

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

IN RE:	§	
	§	
BUCCANEER RESOURCES, LLC, <i>et al.</i> , ¹	§	Case Nos. 14-60041 (DRJ)
	§	(Chapter 11)
	§	
Debtors.	§	Jointly Administered

**UNOPPOSED MOTION TO CONSOLIDATE (i) LIQUIDATING TRUSTEE’S
OBJECTION TO PROOFS OF CLAIM FILED BY PATRICK O’CONNOR [DOC. NO.
815] AND (ii) COMPLAINT TO AVOID AND RECOVER PREFERENTIAL
TRANSFERS PURSUANT TO 11 U.S.C. §§ 544, 547, 548 AND 550
AGAINST PATRICK O’CONNOR
[Relates to Docket No. 815 & Adversary Proceeding No. 16-06008]**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

J.A. Compton, Liquidating Trustee of the Buccaneer Liquidating Trust (“Trustee”) files this Unopposed Motion to Consolidate (i) Liquidating Trustee’s Objection to Proof of Claim filed by Patrick O’Connor [Doc. No. 815] (the “O’Connor Claim Objection”) and (ii) J.A. Compton,

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's tax identification number, are: (i) Buccaneer Energy Ltd. (0107); (ii) Buccaneer Energy Holdings, Inc. (7170); (iii) Buccaneer Alaska Operations, LLC (7562); (iv) Buccaneer Resources, LLC (8320); (v) Buccaneer Alaska, LLC (4082); (vi) Kenai Land Ventures, LLC (2661); (vii) Buccaneer Alaska Drilling, LLC (7781); (viii) Buccaneer Royalties, LLC (5015); and (ix) Kenai Drilling, LLC (6370) (“Debtors”).

Liquidating Trustee of the Buccaneer Liquidating Trust's Complaint to Avoid and Recover Preferential Transfers Pursuant to 11 U.S.C. §§ 544, 547, 548 and 550 [Doc. No. 1 in Adversary Proceeding No. 16-06008] (the "Adversary Proceeding") and respectfully state as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334.

This is a core proceeding under 28 U.S.C. § 157(b).

2. Venue in this Court is proper under 28 U.S.C. § 1409(a).

II. BACKGROUND

3. On May 31, 2014, Buccaneer Resources, LLC ("Debtor") and its affiliate debtors filed voluntary petitions in this Court seeking relief under Chapter 11 of the United States Bankruptcy Code. *See* Docket No. 1.

4. On January 13, 2015, the Bankruptcy Court entered an Order Confirming the First Amended Joint Chapter 11 Plan (Docket No. 591) (the Order Confirming the First Amended Joint Chapter 11 Plan is hereafter referred to as the "Confirmation Order") and the First Amended Joint Chapter 11 Plan, as amended, modified, and/or supplemented, is hereafter referred to as the "Confirmed Plan"). Pursuant to the Confirmed Plan, the Trustee is empowered to prosecute, litigate, and settle any causes of action, including causes of action arising against the Defendants under sections 544, 547, 548 and 550 of the Bankruptcy Code.

5. The Plaintiff is J.A. Compton, the Trustee for the Buccaneer Creditors' Liquidating Trust, which was formed and authorized by the Confirmed Plan (hereinafter defined) in the above-referenced Chapter 11 Bankruptcy Case of *In re Buccaneer Resources, LLC, et al.*, Bankruptcy Case No. 14-60041 (the "Bankruptcy Case").

6. On March 11, 2016, the Trustee initiated the Adversary Proceeding against O'Connor. *See* Docket No. 1 in Adv. No. 16-06008.

7. On March 11, 2016, the Trustee filed the O'Connor Claim Objection. *See* Docket No. 815 in Case No. 14-60041.

III. RELIEF SOUGHT

8. The Trustee requests that this Court consolidate the O'Connor Claim Objection with the Adversary Proceeding. Mr. O'Connor does not oppose procedural consolidation, but reserves all rights, claims and defenses with regard to any aspect of the O'Connor Claim Objection with the Adversary Proceeding.

IV. GROUNDS FOR RELIEF

9. This Court should consolidate the O'Connor Claim Objection and the Adversary Proceeding to promote administrative convenience, fairness and judicial efficiency. Consolidation will facilitate the orderly case management, prevent unnecessary and burdensome duplication of effort, and help ensure that these matters are resolved quickly and efficiently. This Court has broad discretion to control its own docket. *Morris v. Slappy*, 461 U.S. 1, 11 – 12 (1983); *CGB Occupational Therapy, Inc. v. RHA Health Servs., Inc.*, 357 F.3d 375, 390 – 91 (3d Cir. 2004). Federal Rule of Civil Procedure 42(a), which is made applicable herein by Rule 7042 of the Federal Rules of Bankruptcy Procedure, allows this Court to enter orders appropriate to avoid unnecessary costs or delay by consolidating actions before the court involving a common question of law or fact.

10. The Court has substantial discretion to manage litigation before it. Where actions before the Court involve a common question of law or fact, the Court's discretion includes the

authority to (i) join for hearing or trial any or all matters at issue, (ii) consolidate the actions, or (iii) issue any other orders to avoid unnecessary cost or delay. FRCP 42(a).

11. The O'Connor Claim Objection and the Adversary Proceeding both involve whether O'Connor received transfers that are voidable and recoverable under Sections 544, 547, 548, and 550 of the Bankruptcy Code. In the Adversary Proceeding, the Trustee contends that O'Connor received from the Debtors \$33,739.87 during the Preference Period that is voidable and recoverable under Sections 547, 548 and 550 of the Bankruptcy Code.

12. The Trustee has objected to O'Connor's Proofs of Claim under Section 502(d) of the Bankruptcy Code. The Trustee's Section 502(d) objection relates to the very same transfers the Trustee is attempting to avoid and recover in the Adversary Proceeding.

13. Consolidation will avoid the judicial inefficiencies and unnecessary complexity created by having multiple orders, motions and pleadings concerning substantially the same matters in the various contested matters before this Court. Given the affinity and similarities among the O'Connor Claim Objection and the Adversary Proceeding, there is no reason why any pleadings and decisions entered in one matter should not apply to the other related matters.

V. CONCLUSION AND PRAYER

14. Based on these authorities, this Court may consolidate the O'Connor Claim Objection and Adversary Proceeding for all purposes. This procedural consolidation should consist of all pleadings, motions, orders and other papers related to the O'Connor Claim Objection and/or the Adversary Proceeding should be filed in the Adversary Proceeding and shall be effective in all respects in each and every of the O'Connor Claim Objection and the Adversary Proceeding.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully request this Motion be granted and the O'Connor Claim Objection and the Adversary Proceeding be consolidated.

Dated: April 12, 2016

Respectfully submitted,

SNOW SPENCE GREEN, LLP

By: /S/ Aaron M. Guerrero

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**ATTORNEYS FOR J. A. COMPTON,
TRUSTEE FOR THE BUCCANEER
CREDITORS' LIQUIDATING TRUST**

CERTIFICATE OF SERVICE

I certify that on the 12th day of April, 2016, a true and correct copy of the above and foregoing was served upon the following party, via email.

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/S/ Aaron M. Guerrero
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