

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

In re)	
)	Chapter 7, No. 07-43128-JBR
GAILON ARTHUR JOY)	
)	
Debtor)	
)	

FIFTH MOTION TO EXTEND TIME TO OBJECT TO DISCHARGE
OR TO DETERMINE THE DISCHARGEABILITY OF A DEBT

To the HONORABLE JOEL B. ROSENTHAL, Bankruptcy Judge:

Now comes Three Angels Broadcasting Network, Inc., ("3ABN"), a creditor and party in interest, by and through its bankruptcy counsel, Joseph B. Collins, Esq., and moves this Honorable Court, pursuant to Bankruptcy Rule 4004(b), to extend the deadline for the filing of a complaint objecting to the Debtor's Discharge pursuant to 11 U.S.C. §727(a) or a complaint to determine the dischargeability of a debt pursuant to 11 U.S.C. §523(a). In support of this Motion, 3 ABN respectfully represents as follows:

1. On August 14, 2007, the Debtor filed a Voluntary Petition under the provisions of Chapter 7 of the United States Bankruptcy Code.

2. Janice G. Marsh is the duly appointed Chapter 7 Trustee in this case and continues to serve in that capacity.

3. On September 17, 2007, the Debtor's Section 341 meeting was held. On October 4, 2007, the Trustee filed the Report of No Distribution.

4. 3ABN says that it was not listed as a creditor on the Debtor's Bankruptcy Schedules and that additional time is needed to investigate whether cause exists for the filing of a complaint objecting to the Debtor's discharge or a complaint to determine the dischargeability of a debt.

5. Furthermore, pursuant to an Order of the Court entered on March 3, 2008, 3ABN issued a Subpoena to the Debtor regarding the production of documents and to conduct a Rule 2004 Examination. That Examination was scheduled for April 15, 2008. Notwithstanding that the Subpoena requested that documents were to be produced several days earlier, the Debtor did not produce any documents until he arrived for the April 15th Examination. Furthermore, 3ABN states that the documents the Debtor did produce were minimal and not responsive to the scope of the request. Accordingly, as 3ABN did not have any substantive documents to review, the Examination did not go forward. 3ABN has been exploring its options with respect to the Debtor's lack of cooperation, anticipates rescheduling the Rule 2004 Examination for the first week or two of September 2008, giving the Debtor ample time to produce the items and documents he did not produce before. 3ABN would like to accomplish this prior to the preparation of any Complaint objecting to the Debtor's Discharge or to determine the dischargeability of debt. The current deadline is July 21, 2008, and 3ABN proposes an extension of just over 2 months, to September 26, 2008.

WHEREFORE, 3 ABN respectfully requests that the final date for filing a complaint objecting to the Debtor's discharge or a complaint to determine the dischargeability of a debt be further extended to September 26, 2008, and for such other and further relief as the Court deems just and proper.

THREE ANGELS BROADCASTING
NETWORK, INC.

Dated: July 21, 2008

By: /s/ Joseph B. Collins
JOSEPH B. COLLINS, ESQ.
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CERTIFICATE OF SERVICE

I, JOSEPH B. COLLINS, ESQ. of the law firm of HENDEL & COLLINS, P.C., 101 State Street, Springfield, Massachusetts, do hereby certify that on the 21st day of July, 2008, I electronically filed the Fifth Motion to Extend Time to Object to Discharge or to Determine the Dischargeability of a Debt. I further hereby certify that upon receipt of the Notice of electronic service of this Motion, a copy of said Motion will be served by first class mail, postage prepaid, to any of the parties listed below not noted as having received electronic service, said service being made on the 21st day of July, 2008:

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