

IN THE UNITED STATES BANKRUPTCY COURT

IN AND FOR THE DISTRICT OF IDAHO

IN RE:) Case No: 04-04267-TLM
)
JONES, Henry L. and)
JONES, Diane M.) SUMMARY ORDER
)
Debtors.)
_____)

On July 26, 2005, this Court entered a Memorandum of Decision in the above chapter 13 case of Henry and Diane Jones. *See* Doc. 41. An Order was entered that same day. Doc. No. 42.

As the Decision and Order indicate, similar issues were raised in four other cases: Rose Motley, Case No. 04-03116-TLM; Gary and Maria Risner, Case No. 04-02310-TLM; Sharon Lanning, Case No. 04-03215-TLM; and Sergio and Elvira Sigmond, Case No. 04-01326-TLM. While the captions were combined, as was the discussion of the Court, an original and separate Decision and Order was entered in each of the five cases. Each Decision and Order resolved an Order to Show Cause that had been noticed and heard in the respective cases.

On August 3, 2005, attorney Kelly I. Beeman filed a motion, Doc. No. 43, and an amended motion, Doc. No. 44,¹ in the Jones' case (collectively "Beeman's Motions").² It appears that no similar motions were filed by Beeman in any of the other described cases.

¹ The "amended" motion is identical to the original with the exception of adding the Sigmonds to the caption.

² Beeman represented these debtors. The Motions now before the Court indicate that capacity. *See* Doc. No. 43 at 2 (signature). However, it seems clear Beeman filed the Motions and seeks relief as a directly interested party; nothing indicates Beeman is acting on behalf of the debtors. Thus, the Court refers to these as "Beeman's Motions" rather than "Debtors' Motions."

Beeman's Motions request (1) that the Court "consolidate" the five cases for purposes of appeal and (2) that the Court, in the alternative, "stay" four of the five cases during the pendency of an appeal on one of them. *Id.*

Beeman cites no authority for the relief sought. The Court is not obligated to develop a party's arguments into a cogent theory and look for authority to support it. This is thus sufficient basis to deny Beeman's Motions.

Additionally, while Beeman's debtor clients were served with Beeman's Motions, he has not provided an opportunity for them to object or to be heard. They have an interest as the Decisions and Orders required payments by Beeman, in varying amounts, to his clients. Instead, Beeman presented what was in effect an ex parte order for the Court to enter.

There are five separate cases, and the Court entered an original Decision and Order in each. The relief, as to the specific Debtors, varies from case to case. Even if there were authority under applicable rules for a bankruptcy court to "consolidate" separate bankruptcy cases for a single appeal (which Beeman has not shown), the propriety of such a consolidation is suspect. The request for "consolidation" will be denied.³

Beeman alternatively requests that the Court enter an order "staying" four of the cases while an appeal is pursued in one case (presumptively *Jones*, as that it is the situs of the Motions). Once again, Beeman provided no authority supporting this request.

This Court has the ability, under Fed. R. Bankr. P. 8005, to stay an order pending its appeal. (That assumes, of course, that a notice of appeal is filed in a case, and a proper motion under Rule 8005 is filed, noticed and brought before the Court.) But Rule 8005 does not provide

³ Beeman is, of course, free to file notices of appeal in one, two, three, four or all five cases, should he desire. And this Court would not presume to encroach on the ability or prerogative of the appellate court to consider a motion to consolidate appeals, once properly taken, for purposes of argument, decision, or otherwise.

authority for the Court to stay orders in other bankruptcy cases because an appeal is pending in one case, no matter how closely related the issues in those several cases might be.

For the reasons indicated, the Court determines, concludes and hereby ORDERS that Beeman's Motions, Doc. No. 43 and Doc. No. 44, are DENIED.

DATED: August 4, 2005



A handwritten signature in black ink that reads "Terry L. Myers".

TERRY L. MYERS
CHIEF U. S. BANKRUPTCY JUDGE

CERTIFICATE RE: SERVICE

A “notice of entry” of this Decision, Order and/or Judgment has been served on Registered Participants as reflected by the Notice of Electronic Filing. A copy of the Decision, Order and/or Judgment has also been provided to non-registered participants by first class mail addressed to:

Henry L. Jones
Diane M. Jones
P.O. Box 425
New Plymouth, ID 83655

Case No. 04-04267-TLM (Henry L. Jones)

Dated: August 4, 2005

/s/ Suzanne Hickok
Law Clerk to Chief Judge Myers