

1 In her Motion for Sanctions, Plaintiff argued that Rule 11 sanctions should be
2 imposed because the heidipowell.com domain name is “the property of the
3 bankruptcy estate.” ECF No. 34 at 6. In response, Defendants explained that: (1) it
4 is irrelevant who “owns” the domain name, as Defendants were and are the registrant
5 of the heidipowell.com domain name; and (2) even if ownership of the domain name
6 were relevant, “Plaintiff cannot establish that the bankruptcy estate owns the domain
7 name.” ECF 34 at 7-10.

8 The supplemental information demonstrates that the bankruptcy trustee
9 himself agrees with Defendants. On December 30, 2016, the bankruptcy trustee filed
10 a notice that he was withdrawing his motion to sell the domain name to Plaintiff. *See*
11 Exhibit A. Then, on January 3, 2017, the bankruptcy trustee filed papers
12 “withdraw[ing] his motion authorizing the sale to [Plaintiff] for \$10,000 of the
13 bankruptcy estate’s interest in the domain name <https://www.heidipowell.com>, and
14 bring[ing] another motion to instead sell the non-exempt equity in said domain name
15 for \$2,047.00 to [Defendants].” *See* Exhibit B at 1. In his motion, the bankruptcy
16 trustee specifically acknowledged that “[i]t is unclear whether the domain name is an
17 asset of the bankruptcy estate.”¹

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20 ¹ Although it appears that Plaintiff is attempting to convince the bankruptcy trustee to
21 change positions by offering more money in her unrelenting quest to take the domain
22 name away from Defendants, this does not alter the bankruptcy trustee’s admission in the
attached court filings that the estate may not own the domain.

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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of January 2017, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such Filing (NEF) to the following:

Maria Crimi Speth, Esq.
Laura Rogal, Esq.
Jaburg & Wilk, P.C.
3200 N. Central Avenue, 20th Floor
Phoenix, AZ 85012
Counsel for Plaintiff

 /s/ David E. Weslow /s/
David E. Weslow
Ari S. Meltzer
Attorneys for Defendants
Kent and Heidi Powell

EXHIBIT A

MIME-Version:1.0

From:ecfwebmaster@wawb.uscourts.gov

To:ecfwebmaster

Bcc: christina.fogg@usdoj.gov, christine.leininger@usdoj.gov, sherri@lesterhyldahl.com, tom@lesterhyldahl.com

Do not notice for BK case:

Message-Id:<29680334@wawb.uscourts.gov>

Subject:Kent Douglas Powell and Heidi Powell 12-11140-MLB Ch 7 Notice to Court Motion Withdrawn, Hearing Stricken

Content-Type: text/html

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U.S. Bankruptcy Court

Western District of Washington

Notice of Electronic Filing

The following transaction was received from Dennis Lee Burman entered on 12/30/2016 at 7:15 PM PST and filed on 12/30/2016

Case Name: Kent Douglas Powell and Heidi Powell

Case Number: [12-11140-MLB](#)

Document Number:

Docket Text:

Notice to Court Motion Withdrawn, Hearing Stricken on Date of Hearing: 1/11/2017. Filed by Dennis Lee Burman on behalf of Dennis Lee Burman. (Related document(s)[25] Ch 7 Tr Motion, [26] Trustee or UST Notice of Hearing mailed by BNC, Minutes Hearing Held). (Burman, Dennis)

The following document(s) are associated with this transaction:

12-11140-MLB Notice will be electronically mailed to:

Dennis Lee Burman
dburman@premier1.net, dburman@ecf.epiqsystems.com

Christina Fogg on behalf of Defendant United States Department of Education
christina.fogg@usdoj.gov, christine.leininger@usdoj.gov

Thomas E. Lester on behalf of Debtor Kent Douglas Powell
sherri@lesterhyldahl.com, tom@lesterhyldahl.com

Thomas E. Lester on behalf of Joint Debtor Heidi Powell
sherri@lesterhyldahl.com, tom@lesterhyldahl.com

Thomas E. Lester on behalf of Plaintiff Heidi Powell
sherri@lesterhyldahl.com, tom@lesterhyldahl.com

Thomas E. Lester on behalf of Plaintiff Kent Douglas Powell
sherri@lesterhyldahl.com, tom@lesterhyldahl.com

United States Trustee
USTPRegion18.SE.ECF@usdoj.gov

12-11140-MLB Notice will not be electronically mailed to:

EXHIBIT B

JUDGE MARC L. BARRECA
Chapter: 7
Hearing Location: Marysville, WA
Hearing Date: : January 25, 2017
Hearing Time: 10:00 a.m.
Response Date: January 18, 2017

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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re:) Chapter 7
) Case No. 12-11140 MLB
KENT DOUGLAS POWELL and)
HEIDI POWELL,) **MOTION FOR ORDER APPROVING**
) **SALE OF NON-EXEMPT EQUITY IN**
Debtors.) **DOMAIN NAME BACK TO DEBTORS**
)
)

Dennis Lee Burman, Trustee, now withdraws his motion for an order authorizing the sale to another individual named Heidi Powell for \$10,000.00 of the bankruptcy estate’s interest in the domain name <https://www.heidipowell.com>, and brings another motion to instead sell the non-exempt equity in said domain name for \$2,047.00 to Debtors.

Debtor did not initially schedule the domain name. Only after the case was reopened and the Trustee moved to sell the domain name for \$10,000.00 did the Debtors assert an exemption in the domain name in the amount of \$7,953.00. Trustee timely objected to the claim of exemption.

It is unclear whether the domain name is an asset of the bankruptcy estate. It is unclear whether Debtors properly claimed the exemption in the domain name. Under the circumstances, given that it’s possible that the estate might end up with no funds at all, and given that the estate would not receive more than \$2,047.00 if the exemption was allowed by the Court and the sale to the other Heidi Powell was allowed by the Court, Trustee has chosen to sell the non-exempt

MOTION FOR ORDER APPROVING SALE OF NON-EXEMPT EQUITY IN DOMAIN NAME BACK TO DEBTORS

Dennis Lee Burman, Attorney at Law
1103 Ninth Street
P.O. Box 1620
Marysville, WA 98270
Phone (360) 657-3332
Fax (360) 657-3522

1 portion of the domain name back to Debtors.

2 DATED: December 30, 2016 /s/ Dennis Lee Burman

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DENNIS LEE BURMAN, WSBA #7875
Attorney for Trustee

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**MOTION FOR ORDER APPROVING SALE OF NON-
EXEMPT EQUITY IN DOMAIN NAME BACK TO
DEBTORS**

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