

[REDACTED] (USTP)

From: [REDACTED] (USTP)
Sent: Friday, January 3, 2020 11:13 AM
To: [REDACTED]
[REDACTED] attorney fee balance

Dear Attorney [REDACTED]:

The disclosure of compensation of attorney filed in the above case indicates that your Office received \$0 in compensation prior to filing and that there was a balance due of \$ [REDACTED].

The plain language of §330 (a) precludes an award of debtors' attorneys' fees from the chapter 7 bankruptcy estate. See *Lamie v. United States Trustee*, 540 U.S. 526 (2004). Liability for services rendered to the debtor *pre-petition* is no different from any other Pre-petition liability. It ceases to be a liability upon the entry of a discharge order. Collection activity based upon such a claim would violate the discharge injunction. See § 727(b). Collection activity during the pendency of the case would violate the automatic stay. See § 362.

In furtherance of the duties entrusted to this office under 11 U.S.C. § 307, 28 U.S.C. § 586(a) and Federal Bankruptcy Rules 2016(b) and 2017(b), I request that you return all funds paid to your office post-petition from the above debtor for any pre-petition obligation. Please provide to me, within 15 days of receipt of this correspondence, a copy of a letter of transmittal and a check made out to the debtor. Please also confirm to me in your letter that you will no longer seek to collect from your chapter 7 clients fees for pre-petition services that are subject to either the automatic stay and or the discharge injunction. Also, please file with the Court an updated Rule 2016(b) statement showing no fee due.

Please feel free to contact me if you have any questions.

[REDACTED]
Assistant U.S. Trustee
U.S. Dept. of Justice
[REDACTED]