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IT IS SO ORDERED.

Dated: April 2, 2025



Mina Nami Khorrami
Mina Nami Khorrami
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:) Case No. 2:24-bk-51185
)
SCS LOGISTICS, INC., *et al.*,¹) Chapter 7
)
Debtors.) Judge Mina Nami Khorrami
)
_____) (Jointly administered)

**ORDER GRANTING TRUSTEE’S MOTION TO REACTIVATE TRUSTEE’S
OMNIBUS OBJECTION TO CLAIM NUMBERS 3,4,5, AND 6 AND REQUEST FOR
CLAIMANTS TO SEEK TO ESTIMATE CLAIMS (DOC. 72)**

Before the Court is the *Trustee’s Motion To Reactivate Trustee’s Omnibus Objection To Claim Numbers 3,4,5, And 6 And Request For Claimants To Seek To Estimate Claims* (Doc. 72)

¹ The Debtors and the last four digits of their federal tax identification numbers are as follows: SCS Logistics, LLC (4101) and SCS Logistics, Inc. (7342). Each will be referred to individually as a “Debtor” and collectively as the “Debtors.”

(the “Motion”), filed by Amy L. Bostic, the chapter 7 trustee (the “Trustee”), together with *Creditors Roy Fernandez And Professional Logistic Services, Inc.’s Memorandum In Opposition To Trustee’s Motion To Reactivate Omnibus Claims Objection And Request For Claimants To Seek To Estimate Claims [Doc. 72]* (Doc. 80) (the “Fernandez Objection”), filed by creditors Roy Fernandez (“Mr. Fernandez”) and Professional Logistic Services, Inc. (collectively the “Fernandez Creditors”), and the *Limited Objection Of Creditors Home Appliance Solutions, Jordan Peters And Brian Peters To The Trustee’s Motion To Reactivate Trustee’s Omnibus Objection To Claim Numbers 3,4,5, And 6 And Request For Claimants To Seek To Estimate Claims (Doc. 72)* (Doc. 81) (the “Peters Objection”) filed by creditors Brian Peters, Jordan Peters, and Home Appliance Solutions (collectively the “Peters Creditors”).

A hearing was held on the Motion on March 24, 2025 (the “Hearing”). At the Hearing, Kenneth M. Richards appeared on behalf of the Trustee, Maria Mariano Guthrie and Matthew M. Zofchak appeared on behalf of the Fernandez Creditors, and Matthew T. Schaeffer appeared on behalf of the Peters Creditors, together with Brian Peters and Jordan Peters. None of the counsel presented any evidence on behalf of their respective clients and the Hearing was treated as an opportunity for counsel to make arguments on behalf of their respective clients’ positions. The Court took the Motion under advisement at the conclusion of the Hearing.

The Motion requests that the Trustee be permitted to reactivate her *Omnibus Objection To Claim Numbers 3,4,5, And 6 And Request For Claimants To Seek To Estimate Claims* (Doc. 50) (the “Omnibus Objection”) filed on October 24, 2024. The Omnibus Objection objects to Claim No. 5 filed by Roy Fernandez, Claim No. 3 filed by Brian Peters, Claim No. 4 filed by Jordan Peters, and Claim No. 6 filed by Home Appliance Solutions, Inc. (collectively, the “Claimants”). The Omnibus Objection also requests that the Claimants be compelled to estimate their claims

under 11 U.S.C. § 502(c). On December 2, 2024, the Court entered the *Agreed Order Regarding Omnibus Objection To Claim Numbers 3,4,5, And 6 And Request For Claimants To Seek To Estimate Claims (Rel Doc 50)* (Doc. 58) (the “Agreed Order”), which had been approved by the Trustee and each of the Claimants. The Agreed Order provides that the Omnibus Objection will be held in abeyance in light of the filing in this Court of the adversary matter, *Peters v. Fernandez*, Adv. Pro. No. 24-2072 (the “Adversary”). The Agreed Order further provides that the Trustee and Claimants reserve the right to request that proceedings relating to the Omnibus Objection be reactivated by filing a motion to reactivate.²

Based on the Court’s review of the Motion, the Fernandez Objection, the Peters Objection and the terms of the Agreed Order, as well as the arguments of counsel at the Hearing, the Court concludes that the Trustee is entitled to reactivate the Omnibus Objection since the Agreed Order clearly reserves the right to reactivate the Omnibus Objection by the Trustee. The Agreed Order does not establish a high burden for reactivation, and the Trustee’s explanation that subsequent events have led her to conclude that going forward with the Omnibus Objection is the best means to resolve these cases quickly establishes sufficient cause to reactivate the Omnibus Objection.

However, the Court is not determining that claims estimation is appropriate at this stage in the proceeding. The Agreed Order was entered before any of the Claimants had filed a substantive response to the Omnibus Objection, so the merits of the Omnibus Objection, including its request for claims estimation, are not yet ripe. There are several motions pending before this Court, the resolution of which will potentially impact the proceedings on the Omnibus Objection. These motions consist of the following: the *Motion of Creditor Roy Fernandez for Permissive Abstention*

² Since neither the Trustee nor the Claimants sought to introduce any evidence at the Hearing, the Court does not attempt to resolve any factual issues. Rather, the discussion herein is based upon the Court’s review of the provisions of the Agreed Order and the matters appearing on the Court’s docket, matters which are appropriate for judicial notice under Rule 201(c)(1) of the Federal Rules of Evidence.

(Doc. 27), filed in Case No. 24-51184 and the *Motion of Creditor Roy Fernandez for Permissive Abstention* (Doc. 61), filed in Case No. 24-51185 (collectively the “Abstention Motions”), the *Motion of Creditors Roy Fernandez and Professional Logistic Services, Inc. for Relief from the Automatic Stay* (Doc. 28), filed in Case No. 24-51184 and the *Motion of Creditors Roy Fernandez and Professional Logistic Services, Inc. for Relief from the Automatic Stay* (Doc. 63), filed in Case No. 24-51185 (collectively the “Relief From Stay Motions”), and *Defendant Roy Fernandez’s Motion to Dismiss or, Alternatively, Stay Adversary Proceeding* (Doc. 4), filed in *Peters v. Fernandez*, Adv. Pro. No. 24-02072 (the “Adversary Motion to Dismiss”).³

While the Court has concluded that the Trustee is entitled to reactivate the Omnibus Objection, the Court is concerned that there may be overlap between the Pending Motions and the Omnibus Objection. The Pending Motions are directed at how and where the issues between the Fernandez Creditors and the Peters Creditors will be resolved. In particular, the Fernandez Creditors seek through the Pending Motions to have this Court stay its hand so that their claims against the Debtors will be adjudicated in the Placer County Superior Court in California and not before this Court. The Omnibus Objection seeks to have this Court resolve, or at least estimate, those same claims. But even an estimation proceeding would potentially require discovery and an evidentiary hearing. Going forward now on the Omnibus Objection thus creates the risk of duplicative and potentially unnecessary proceedings that impose unwarranted costs upon the parties without bringing any finality to the dispute. The Court therefore believes that these considerations dictate deferring further proceedings on the Omnibus Objection until the Pending Motions have been decided. Once the Pending Motions have been decided, the Court can convene

³ These motions will collectively be referred to as the “Pending Motions.”

a pretrial conference to determine how to proceed on the Omnibus Objection in light of that decision.

The Court has the authority to manage cases so as to resolve them in an orderly and expeditious manner. *PCC Rokita S.A. v. HH Tech. Corp. (In re HH Tech. Corp.)*, 659 B.R. 788, 803-4 (B.A.P. 1st Cir. 2024). Furthermore, trial courts are vested with “formidable case-management authority” *Columbia Gas Trans. Corp. v. Ziegler*, 83 F’App’x 26, 31 (6th Cir. 2003) (quoting *Rosario-Diaz v. Gonzalez*, 140 F.3d 312, 315 (1st Cir. 1998)). The Court has the discretion to determine the appropriate sequence in which various matters are resolved. *Stabler v. Beyers (In re Stabler)*, 2009 WL 1651441, at *5 (Bankr. D.S.D. June 11, 2009) (finding that Rule 9006(b)(1) of the Federal Rules of Bankruptcy Procedure granted discretion for the court to defer a response date on one motion where it was more efficient to resolve another motion first); *see also In re Sept. 11 Litig.*, 2006 WL 1650679, at *2 (S.D.N.Y. June 14, 2006) (“My case management discretion allows me to set the sequence of decision-making in the cases over which I preside.”). The Court concludes that the most reasonable, non-duplicative, and efficient way to proceed in this case is to defer further proceedings related to the Omnibus Objection until the Court has resolved the Pending Motions.

Accordingly, the Court hereby **ORDERS** that:

1. The Motion is granted, and the Omnibus Objection is reactivated; and
2. All further proceedings on the Omnibus Objection, including substantive responses to the Omnibus Objection, shall be deferred until the Court has resolved the Pending Motions; and
3. The schedule for proceedings on the Omnibus Objection, including establishing a deadline for the Claimants to respond to the Omnibus Objection, will be established at a continued

pretrial conference to be set by separate notice following the Court's resolution of the Pending Motions.

IT IS SO ORDERED.

Copies to:

Default list
Maria Mariano Guthrie
Matthew Zofchak
Matthew T. Schaeffer