

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:)
) Case No. 15-02741-TOM7
NEW WEI, INC., et al.)
) Chapter 7
Debtor(s))

MOTION FOR AUTHORITY AS TO CERTAIN FUNDS

In June 2019, Chapter 7 trustee Andre M. Toffel (the “Trustee”) received \$4,388.79 (the “Funds”) from counsel for the Committee of Retired Employees as to a retiree health insurance claim due to be paid to former Walter Energy employee Floyd Ganey (“Mr. Ganey”). The Trustee and his lawyers have made multiple unsuccessful attempts to try to reach Mr. Ganey as to the Funds. It is the Trustee’s understanding that counsel for the retiree committee previously made attempts to contact Mr. Ganey as well. The Trustee will continue to hold the Funds in trust for Mr. Ganey, but seeks authority from this Court to submit the Funds to the Unclaimed Property Division of the Alabama Office of the Treasurer when this Chapter 7 case is closed *unless Mr. Ganey claims them before that time*. A proposed order granting the relief sought in this Motion is attached here as Exhibit A and a copy of this Motion will be served upon Mr. Ganey at his last known address.

THEREFORE, the Trustee asks this Court to enter an Order, substantially in the form of the document attached as Exhibit A, authorizing the Trustee to submit the Funds to the Unclaimed Property Division of the Alabama Office of the Treasurer when this Chapter 7 case is closed if Mr. Ganey does not claim them before that time.

Dated: December 8, 2020

/s/ Thomas B. Humphries
 Stephen B. Porterfield
 Thomas B. Humphries
 Attorneys for Andre M. Toffel, Trustee



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CERTIFICATE OF SERVICE

I hereby certify that on this the 8th day of December, 2020, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing all persons and entities that have filed a request for service of filings in this case pursuant to Bankruptcy Rule 2002.

In addition, the forgoing pleading will be served via U.S. Mail upon:

**Mr. Floyd Ganey
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Panama City, FL 32404**

Where appropriate, electronic notice will also be provided to the following:

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/s/ Thomas B. Humphries
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EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

In re:)
) Case No. 15-02741-TOM7
NEW WEI, INC., et al.)
) Chapter 7
Debtor(s))

**ORDER GRANTING THE CHAPTER 7 TRUSTEE’S MOTION FOR AUTHORITY AS
TO CERTAIN FUNDS**

This case is before the Court upon the *Motion for Authority as to Certain Funds* (the “Motion for Authority”) filed by Chapter 7 Trustee, Andre M. Toffel (the “Trustee”). This Court has jurisdiction to hear and finally decide this matter pursuant to 28 U.S.C. §§ 1334 and 157, along with the General Order of Reference from the District Court. Adequate notice of the Motion for Authority was either provided or was not necessary under the circumstances. Hearing no objections, the Court finds that sufficient cause exists to **GRANT** the Motion for Authority. The Trustee is **ORDERED** to hold the \$4,388.79 in retiree health insurance funds (the “Funds”) in trust for former Walter Energy employee Floyd Ganey until this Chapter 7 case is closed. Unless the Funds are claimed by Mr. Ganey prior to the closing of this case, the Trustee is authorized to submit the Funds to the Unclaimed Property Division of the Alabama Office of the Treasurer. The Trustee is also directed to serve a copy of this Order upon Mr. Ganey at his last known address.

DONE and ORDERED THIS ____ day of December, 2020.

TAMARA O. MITCHELL,
UNITED STATES BANKRUPTCY JUDGE