

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**

In re:

Matt Garton and Associates, LLC,
EIN: 73-1684711

Debtor.

Case No.: 19-18917-TBM
Chapter: 7

**TRUSTEE'S *EX PARTE* MOTION FOR ORDER AUTHORIZING
ALTERNATIVE NOTICE AND SERVICE PROCEDURES**

Jeffrey Weinman, the duly-appointed Chapter 7 Trustee of the estate of Matt Garton and Associates, LLC, hereby seeks entry of an Order authorizing the Trustee to establish and maintain a case website as an alternative method of service for future filings in this case to creditors and parties in interest pursuant to FED. R. BANKR. P. 9007 and 2002(m), L.R.B. 2002-1(a) and 11 U.S.C. §§ 102(1) and 105(a), and in support hereof states as follows:

I. BACKGROUND

1. On October 16, 2019 (the "Petition Date"), Matt Garton and Associates, LLC ("Debtor") filed its Voluntary Petition for relief under Chapter 7 of the U.S. Bankruptcy Code in the United States Bankruptcy Court of the District of Colorado. Dkt. No. 1.

2. Jeffrey Weinman (the "Trustee") was appointed as the Chapter 7 Trustee of the bankruptcy estate of the Debtor (the "Estate"). Dkt. No. 6.

3. The meeting of creditors under 11 U.S.C. § 342 occurred on November 22, 2019 at 9:30 a.m. Dkt. No. 6.

4. Prior to its filing for relief under Chapter 7 of the Bankruptcy Code, Debtor operated as a third-party hotel and resort booking company. Debtor conducted its business operations under five separate “dba” entities: Hotels for Everyone, All Inclusives for Everyone, Affordable Luxury Hotels, Just Right Hotels, and HotelDeck. Dkt. No. 1, at p. 1.

5. The number of creditors identified in the Debtor’s schedules reflect a sizeable and broad-ranging pre-petition business operation. As of the date of this filing, a total of 8,250 creditors or interested parties requiring notice have been identified by the Debtor.

6. Furthermore, the assets set forth in the Debtor’s schedules (\$592,355.35)¹ are relatively small as compared to both (a) Debtor’s liabilities (\$5,104,119.07) and (b) the number of creditors expected to submit claims herein. *See* Dkt. No. 1, at p. 15.

RELIEF REQUESTED

7. The Trustee seeks Court authority to establish an alternative method of providing notice to creditors and parties in interest of all future motions, applications, pleadings, orders and papers that may be filed or entered in Debtor’s case – specifically, through a website to be built, maintained and updated by the Trustee. A

¹ As the Trustee has already begun to learn, the stated value of the Estate assets may be inflated so as not to account for funds that were attached and garnished pre-petition and that are in dispute.

proposal prepared by Nouvella Creations (“Nouvella”) for the construction of a case-specific website is attached hereto as **Exhibit A**.

8. Rather than incurring the tremendous cost of mailing notices to all creditors and parties in interest, the Trustee seeks Court authority to instead, provide notices to creditors and interested parties through a publicly-available website that will cost approximately \$1,750.00, inclusive of the cost to build the website, one year of encrypted hosting on Virtual Private Server with a SSL certificate, and up to five (5) hours of monthly maintenance and support. *See Ex. A*, at p. 5.

9. As set forth in the attached proposal, the proposed website would include the following sub-pages and content:

a. **Home page:** A home page featuring chronologically-ordered case updates as well as pertinent case deadlines including the claims bar date, hearings, status conferences and other court-scheduled events

b. **Case documents and pleading page.** This page will allow creditors, parties in interest, and any other interested individual to view and download as PDF all pleadings, orders, and other filings in this case. It will be organized in a searchable table format, like a spreadsheet, with links to

download each item. Counsel for the Trustee will upload file-stamped copies of all docket materials as they are received via CM/ECF.²

c. **Claims Process FAQ page.** This page will include basic information about the claims process, including the claims bar date, and will link to a downloadable and fillable proof of claim form.

d. **Contact us page.** The final page on the website will list contact information for the Trustee and his counsel, and claimants will have the ability to send email communications to undersigned through this page.

Ex. A, at p. 3.

10. While this case is still in its infancy and the Trustee has only begun the process of review and evaluation, given the extent and magnitude of Debtor's pre-petition operations and number of creditors identified thus far, the Trustee is concerned that providing notice to the entire matrix for all forthcoming filings in this case would not be congruent with the expense of same in light of the Estate's limited resources. This concern is further amplified, given that there are more creditors, beyond the 8,250 already listed, that are likely to be identified as the case progresses.

ARGUMENT AND AUTHORITY

11. Throughout a chapter 7 bankruptcy case, the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules routinely require

² Undersigned has used this website developer to design a website for a state court receivership with essentially the same functions, and as such, are experienced in maintaining and updated a website like the being proposed by the Trustee.

the Trustee to serve various motions, applications, pleadings, orders, and other papers on all creditors and parties in interest.

12. Rule 2002(m) of the Federal Rules of Bankruptcy Procedure vests the Court with the authority to “enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.”

13. Similarly, Rule 9007 specifically vests the Court with general authority to regulate notices in cases such as this:

When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which the entities to whom, and the form and manner in which the notice shall be given. When feasible, the court may order any notices under these rules to be combined.

FED. R. BANKR. P. 9007.

14. Finally, pursuant to section 105(a) of the Bankruptcy Code the Court may issue “any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

15. In this case, there are approximately 8,250 creditors that the Debtor has identified thus far to whom notices may be otherwise required to be mailed under the applicable rules. Based upon the Trustee’s investigation and work thus far, it is believed more creditors are likely to be identified as the case progresses. Considering the 8,000+ creditors and the limited resources in this Bankruptcy Estate, the Trustee wishes to avoid wasting scarce assets on routine mailings and as such, seeks entry of

an Order authorizing the proposed website as an alternative form of notices to creditors and interested parties.

16. Because of the number of creditors, the cost of copying, postage and other handling expenses associated matrix mailings may cost between \$5,000 - \$10,000 per notice. The limited assets in this Estate, however, do not warrant such substantial expenses on matters such as routine case filings and mailings. To do so would be contrary to the best interests of the Estate and its creditors.

17. Accordingly, the Trustee submits that cause exists, and the Court should exercise its discretion to modify the applicable notice and service requirements as set forth in this Motion.

CONCLUSION

WHEREFORE, Jeffrey Weinman, the duly appointed Chapter 7 trustee of the estate of Matt Garton and Associates, LLC, respectfully requests entry of an Order in a form substantially similar to the one submitted herewith: (a) granting this Motion, (b) allowing the proposed website to serve as the mechanism for the Trustee's notice of future motions, applications, pleadings, orders and other papers in this Bankruptcy Case, as set forth herein, and (c) for such other relief as the Court deems appropriate.

DATED this 13th day of January 2020.

RESPECTFULLY SUBMITTED,

ALLEN VELLONE WOLF HELFRICH & FACTOR P.C.



s/ Rachel A. Sternlieb

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**ATTORNEYS FOR JEFFREY WEINMAN,
CHAPTER 7 TRUSTEE**

CERTIFICATE OF SERVICE

The undersigned certifies that on January 13, 2020, I served via CM/ECF the **Trustee's *Ex Parte* Motion for Order Authorizing Alternative Notice and Service Procedures** and Proposed Order on all parties against whom relief is sought and those otherwise entitled to service pursuant to the Fed. R. Bankr. P. and the L.B.R. at the following addresses:

David M. Rich
Buechler Law Office
999 18th St., Ste. 1230 S
Denver, CO 80202
Counsel for Debtor

Matt Garton and Associates, LLC
11833 Ridge Parkway, Apt. 531
Broomfield, CO 80021

US Trustee
Byron G. Rogers Federal Building
1961 Stout St.
Ste. 12-200
Denver, CO 80294

/s/ Salowa Khan

Allen Vellone Wolf Helfrich & Factor, P.C.



Jeffrey A. Weinman, Chapter 7 Trustee of the Estate of Matt Garton & Associates LLC Website Proposal

Written by Nigel Rafferty for Rachel Sternlieb

SECTION 1

Introduction

Matt Garton & Associates Bankruptcy Website

Objective: A clean, concise and easily managed website to provide updates, case documents, pleadings, and claim information for the Matt Garton & Associates Bankruptcy.

Nouvelleo Creations will build a custom Wordpress website tailor-made to help facilitate a streamlined experience for information and communication regarding the bankruptcy process, that is elegantly designed and easily updatable by the client.

SECTION 2

Wordpress Website

Wordpress Website Build

The website will consist of the following functionality and pages:

- **Home Page** - Featuring chronologically-ordered updates in the form of "Blog Posts". These blog posts will serve updates and communication regarding bankruptcy. These updates will be able to be posted by client easily from the Wordpress backend without assistance from Nouvelleo.
- **Case Documents & Pleading Page** - This page will host PDF documents on a searchable table format (similar to spreadsheet) with download links to each PDF, and can be easily updated by client from Wordpress Backend.
- **Claims Process FAQ Page** - FAQ's and information regarding HOW to file a claim and general information regarding the bankruptcy claims process: This page will be easily updatable by the client.
- **Basic 'Contact Us' Page** - Very straight-forward Contact form with which claimants can contact via email.

Additional Services

- **Secure, Reliable Hosting on a Virtual Private Server (VPS) with included VPS Server with full data encryption**
- **1 Year of Included Monthly Maintenance**
- **Setup Support and Instructional Video** - We will make sure you understand exactly how to go about updating the site as needed. We will guide you through the process and make sure you know exactly what you're doing.

SECTION 3

Process & Timeline

Process & Timeline

- We will then have a kick-off call or meeting during which we will work to answer any questions and gather content for the site. This will be our initial planning session.
- Nouvelleo will then send a basic PDF Wireframe of the website so you will get a good idea of what it will look like. It is at this time where we can address design, and overall look and feel of the site.
- We will then begin developing the site based on the our conversations, notes and criteria laid out in the beginning phase.
- Nouvelleo will present a working version of the site, which will be password protected and only visible for those with the password. At this time, we will update the website based on feedback.
- LAUNCH! We will help you populate the initial content and then we will help teach you how to use Wordpress so you can make updates yourself.

The website can be finished and launched within 2-3 weeks.

If you are needing to work faster, that can be discussed as well.

Your Investment

WORDPRESS WEBSITE - Wordpress Setup & Support - Pages include: Home Page, Case & Documents Page, Receiver Reports, Claims Info, and Dynamic PDF Claims	\$1,500
HOSTING 1 Year of Secure, Encrypted hosting on Virtual Private Server with SSL Certificate	\$250
MONTHLY MAINTENANCE & SUPPORT INCLUDED	
<hr/>	
One-off Total \$1,750	

Payment Structure

- **50% Non-Refundable Deposit** due upon "Green Light" and approval of proposal.
- **Balance (Remaining 50%)** due upon launch of site.
- **Monthly Support Includes up to 5 hours of support.** Support services or updates that exceed this amount of hours after launch of site will be billed at **\$50 per hour.**

SECTION 5

Approve Proposal

Approve Proposal

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLORADO**

In re:

Matt Garton and Associates, LLC,
EIN: 73-1684711

Debtor.

Case No.: 19-18917-TBM
Chapter: 7

**[PROPOSED] ORDER GRANTING TRUSTEE'S *EX PARTE*
MOTION FOR ORDER AUTHORIZING ALTERNATIVE
NOTICE AND SERVICE PROCEDURES**

THIS MATTER is before the Court on the *Ex Parte* Motion for Order Authorizing Alternative Notice and Service Procedures (the "Motion") filed by Jeffrey A. Weinman (the "Trustee"), the Chapter 7 Trustee of the Estate of Matt Garton and Associates, LLC. The Court, having reviewed the Motion and the file, and being otherwise advised, finds

IT IS HEREBY ORDERED that the Motion is GRANTED;

IT IS FURTHER ORDERED that the Trustee is hereby authorized to utilize the alternative notice and service procedures, as set forth in the Motion.

IT IS FURTHER ORDERED that for all future motions, applications, pleadings, orders and other papers that may be filed or entered by the Trustee in the above-captioned bankruptcy case, the Trustee shall provide all notices required under the Fed. R. Bankr. P. and the L.B.R. to creditors, parties in interest, and those otherwise entitled to service shall be made through a website to be created and maintained by the Trustee.

DATED, this ____ day of _____, 2020.

BY THE COURT:

Hon. Thomas B. McNamara
U.S. Bankruptcy Court Judge