

Bruce A. Mackay

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:

CONSOLIDATED FOOD SERVICES, INC.,

Debtor.

BK-S-09-11927-BAM

## Chapter 7

## OPINION REGARDING AFFIDAVITS

Upon review of the pleadings and papers on file, the court orders that:

1. The affidavits of Sean Claggett, Ron Hoy, and Arnulfo Castro are admitted;
2. The declaration of Sean Claggett in Response to Hans Johns Objection to Declarations of Sean Claggett, Ron Hoy and Arnulfo Castro-Silva (dkt. #72) shall be stricken on the

grounds that it is untimely filed;<sup>1</sup> and

3. The declaration of Hans Johns in Response to Declaration of Sean Claggett (dkt. #74) shall be stricken on the grounds that it is untimely filed.

IT IS SO ORDERED.

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<sup>1</sup>In addition to being untimely filed pursuant to the court's instructions, this declaration is also procedurally improper as it includes requests for relief (dkt. #72 at ¶¶ 8-9). Further, in this circuit, bankruptcy courts are not "courts of the United States" for the purposes of 28 U.S.C § 1927, and thus this court does not have the power to find Mr. Johns a vexatious litigant. *In re Perroton*, 958 F.2d 889, 891 (9th Cir. 1992) (citing *In re Memorial Estates*, 116 B.R. 108, 100 (Bankr. N.D. Ill. 1990)).