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Attorneys for Plaintiff-Successor Trustee
The Office of the United States Trustee

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFFICE OF THE UNITED STATES)
TRUSTEE, SUCCESSOR)
TRUSTEE,)

Plaintiff,)

v.)

BOBBY N. HARMON,)

Defendant.)
_____)

CIV. NO. CV05-00030 DAE/KSC

**PLAINTIFF'S EX PARTE MOTION
FOR ORDER FURTHER
AMENDING CASE CAPTION;
DECLARATION OF STEVEN
GUTTMAN; EXHIBITS A, B AND
C; CERTIFICATE OF SERVICE**

NON-HEARING MOTION


Trial Date: None

**PLAINTIFF-SUCCESSOR TRUSTEE'S
EX PARTE MOTION FOR ORDER
FURTHER AMENDING CASE CAPTION**

Plaintiff-Successor Trustee The Office of the United States Trustee, the duly appointed Successor-Trustee in In re Harmon, Case No. 99-04339, a Chapter 7 case pending before the United States Bankruptcy Court for the District of Hawaii ("Plaintiff"), by and through its attorneys, Kessner Duca Umabayashi Bain & Matsunaga, hereby moves this Honorable Court ex parte for an order further amending the case caption to substitute JAMES B. NICHOLSON, Successor Trustee, in place of THE OFFICE OF THE UNITED STATES TRUSTEE, Successor Trustee, as the Plaintiff herein and, furthermore, for an order providing that any and all references to Plaintiff-Successor Trustee THE OFFICE OF THE UNITED STATES TRUSTEE and/or to Plaintiff-Trustee MARY LOU WOO contained in the pleadings previously filed herein shall be treated as a reference to JAMES B. NICHOLSON, Successor Trustee. A true and correct copy of the proposed Order Granting Plaintiff's Ex Parte Motion for Order Further Amending Case Caption is attached as Exhibit C to the Declaration of Steven Guttman filed concurrently herewith.

This motion is made pursuant to Rules 6(d) and 7(b) of the Federal Rules of Civil Procedure, and is based upon the Declaration of Steven Guttman attached hereto and the records and files herein.

DATED: Honolulu, Hawaii, May 16, 2006.



STEVEN GUTTMAN
Attorney for Plaintiff-Successor Trustee
OFFICE OF THE UNITED STATES TRUSTEE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

OFFICE OF THE UNITED STATES)	CIV. NO. CV05-00030 DAE/KSC
TRUSTEE, SUCCESSOR)	
TRUSTEE,)	DECLARATION OF STEVEN
Plaintiff,)	GUTTMAN; EXHIBITS A, B AND
v.)	C
BOBBY N. HARMON,)	NON-HEARING MOTION
Defendant.)	Trial Date: None
_____)	

DECLARATION OF STEVEN GUTTMAN

STEVEN GUTTMAN ("Declarant"), declares under penalty of perjury that the statements made herein are true and correct to the best of his knowledge, information and belief:

1. Declarant is an attorney duly licensed to practice law in this Court and the courts of the State of Hawaii, and has been the attorney in this proceeding for Plaintiff Office of the United States Trustee, the duly appointed Successor-Trustee in In re Harmon, Case No. 99-04339, a

Chapter 7 case pending before the United States Bankruptcy Court for the District of Hawaii ("Chapter 7 Case"). Declarant also represented the former Plaintiff-Trustee, Mary Lou Woo, in the subject proceeding.

2. On January 13, 2005, Trustee Mary Lou Woo filed an Application for Confirmation of Arbitration Award and for Entry of Judgment Against Bobby N. Harmon ("Application") thereby initiating the subject proceeding. At the time the Application was filed, Ms. Woo was the duly appointed Bankruptcy Trustee in the Chapter 7 Case. Ms. Woo had also been the Petitioner in the arbitration matter entitled Mary Lou Woo v. Bobby N. Harmon, Case No. 74-166-00491-03 Jafa, which had been heard by the Employment Arbitration Tribunals of the American Arbitration Association and which resulted in the Arbitration Award that Ms. Woo successfully sought to confirm in this proceeding.

3. On January 25, 2006, the Bankruptcy Court issued a Notice of Successor Trustee designating the Office of the United States Trustee ("OUST") as the Successor Trustee in the Chapter 7 Case. A true and correct copy of the Notice appointing OUST as Successor Trustee is attached hereto as Exhibit A.

4. On May 12, 2006, the Bankruptcy Court issued a further

Notice of Successor Trustee designating JAMES B. NICHOLSON to succeed OUST as the Successor Trustee in the Chapter 7 Case. A true and correct copy of the Notice appointing James B. Nicholson as Successor Trustee is attached hereto as Exhibit B.

5. Declarant therefore respectfully requests that the case caption herein be further amended to substitute JAMES B. NICHOLSON, in his capacity as Successor Trustee, in place of the Office of the United States Trustee, Successor-Trustee, as the Plaintiff and that any and all references to Plaintiff Mary Lou Woo and/or to Plaintiff-Successor Trustee the Office of the United States Trustee contained in the pleadings previously filed herein be treated as a reference to James B. Nicholson. Declarant further requests that upon the granting of the Motion, the case caption read as follows: James B. Nicholson, Successor Trustee, Plaintiff v. Bobby N. Harmon, Defendant. A true and correct copy of the proposed Order Granting Plaintiff's Ex Parte Motion for Order Amending Case Caption is attached hereto as Exhibit C.

DATED: Honolulu, Hawaii, May 16, 2006.



STEVEN GUTTMAN

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII**

Case No. 99-04339

Chapter 7

In re:

Bobby Norris Harmon
dba Orbits Hawaii
~~5499 Noss Avenue~~
~~Las Vegas, NV 89148-2070~~

~~Bobby Norris Harmon~~
dba Orbits Hawaii
~~10951 SOUTHGATE MANOR DR. #4~~
~~LOUISVILLE, KY 40229-1651~~

Social Security No.:
xxx-xx-~~1000~~

xxx-xx-~~1000~~

Employer's Tax I.D. No.:
NA

NA

NOTICE OF SUCCESSOR TRUSTEE

NOTICE IS HEREBY GIVEN that the United States Trustee has filed a Notice of Appointment of a Successor Trustee in this case. The designated interim successor trustee is:

OUST
1132 Bishop Street
Suite 602
Honolulu, HI 96813

Telephone number: 808-522-8150

NOTICE IS FURTHER GIVEN that unless a party in interest files a request for the election of a trustee within 10 days of the date of this notice, the above-named interim successor trustee will become and serve as the permanent trustee.

Date: January 25, 2006

FOR THE COURT

Address of the Bankruptcy Clerk's Office:
1132 Bishop Street
Suite 250L
Honolulu, HI 96813

Clerk of the Bankruptcy Court:

Mark Van Allsburg

Telephone number: (808) 522-8100

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

Case No. 99-04339

Chapter 7

In re:

Bobby Norris Harmon
dba Orbits Hawaii
~~5607 Moss Avenue~~
~~Las Vegas, NV 89118-7070~~

~~10651 Southgate Manor Drive~~
dba Orbits Hawaii
~~10651 Southgate Manor Drive~~
~~Louisville, KY 40229-1651~~

Social Security No.:

xxx-xx-

xxx-xx-

Employer's Tax I.D. No.:

NA

NA

NOTICE OF SUCCESSOR TRUSTEE

NOTICE IS HEREBY GIVEN that the United States Trustee has filed a Notice of Appointment of a Successor Trustee in this case. The designated interim successor trustee is:

James B. Nicholson
P.O. Box 15696
Honolulu, HI 96830-5696

Telephone number: **808-590-2157**

NOTICE IS FURTHER GIVEN that unless a party in interest files a request for the election of a trustee within 10 days of the date of this notice, the above-named interim successor trustee will become and serve as the permanent trustee.

Date: May 12, 2006

FOR THE COURT

Address of the Bankruptcy Clerk's Office:
1132 Bishop Street
Suite 250L
Honolulu, HI 96813

Clerk of the Bankruptcy Court:

Michael B. Dowling

Telephone number: (808) 522-8100

EXHIBIT B

KESSNER DUCA UMEBAYASHI
BAIN & MATSUNAGA
Attorneys at Law, A Law Corporation

STEVEN GUTTMAN
220 South King Street, 19th Floor
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UNITED STATES DISTRICT COURT
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OFFICE OF THE UNITED STATES)
TRUSTEE, SUCCESSOR)
TRUSTEE,)

Plaintiff,)

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BOBBY N. HARMON,)

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_____)

CIV. NO. CV05-00030 DAE/KSC

**ORDER GRANTING PLAINTIFF'S
EX PARTE MOTION FOR ORDER
FURTHER AMENDING CASE
CAPTION**

NON-HEARING MOTION

Trial Date: None

EXHIBIT C

**ORDER GRANTING PLAINTIFF'S EX PARTE MOTION
FOR ORDER FURTHER AMENDING CASE CAPTION**

The Court having considered the Ex Parte Motion for Order Further Amending Case Caption filed herein by Plaintiff, the Declaration of Steven Guttman, and good cause appearing therefore,

IT IS HEREBY ORDERED that Plaintiff's Ex Parte Motion for Order Further Amending Case Caption is granted, and the case caption herein shall be amended to substitute JAMES B. NICHOLSON, Successor Trustee, in place of the OFFICE OF THE UNITED STATES TRUSTEE, Successor Trustee, as the Plaintiff in this proceeding. Henceforth, the case caption shall read as follows: James B. Nicholson, Successor Trustee, Plaintiff v. Bobby N. Harmon, Defendant.

IT IS HEREBY FURTHER ORDERED that any and all references to Plaintiff Mary Lou Woo, Trustee and/or to Plaintiff Office of the United States Trustee, Successor-Trustee in the pleadings previously

filed herein shall be treated as a reference to James B. Nicholson,
Successor Trustee.

DATED: Honolulu, Hawaii, _____.

KEVIN S. C. CHANG
UNITED STATES MAGISTRATE JUDGE

Office of the United States Trustee, Successor Trustee v. Bobby N. Harmon, Civil No. 05-00030 DAE/KSC, United States District Court for the District of Hawaii, Order Granting Plaintiff's Ex Parte Motion for Order Further Amending Case Caption