

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MAINE

In re:

FRANCIS TRUST, LLC,

Debtor.

Chapter 11

Case No. 25-10064

**ORDER DENYING SUBCHAPTER V TRUSTEE'S REQUEST  
FOR AN EMERGENCY STATUS CONFERENCE AND SHOW CAUSE ORDER**

On September 5, 2025, Jeffrey T. Piampiano, Esq., in his capacity as Subchapter V Trustee (the "Trustee"), filed the *Subchapter V Trustee's Request for the Court to Conduct an Emergency Status Conference and to Issue an Order Requiring the Debtor to Show Cause as to Why This Matter Should Not Be Converted Immediately to Chapter 7 Or, In the Alternative, Why the Trustee Should Not Be Authorized to Operate the Debtor in Chapter 11, With Request for Expedited Determination* (Docket Entry ("D.E.") 123) (the "Trustee's Motion"). The proposed show cause order attached to the Trustee's Motion: (1) directs the Debtor and its principals to appear at a hearing to show cause why the Court should not convert the case or expand the Trustee's powers; (2) provides that, in the event the Debtor fails to appear, the case shall be converted to chapter 7 and the Trustee shall be appointed as the chapter 7 trustee; (3) provides that attorney Randy Creswell, Esq. shall appear at the hearing on behalf of the Debtor and be entitled to compensation in the form of an administrative expense claim; and (4) states that the Debtor's principals shall be represented by an attorney from the United States Federal Public Defender's office or private criminal counsel of their choosing (the "Show Cause Order").

It is unclear whether the Trustee is asking in his request for expedited relief for the Court to issue the Show Cause Order immediately or to schedule a status conference, following which,

the Court would enter the Show Cause Order. Either way, the Court will deny the Trustee's Motion.

There is currently pending before this Court a motion filed by the Office of the United States Trustee (the "UST") seeking dismissal of this case pursuant to 11 U.S.C. § 1112(b)(4)(C) for failure to maintain insurance (D.E. 120) (the "UST's Motion"). The hearing on that motion is scheduled for September 9, 2025. The Court did not set a deadline to object to the UST's motion; parties may object orally at the September 9, 2025 hearing. In deciding whether to grant the UST's Motion, the Court must consider whether dismissal or conversion is in the best interests of creditors and the estate. 11 U.S.C. § 1112(b)(1). Considering the statute's requirements, the Trustee's request for a status conference or a show cause hearing to consider conversion of the case is duplicative of the relief sought in the UST's Motion. The Court likewise considers the Trustee's request to consider an expansion of his Subchapter V trustee powers to be a relevant consideration under the best interest of the creditors and the estate requirement of 11 U.S.C. § 1112(b)(1) given that paragraph's reference to the appointment of a trustee under 11 U.S.C. § 1104(a).

Since the Court finds that no separate hearing is necessary, the rest of the relief requested in the Trustee's Motion is moot. To the extent, however, that the Trustee suggests the Court should appoint an attorney to represent the Debtor in connection with the UST's motion seeking dismissal, the Court disagrees. While it is possible that the Debtor will not have counsel during the hearing on that motion, the Court will not, absent extraordinary circumstances, set a precedent of appointing counsel for debtors following withdrawal of prior counsel.

Finally, the Court finds it unnecessary for the Debtor's principals to appear either personally or through criminal counsel. The urgency of the insurance issue, coupled with the

small number of claims and assets weigh heavily in favor of a speedy determination as to whether the case should be dismissed or converted. The Court sees no need at this point to delve into larger issues which might implicate Title 18 of the United States Code.

For these reasons, the Trustee's Motion is hereby DENIED in its entirety without prejudice to the Trustee's rights to raise issues regarding conversion and/or an expansion of his duties in connection with the UST's Motion.

Dated: September 8, 2025

/s/ Peter G. Cary  
Judge Peter G. Cary  
United States Bankruptcy Judge