



Dated: February 25, 2020
The following is ORDERED:

Jennie D. Latta

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UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In re
WILLIAM H. THOMAS, JR.,
Debtor.

Case No. 16-27850-L
Chapter 11

**ORDER DENYING “MOTION TO COMPEL REPORT FROM THE U.S. TRUSTEE
AND APPEARANCE BY THE U.S. TRUSTEE TO PROVIDE TESTIMONY
AT THE HEARING ON DEBTOR’S MOTION ECF NO. 759”**

THE MOTION OF THE DEBTOR, William H. Thomas, Jr., styled “Motion to Compel Report from the U.S. Trustee and Appearance by the U.S. Trustee to Provide Testimony at the Hearing on Debtor’s Motion ECF No. 759” [Dkt. No. 791], was filed January 23, 2020. The Debtor asks that the court order the Office of the United States Trustee:

- (1) “[T]o provide a written report of this case which includes its review of whether the Trustee, Michael Collins has complied with his duties under 11 U.S.C. § 706 regarding the matters set forth in Debtor’s letter dated January 23, 2020 which is attached as Exhibit A.”

(2) “[A]ddress whether the Trustee, Michael Collins has a conflict of interest representing the estate and those entities that are not Debtor’s including TI Properties, LLC and WT Barge, LLC.”

Paul A. Randolph, Acting United States Trustee for Region 8 (the “UST”), objected to the motion on February 19, 2020 [Dkt. No. 839]. Among other things, the UST notes that the Debtor failed to comply with Department of Justice regulations which set forth procedures for obtaining testimony and documents from employees of the Department of Justice. The UST also notes that if the Debtor is dissatisfied with the performance of the Trustee in Bankruptcy, he should avail himself of the remedy provided at 11 U.S.C. § 1105, which provides:

At any time before confirmation of a plan, on request of a party in interest or the United States trustee, and after notice and a hearing, the court may terminate the trustee’s appointment and restore the debtor to possession and management of the property of the estate and of the operation of the debtor’s business.

Contemporaneously herewith, the court has entered its “Order Denying Debtor’s ‘Motion to Compel Report from the Trustee and Appearance by the Trustee to Provide Testimony at the Status Conference Set for January 16, 2020,’” the motion referred to by the Debtor as “ECF 759.” As stated in that order, the court is satisfied with the activities of the Trustee and the motion was redundant in light of the court’s prior orders.

In accordance with regulations promulgated pursuant to *United States ex rel. Touhy v. Ragen*, 34 U.S. 462 (1951), in cases in which the United States is not a party, Department of Justice employees may not “produce any material contained in the files of the Department, or disclose any information relating to or based upon material contained in the files of the Department, or disclose any information or produce any material acquired as part of the performance of that person’s official duties or because of that person’s official status” absent approval from Department officials. 28 C.F.R. § 16.22(a). The UST is not a party to any pending contested matter or

proceeding in this bankruptcy case. Thus, the Debtor may not compel testimony or the production of documents or reports from the UST's employees.

As a result of the denial of the Motion to Compel Report from the Trustee [Dkt. No. 759], and for the reasons stated in the UST's objection, the "Motion to Compel Report from the U.S. Trustee and Appearance by the U.S. Trustee to Provide Testimony at the Hearing on Debtor's Motion ECF No. 759" is **DENIED**.

cc: Debtor (pro se)
Chapter 11 Trustee
Attorney for Chapter 11 Trustee
United States Trustee
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