IT IS SO ORDERED.

Dated: December 22, 2025

Tyson A. Crist
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:	:	
Ingrid Janice Freeman,	:	Case No. 24-31728
	:	Chapter 13
Debtor.	:	Judge Crist
	:	
	:	

ORDER DENYING, AS TO COLUMBUS CASES, AND DENYING IN PART AND HOLDING IN ABEYANCE, AS TO DAYTON CASES, LAW FIRMS' MOTION FOR PROCEDURAL CONSOLIDATION (DOC. 23)

I. Introduction

Hallock & Associates, LLC, Brandon Ellis Law Firm, LLC, Law Office of Melissa Michel, LLC d/b/a Spring Legal Group, Greene Legal Group, LLC d/b/a Newport Legal Group, and Gardner Legal, LLC d/b/a Option 1 Legal (collectively the "Law Firms"), by and through their counsel, Roetzel & Andress, LPA, filed a motion in this chapter 13 case[1] to procedurally consolidate seventeen (17) separate chapter 7 and 13 cases, six (6) of which are pending in Dayton before this Court, and eleven (11) of which are pending before United States Bankruptcy Judges

[1] As of the date of issuance of this Order, it does not appear that a motion to procedurally consolidate has been filed in any of the other sixteen (16) cases that the Law Firms seek to consolidate before this Court.

Nami Khorrami and Strelow Cobb in Columbus.[2] *See* Law Firms' Motion for Procedural Consolidation (Doc. 23) (the "Motion"). The Motion requests procedural consolidation pursuant to 28 U.S.C. § 105,[3] Bankruptcy Rule 1015, Local Bankruptcy Rule ("LBR") 1015-2, and Bankruptcy Rule 7042, of "virtually identical Motions to Determine Excessiveness and Unreasonableness of Fees filed by Andrew R. Vara, the U.S. Trustee for Regions 3 and 9 (collectively, the 'Trustee's Motions')[,]" which "are each brought under 11 U.S.C. § 329(b)." Mot. at 1, 6 (Argument, § II). But the Motion was only filed in this one chapter 13 case.

While the statutory basis of the Trustee's Motions (referred to as 329 Motions below) might be virtually identical,[4] it is not possible for this Court to determine, prior to conducting any hearings, whether the facts in each case are identical. And "[f]acts are stubborn things . . . ."[5] Further, Judge Nami Khorrami already issued the first opinion in these 17 cases, adjudicating the earliest filed 329 Motion, the outcome of which was fact-dependent although based on a stipulated record. *See* Mem. Op. Granting in Part and Den. In Part Mot. to Determine Excessiveness and Unreasonableness of Fees Under 11 U.S.C. § 329(b) (Doc. 19), *In re Huff*, No. 24-54407, 2025 WL 3286052, at *1, 10 (Bankr. S.D. Ohio Nov. 25, 2025) (Doc. 49) (granting the U.S. Trustee's motion "with respect to the $106.95 in fees received by Option 1 Legal in the year before the Petition Date."). Further, the 329 Motion already decided by Judge Nami Khorrami involved Option 1 Legal, which is not involved in any of the other cases.[6] There are also issues concerning: (a) the power of one judge to consolidate cases pending before other judges, as further discussed below; (b) geography; and (c) the fact that the only thing in common between these cases are the

[2] 28 U.S.C. § 152(c)(1) provides "[e]ach bankruptcy judge may hold court at such places within the judicial district, in addition to the official duty station of such judge, as the business of the court may require." The "sitting" locations about are each judicial officer's official duty station.

[3] Given that this statute concerns the division of Missouri into judicial districts, the Court presumes that counsel intended to cite to 11 U.S.C. § 105, concerning what has often been referred to as bankruptcy court's "equitable powers."

[4] A comparison of the Trustee's (329) Motions filed in the *In re Huff*, 24-54407 and *In re Freeman*, 24-31728 cases reveals that the Legal Analysis sections are substantively the same and the factual backgrounds are in a similar format, although modified to address the facts of each case.

[5] "Adams' Argument for the Defense: 3–4 December 1770," *Founders Online,* National Archives, https://founders.archives.gov/documents/Adams/05-03-02-0001-0004-0016. [Original source: *The Adams Papers*, Legal Papers of John Adams, vol. 3, *Cases 63 and 64: The Boston Massacre Trials*, ed. L. Kinvin Wroth and Hiller B. Zobel. Cambridge, MA: Harvard University Press, 1965, pp. 242–270.]

[6] Given that this case has already been decided, it is no longer a candidate for procedural consolidation.

contested matters initiated by the United States Trustee's Office. Because these are consumer chapter 7 and 13 cases, not business cases, procedural consolidation could impose undue burdens on the parties to attend hearings in Dayton for cases filed in Columbus and vice versa. And the Law Firms are only involved in one contested matter in each case, not the whole case, such that procedural consolidation of the entire cases, if even possible, would be overkill. But there is also no basis for consolidation of the entire cases, as opposed to just the contested matters. And for the reasons explained below the Court will not procedurally consolidate all the contested matters. The Court, however, is willing to schedule an initial status conference for all the contested matters in the cases pending in Dayton (but not the whole cases) to better assess whether there would be any efficiencies in hearing and determining this subset of six (6) pending contested matters together.

II. Background

During the period from April 11, 2025 through September 15, 2025, Andrew R. Vara, the United States Trustee for Regions 3 and 9 (the "U.S. Trustee") filed a *Motion to Determine Excessiveness and Unreasonableness of Fees Under 11 U.S.C. § 329(b)* in each of the following seventeen cases (collectively, the "329 Motions"), involving the following Law Firms, six of which (collectively, the "Dayton matters") are before Judge Crist:

1. *In re Freeman*, 24-31728: Hallock & Associates;
2. *In re Price*, 24-32048:[7] Hallock & Associates;
3. *In re Thomas*, 24-32084: Brandon Ellis Law Firm;
4. *In re Bohn*, 24-32222: Brandon Ellis Law Firm;
5. *In re Johnson*, 24-32250: Brandon Ellis Law Firm; and
6. *In re Abel*, 25-30088: Brandon Ellis Law Firm;

Seven of which are before Judge Nami Khorrami:

1. *In re Baisden*, 24-52898: Hallock & Associates;
2. *In re Palkowski*, 24-53647: Brandon Ellis Law Firm;
3. *In re Huff*, 24-54407: Option 1 Legal;[8]
4. *In re Underhill*, 24-55138: Spring Legal Group;

[7] Although correct in Exhibit A attached to the Motion, within the Motion the case number for *In re Price* was missing the terminal digit, 8.

[8] As noted above, the 329 Motion filed in this case was decided on November 25, 2025.

5. *In re Zonker*, 25-50749: Hallock & Associates;
6. *In re Stonerock*, 25-51184: Brandon Ellis Law Firm; and
7. *In re Telzrow*, 25-51706: Brandon Ellis Law Firm;

And four of which (together with the matters before Judge Nami Khorrami, the "Columbus matters") are before Judge Strelow Cobb:

1. *In re Rhodes*, 24-53341: Hallock & Associates;
2. *In re Ingram*, 25-50653: Hallock & Associates;
3. *In re Townsend*, 25-52194: Newport Legal Group; and
4. *In re Conger*, 25-52204: Hallock & Associates.

The first 329 Motion was filed in the *Huff* case on April 11, 2025, before Judge Nami Khorrami, and has already been decided as noted above. *In re Huff*, No. 24-54407, 2025 WL 3286052. By comparison, the 329 Motion filed in this case before Judge Crist was filed on September 16, 2025. *See* Doc. 21. And the 329 Motions filed in the remaining fifteen (15) cases were filed on September 15, 16, 17, 19, and 22, 2025. *See In re Price*, 24-32048 (Doc. 29); *In re Thomas*, 24-32084 (Doc. 21); *In re Bohn*, 24-32222 (Doc. 31); *In re Johnson*, 24-32250 (Doc. 22); *In re Baisden*, 24-52898 (Doc. 23); *In re Rhodes*, 24-53341 (Doc. 30); *In re Palkowski*, 24-53647 (Doc. 55); *In re Underhill*, 24-55138 (Doc. 43); *In re Abel*, 25-30088 (Doc. 30); *In re Ingram*, 25-50653 (Doc. 19); *In re Zonker*, 25-50749 (Doc. 35); *In re Stonerock*, 25-51184 (Doc. 53); *In re Telzrow*, 25-51706 (Doc. 31); *In re Townsend*, 25-52194 (Doc. 15); *In re Conger*, 25-52204 (Doc. 18).

In all but the *Huff* case, after stipulated extensions of time, the Law Firms recently filed responses to the 329 Motions on December 12, 2025, such that these contested matters may now be in a posture to schedule for status conferences or hearings.

III. Analysis

Rule 42(a) of the Federal Rules of Civil Procedure (the "Civil Rules"), made applicable to contested matters in bankruptcy cases by Bankruptcy Rules 9014(c) and 7042, provides that "[i]f actions before the court involve a common question of law or fact, the court may do one of the following:

(1) join for hearing or trial any or all matters at issue in the actions;
(2) consolidate the actions; or
(3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a). Because only the contested matters initiated by the 329 Motions are at issue and because there is no basis to consolidate the entire bankruptcy cases, as analyzed below, the contested matters are the "actions," in the parlance of Civil Rule 42, that the Court will consider for potential consolidation.

Civil Rule 42 does not govern the consolidation of entire bankruptcy cases given there are different considerations at play, as further discussed below, but it can apply to the consolidation of either adversary proceedings or contested matters within bankruptcy cases. Thus, case law such as *Troy Stacy Enterprises Inc. v. Cincinnati Insurance Company*, 337 F.R.D. 405 (S.D. Ohio 2021) (concerning the consolidation of civil actions raising "claims related to insurance coverage for business interruption losses" under Civil Rule 42(a)) does not apply to or support the consolidation or joint administration of bankruptcy cases, which are governed by Bankruptcy Rule 1015 and LBR 1015-2, or the substantive consolidation doctrine, often said to be rooted in the general powers provision of the Bankruptcy Code, 11 U.S.C. § 105(a)). As explained below, none of those apply either; however, the Court may have the power to consolidate contested matters under Civil Rule 42. *See State Bank v. Miller* (*In re Miller*), 459 B.R. 657, 670 (B.A.P. 6th Cir. 2011) (observing that "Federal Rule of Civil Procedure 42, which applies in contested matters, Fed. R. Bankr. P. 7042 and 9014, grants broad discretion to the bankruptcy court to decide how cases are to be tried 'so that the business of the court may be dispatched with expedition and economy while providing justice to the parties.' " (quoting *Iron-Oak Supply Corp. v. NIBCO, Inc.* (*In re Iron-Oak Supply Corp.*), 162 B.R. 301, 304 (Bankr. E.D. Cal. 1993) (quoting 9 Charles A. Wright & Arthur R. Miller, *Fed. Prac. & Proc.* § 2381 (1971))), *aff'd by* 513 F. App'x 566, 570 (6th Cir. Feb. 5, 2013) (noting that "[t]he Bank did not object to this order [of consolidation]")).

The Motion requests "transfer of the cases to either Judge Tyson A. Crist in the instant matter (the first-filed case) or to Judge Nami Khorrami, who is assigned the *In [r]e Arlene Huff* matter (Case No. 24-54407)." However, when the bankruptcy cases were filed is less important than when the 329 Motions were filed, as the Law Firms appear to only be involved in these cases because of the 329 Motions. In fact, the present Motion to consolidate cases was not filed until October 27, 2025, which was more than two months after Judge Nami Khorrami held a hearing on

the fully briefed 329 Motion in the *Huff* case on August 13, 2025.[9] Moreover, apart from the 329 Motions, the Law Firms do not state there are any other similarities between the cases and there is no stated basis to consolidate or jointly administer the cases in their entirety, as opposed to just consolidating the contested matters involving the 329 Motions. In other words, the Law Firms do not argue that the chapter 7 and 13 cases are related in any of the ways relevant for the purposes of consolidation or joint administration of entire bankruptcy cases under Bankruptcy Rule 1015 and LBR 1015-2, which are inapplicable to this circumstance. *See* Fed. R. Bankr. P. 1015(a) (concerning consolidation of cases involving the same debtor); Fed. R. Bankr. P. 1015(b) (concerning joint administration of cases involving related debtors, such as spouses, partnerships and general partners, and affiliates).[10] In fact, the advisory committee notes to Bankruptcy Rule 1015 state, in pertinent parts, that "[t]his rule does not deal with the consolidation of cases involving two or more separate debtors" and "[c]onsolidation, as distinguished from joint administration, is neither authorized nor prohibited by this rule since the propriety of consolidation depends on substantive considerations and affects the substantive rights of the creditors of the different estates."). Fed. R. Bankr. P. 1015, Advisory Committee Note (1983).

As it concerns 11 U.S.C. § 105, that provision is sometimes invoked as support for the judicially created substantive consolidation doctrine, but the Law Firms have not mentioned this doctrine and it would not have any application to these cases in any event. *See, e.g.*, *In re Holiday Ham Holdings, LLC*, Nos. 23-23313 and 23-23685, 2023 Bankr. LEXIS 2775, at *8 (Bankr. W.D. Tenn. Nov. 17, 2023) ("Substantive consolidation is defined as 'a judicially created doctrine, stemming from the Court's equitable powers under § 105 of the Bankruptcy Code, that treats separate entities as one, pooling their assets into a common fund that can be used to satisfy the liabilities of both entities.' " (quoting *Bavely v. Daniels* (*In re Daniels*), 641 B.R. 165, 191 (Bankr. S.D. Ohio 2022) (citing *Huntington Nat'l Bank v. Richardson* (*In re Cyberco Holdings, Inc.*), 734 F.3d 432, 438-39 (6th Cir. 2013))). And it is very doubtful that § 105(a) could be invoked to

[9] In addition to the 329 Motion (24-54407, Doc. 19), there was a response filed by Gardner Legal, LLC ("Option 1 Legal") (24-54407, Doc. 23) and the U.S. Trustee's reply (24-54407, Doc. 27), and the parties filed post-hearing supplemental briefs in accordance with the *Agreed Order Setting Briefing Schedule* (24-54407, Doc. 39) entered by Judge Nami Khorrami on August 15, 2025.

[10] Counsel cites Bankruptcy Rule 1015 and LBR 1015-2 as bases to consolidate these cases. However, Bankruptcy Rule 1015 only pertains to the consolidation or joint administration of cases involving the same debtor or related debtors by virtue of the debtors being spouses or related business entities. And LBR 1015-2 provides for assignment or reassignment of such related cases by the Court.

support the consolidation of bankruptcy cases outside the context of substantive consolidation given that there is some disagreement over whether the general powers provision, § 105(a), is even an appropriate basis for substantive consolidation given the "admonition that 'whatever equitable powers remain in the bankruptcy courts must and can only be exercised within the confines of the Bankruptcy Code.' " *In re Cyberco Holdings, Inc.*, 431 B.R. 404, 422 (Bankr. W.D. Mich 2010) (quoting *Norwest Bank Worthington v. Ahlers*, 485 U.S. 197, 206 108 S. Ct. 963, 969, 99 L. Ed. 2d 169 (1988) and citing *Mitan v. Duval* (*In re Mitan*), 573 F.3d 237, 243 (6th Cir. 2009) (other citations omitted)). In short, apart from consolidating cases of the same debtor under Bankruptcy Rule 1015(a) and substantively consolidating cases under 11 U.S.C. § 105(a), neither of which apply in this circumstance, there is no other basis for consolidating bankruptcy cases. And there is no basis for joint administration of the cases under Bankruptcy Rule 1015(b).

Although the Law Firms assert that "further efficiencies will be achieved if the matters were consolidated before Judge [Nami] Khorrami, who is already handling the *In re Huff* case, Case No. 24-54407," the Motion is only filed in this one case before Judge Crist.[11] Moreover, the *Huff* case has since been resolved. As used in the Bankruptcy Rules, through which Civil Rule 42 is made applicable, the terms " '[c]ourt' or 'judge' means the judicial officer who presides over the case or proceeding." Fed. R. Bankr. P. 9001(b)(4). Consolidation under Civil Rule 42 is only available for other "actions before the court." Fed. R. Civ. P. 42(a). Accordingly, similar to the requirement in LBR 1015-2, consolidation of contested matters (or adversary proceedings) would appear to require the concurrence of the judicial officers before whom the other matters are pending, such that this Court cannot, unilaterally, order the consolidation of contested matters pending in different cases.[12] *Bennett v. Morton Bldgs., Inc.* (*In re Bennett*), No. 10-37438, 2015 Bankr. LEXIS 4107, at *6-7 (Bankr. N.D. Ohio Dec. 7, 2015) (determining that consolidation under Civil Rule 42 of adversary proceedings pending before two different judicial officers might

[11] Even though the Court has considered the Motion on the merits, it is also worth noting that the Motion was procedurally deficient because it was not accompanied by the twenty-one (21) day notice that is required for all motions and applications filed with this Court which are not excepted from the noticing requirements by Bankruptcy Rule 2002, General Order 12-4, other Local Rules, or upon order of the Court for cause shown. LBR 9013-1(a)(1)(C) and (2).

[12] Although not applicable to this circumstance, LBR 1015-2(d)(2), regarding the reassignment of cases, provides that "[a]ny reassignment of a case . . . shall require the concurrence of the judges to whom and from whom such case is to be reassigned." *See also* LBR Form 1015-2 (requiring the debtor to list all prior cases within the last eight (8) years, including the judge assigned the case).

not be possible and, even if it was, was not appropriate). Further, a motion to consolidate was not filed in any of the cases pending before Judge Nami Khorrami or Judge Strelow Cobb. Moreover, even if it were possible, it does not appear sensible to consolidate the Dayton matters and the remaining Columbus matters—the contested matters initiated by the 329 Motions—due to the burden that might impose upon the parties to consumer chapter 7 and 13 cases, which are very time and cost sensitive. And the Court cannot readily determine at this time, based on the limited record before it and the factually dependent tests at issue in analyzing the application of 11 U.S.C. § 329(b), whether it would be appropriate to consolidate the Dayton matters.[13]

IV. Conclusion

For all the foregoing reasons, the *Law Firms' Motion for Procedural Consolidation* (Doc. 23) is hereby **DENIED** with respect to the request to consolidate the seventeen (17) bankruptcy cases. The Law Firms' Motion is also hereby **DENIED** with respect to the request to consolidate the contested matter already decided by Judge Nami Khorrami, and the ten (10) other contested matters in the chapter 7 and 13 cases pending in Columbus—the Columbus matters.

With respect to the contested matters in the six (6) cases pending before this Court—the Dayton matters—and considering that the Law Firms recently filed responses to the 329 Motions, the Court will separately schedule a status conference in each of the contested Dayton matters, part of which will be to determine if there would be any efficiencies in hearing and determining those contested matters together. In this limited respect the Motion is hereby held in abeyance. Scheduling orders will be separately entered in the Dayton matters.

IT IS SO ORDERED.

Copies to: Default List

Pamela Arndt (Counsel for the United States Trustee)

[13] *See In re Huff*, No. 24-54407, 2025 WL 3286052, at *6 (describing the analysis of § 329(b) as involving examination of two tests: (1) the " 'in contemplation of' " test as "a subjective test based on the debtor's mental state[;]" and (2) the " 'in connection with' the bankruptcy case" test which "is generally a more objective inquiry." (quoting *In re Mayeaux*, 269 B.R. 614, 622 (Bankr. E.D. Tex. 2001) and *In re Keller Fin. Servs. of Fla., Inc.*, 248 B.R. 859, 878-79 (Bankr. M.D. Fla. 2000))). In addition, there is the issue of whether the fees were paid within the one-year reachback period, which might (or might not) be subject to equitable tolling based on "fraud, concealment, or similar misconduct." *Id.* at *7 (citing *Arens v. Boughton* (*In re Prudhomme*), 43 F.3d 1000, 1003 (5th Cir. 1995)). For the avoidance of doubt, this Court is not deciding any of these issues at this time, merely noting the parameters of the legal analysis that appears to lie ahead in adjudicating the 329 Motions.

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