

BANKRUPTCY ^{UP}DATE

January 19, 2023

If someone else would like to receive these ^{UP}dates, please send an e-mail to Shan_Stroup@sdb.uscourts.gov.

Laura Kulm Ask Appointed Bankruptcy Judge

The United States Court of Appeals for the Eighth Circuit recently announced its appointment of Laura L. Kulm Ask as a United States Bankruptcy Judge for the District of South Dakota, effective January 16, 2023.

[Press Release from the Eighth Circuit Court of Appeals](#)

CLN Decision

You can use the link in the "Links" section below to view the following decision:

In re Total Fire Protection, Inc.

Issue: Whether a creditor was allowed to file a proof of claim after the deadline for filing claims had expired under Fed.R.Bankr.P. 9006(b)(1) due to excusable neglect?

Ruling: No. Of the four equitable factors to be considered in determining whether the creditor's neglect was excusable, as defined in *Pioneer Investment Services Co. v. Brunswick Associates Ltd. P'ship*, 507 U.S. 380 (1993), one weighed against the creditor, one was neutral, and one weighed in

the creditor's favor, which did not overcome the principal factor of "the reason for the delay," which heavily weighed against the creditor. There was no record establishing what, if anything, the creditor did in response to receiving the initial notice of bankruptcy.

Links

In re Total Fire Protection, Inc.

Previous Bankruptcy ^{UP}dates

As always, should you have questions regarding this ^{UP}date or anything else concerning your dealings with the Court or the Clerk's office, please let us know.