposito)

#44: Drummond American; d/e # 340

#45: Brian K. Ison, d/e # 341

#46: William F. Ison, d/e # 342

#47: Charles K. Ison, d/e # 343

#48: Lucille Ison, d/e # 344

Response filed 4/15, d/e # 369 (Elkins)

#52: Conjun Laboratories; d/e # 345

#57: Holston Valley Medical Center, d/e # 346

#58: Norton Comunity Hospital, d/e #347

#59: Jonathan Branham, d/e # 348

Response filed by Branham, pro se 4/12, d/e # 368

Big Stone Gap Calendar - 5/6/02

**1:30 P. M. - MISCELLANEOUS HEARINGS**

Alan/  
Leonard

ISON COAL CO INC-ch7

7-95-01878

Wick/AF

Trustee's Obj to Claims filed 2/27: : **contd from previous page**

- #13: Internal Revenue Service, d/e # 315
- #23: Internal Revenue Service, d/e # 324
- #24: Internal Revenue Service, d/e # 325
- #28: Internal Revenue Service, d/e # 329
- #29: Internal Revenue Service, d/e # 330
- #30: Internal Revenue Service, d/e # 331
- #31: Internal Revenue Service, d/e # 332
- #32: Internal Revenue Service, d/e # 333
- #33: Internal Revenue Service, d/e # 334
- #34: Internal Revenue Service, d/e # 335
- #36: Internal Revenue Service, d/e # 336
- #38: Internal Revenue Service, d/e # 338
- #60: Internal Revenue Service, d/e # 349
- #62: Internal Revenue Service, d/e # 350

**2:00 P. M. - MISCELLANEOUS HEARINGS**

J Elkins

MARCE WILLIAMS-ch7

7-01-04118

CallahanAF

Mot of Debtor to Dismiss case - amended motion/notice filed 4/15, d/e # 36, 37, 38

Harris

JEFFREY ROARK-ch7

7-02-01110

Callahan/VS

Motion #1: Relief - re-noticed for BSG – **w/Ord contg stay** d/e # 13, 14  
First Horizon Home Loan Corp fka Ft.Mortgage Companies (S.Wood) v. debtor & tr  
–**Agreed OTBT (Wood) to cont. M1 & stay to 6/4 @ 10:00 (per WmC, tr)**

Large

DENNIS & TERESA EDWARDS-ch7

7-02-00718

Callahan/AF

Motion #1: Relief - filed 4/12, d/e # 11, 12  
EMC Mortgage Corp (Sasser) v. debtors & trustee

Copeland

LISA LEE COAL CO INC-ch7

7-94-00284

Smith/AF

Motion of Trustee for compensation of Bob Cole, CPA in amt of \$1,350.00 filed 4/8; d/e  
# 114, 118  
–**Trustee filed Ntc. Of No Obj 5/2; Order/Ntc self-executing absent obj.**

Big Stone Gap Calendar - 5/6/02

**2:00 P. M. - MISCELLANEOUS HEARINGS**

Hutchinson	JAMES & GLENNA BEGLEY-ch7	7-02-00908	Wick/AF
	Motion #1: Relief - filed 4/8; d/e # 13, 14 DaimlerChrysler Services (Higgs) v. debtors & trustee <b>-Agreed Ord of 4/16 granted relief.</b>		
	Motion #2: Relief filed 4/9; d/e # 16, 17, 18 <b>1997 Freightliner</b> DaimlerChrysler Services North America LLC (Higgs) v. debtors & trustee <b>- Ord (default) of 4/24 granted relief. J.Jessee</b>		
F.Leonard	TIMBERWOLF LOGGING INC-ch11	7-01-01862	DIP/S
	A/P 7-01-00113: Declaratory relief; relief from stay; reformation; other equitable relief Miners Exchang eBank (Copeland) v. debtor (Jessee ) and John Vance ( Martin ) And Steve Green( Collins)		
Gifford	DEBORAH ROWLETTE LESTER-ch7	7-00-04149	Callahan/SO
	A/P 7-02-00032: Det. Dischargeability <b>pre-trial conference</b> Debtor v. Internal Revenue Service ( )		
	A/P 7-02-00033: Det. Dischargeability <b>pre-trial conference</b> Debtor v. Commonwealth of Va. Dept of Taxation		
	Motion of Debtor (Amended) filed 4/3, d/e # 30, to determine whether certain property is property of the estate		
Kalista	FORREST & RENEE DAVIS-ch7	7-02-00566	Callahan/JJ
	Motion #2: Avoid lien - filed 3/22; d/e # 13, 14 Debtors v. American General Finance c/o Wanda Searls, Manager <b>-ORDER of 4/12 voided lien, excluding boat to which motion is denied.</b>		
Fleming	CHRISTINA BLAGG-ch7	7-02-00774	Wick/NS
	Motion #1: relief - filed 3/28; d/e # 12, 13, 14 DaimlerChrysler Services (Higgs) v. debtor & trustee <b>-Order (agreed) of 4/16 granted relief</b>		

Big Stone Gap Calendar - 5/6/02

**2:00 P. M. - MISCELLANEOUS HEARINGS**

Hutchinson	KATHY BACON-ch7 Motion #1: relief - filed 4/17; d/e # 14, 15 GMAC (Eason) v. debtor & trustee	7-02-00742	Callahan/SJ
	<b>AGREED order in transit - (see faxed copy)</b>		
Copeland	DENNIS HOOVER-ch11 *Ch. 11 Plan Confirmation <b>Objection:</b> First Vantage Bank (Hutton*Ord circulating to subst.in place of Kieffer as banks atty )  <i>*(Note: ballots &amp; plan omitted from service to creditors; counsel to seek continuance to renotice )</i>	7-01-03015	DIP/MC
Adams	MARTY MULLINS - Ch. 7 Motion #1: Relief [d/e #11] Triad Financial Corporation ( Higgs, local counsel) v. Debtor & Trustee <b>-ORDER (agreed) of 4/16 granted relief</b>	7-02-00636	Callahan/JJ
Hutchinson	JACK & BARBARA HURLEY - Ch. 7 Motion #1: Relief [d/e #10] Homeside Lending, Inc. (Patterson) v. Debtor and Trustee	7-02-00907	Wick/NS
Hutchinson	CLARENCE & VIOLA ADAMS-ch7 Motion #1: Relief - filed 4/11; d/e # 14, 15, 16 Transouth Financial (Sublett) v. Debtors & trustee <b>==default Order entered 5/3 granting relief</b>	7-02-00646	Callahan/JJ
Hutchinson	JEFFERY & NINA PAGE-ch13 Motion #1: relief - filed 4/15; d/e # 13, 14 First Va. Bank (Feldman) v. debtors & trustee <b>Notice of Withdrawal w/o prejudice - Praecepte filed by movant cancelling hearing [d/e #17]</b>	7-02-00941	Widener/VS

Big Stone Gap Calendar - 5/6/02

**2:00 P. M. - MISCELLANEOUS HEARINGS**

Copeland CUMBERLAND MOUNTAIN TRUCKING - 11 7-02-00378-**WSB** DIP/AAF  
Motion #3: Relief – filed 3/26 [d/e # 41]  
Citicapital Commercial Corp. (Huebschman) v. Debtor  
–*contd from 4/23 to hear w/AP 02-30 below & debtor’s cross-valuation motion*  
RESPONSE filed 4/4, d/e # 47

A/P 7-02-00030: Recover money or property  
Debtor v. Citicapital Commercial Corp (Fleischhauer/Huebschmann/Bradshaw) and  
Worldwide Equipment Inc dba Blueridge Kenworth( )  
Contd from 4/23 to hear w/relief motion #3 above --

Motion #4: Relief - filed 4/15; d/e # 53, 59  
Orix Financial Services (Stackhouse) v. debtor  
RESPONSE filed 4/17, d/e # 60 (Copeland)

Motion #5: Relief - filed 4/16; d/e # 55, 56  
Paccar Financial Corp (Cleary) v. debtor  
RESPONSE filed 5/3, d/e # 67 (Copeland)

### 2:30 P. M. - MISCELLANEOUS HEARINGS

Magee LEE COUNTY COMMUNITY HOSPITAL 7-00-02304 DIP/NS  
Confirmation of Plan (pursuant to 4/9 Order conditionally approving D/S)  
*(4/29 deadline to file Objs to D/S, written acceptance or rejection of plan &  
written objections to confirmation of Plan)*  
**Objection:** U. S. Trustee (Garber) [d/e #757]

Debtor and DIP’s Motion for entry of order --

(a) finding that Statute of Limitations is Equitably Tolled Pending  
Final Allowance of the Qui Tam Claim, d/e # 756, 762

(b) authorizing Debtor and DIP to file an Omnibus Complaint to Avoid and  
Recover Preferential Transfers and to Suspend Service of Process of Such  
Complaint Pending Final Allowance of Qui Tam Claim, d/e #756 & 762

Big Stone Gap Calendar - 5/6/02

### 2:30 P. M. - MISCELLANEOUS HEARINGS

Mot for Order approving Rejection of Certain unexpired lease[ not named in d/e #10]  
(Landlord; CKN Associates Village (Hobbs/Keesee); contd from 4/15

Objections, if any (due by 5/1 @ 4:00 p.m.)[#11] - contd from 4/15  
to Order authorizing Pmt of:

- 1) pre-pet.wages;
- 2) payroll deduction pmts;
- 3) Contributions and benefits under Empl.Benefit Plans; and
- 4) authorizing banks to process checks drawn on Debtor's Payroll & Other Disbursement  
Accounts [#11] - contd from 4/15

Mot for Order approving Rejection of Unexpired Lease of Whitcourt Living Trust, B. H.  
Owens and Beth B. Owens, Trustees [#15] - contd from 4/15

Debtor's Mot. For Ord. Authorizing Pmt of Certain Pre-Petition Claims (critical  
vendors) filed 4/19, d/e # 32, contd from Rke 4/30 calendar