UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re	)
AMR CORPORATION, *et al*.,	)
Reorganized Debtor.	)

Case No. 11-15463 (SHL)

Objection to AMR Corporations Motion of September 30, 2021 (Doc. 13369)

Robert Steven Mawhinney (RSMawhinney) disagrees with and objects to the *motion* entered by AMR Corporation on September 30, 2021 – "Notice of Reorganized Debtor's Motion for Order (I) Authorizing (A) Release of Excess Reserve Funds held in Disputed Claims Reserve and (B) Reimbursement of Prepetition Claim; (II) Closing the Chapter 11 Case; and (III) Granting Related Relief."

RSMawhinney proclaims that the *motion* and the statements supporting the said *motion* forward false and misleading representations before the court. The phrases relied upon in the supporting precedence raised are disingenuously isolated and do not reflect the complete position held by the court(s), committee(s), and jurist(s). This Court is now motioned by the Debtors to take action in bad faith.

The *motion* before this Court suggests that the Remaining Disputed Claims will be resolved without this Courts oversight and requests the authority to

distribute all remaining excess reserve funds and to close this case. The *motion* is based on, and relies on, the loose interpretation of "fully administered;" as if all claims have been resolved. As the *motion* reveals, not all of the claims have been resolved; "Remaining Disputed Claims."

The *motion* admits that:

> "Advisory Committee's Note to Bankruptcy Rule 3022 … sets forth the following non-exhaustive factors to be considered in determining whether a case has been fully administered: …
> (6) whether all motions, contested matters, and adversary proceedings have been finally resolved."

RSMawhinney proclaims that all the motions, contested matters, and adversary proceedings have not been finally resolved.

The *motion* further states that:

> "… substantially all Disputed Claims have been resolved and satisfied."

RSMawhinney proclaims that the statement, issued on September 30, 2021, is false; a misrepresentation of the fact, made by an officer of the court, and, made before the court.

The *motion* purposely avoids the cautionary practices and diligence that were raised in parallel with the precedence the *motion* relied on; and, that must be

exercised before considering taking the actions requested. In one example, it was held that:

> "Both the Rule and the Note make clear that the decision as to whether a final decree is appropriate belongs to the court and not the debtor or debtor's attorney – their responsibility, as the party in interest seeking the decree, is to perform the 'reasonable inquiry' mandated by *Fed. R. Bankr. P. 9011* to enable a full and complete disclosure. See 11 Collier on Bankruptcy P 9.01[3] (Lawrence P. King ed., 15th ed. Rev. 1998) ('hereinafter')(noting that motion for final decree, as with all signed papers, is subject to *Rule 9011*). The fact that the application and entry of the final decree may be merely administrative in nature, does not abrogate the duty to provide the court with all information necessary to make an informed determination as to whether a closing of the case is appropriate. Even though it may contain no blatant inaccuracies or intentional misstatements, an incomplete report which fails to alert the court to material disputes or other unresolved administrative matters cannot, by definition, be a final report since there are still open matters of estate administration. A final report should be just that: a report evidencing facts from which the court can make a determination of finality based upon a finding that there are no administrative tasks remaining to be completed." *In re Kliegl Bros.*, 238 B.R. 531, 541-42.

Additionally, RSMawhinney disagrees and objects to the suggestion that:

> "Additionally, '[a] final decree closing the case after the estate is fully administered does not deprive the court of jurisdiction to enforce or interpret its own orders and does not prevent the court from reopening the case for cause pursuant to § 350(b) of the Bankruptcy Code.'"

RSMawhinney proclaims that it would be burdensome to raise an action to return to the position that stands today. In a case raised by the Debtor, it was held:

> "While that is true, reopening requires a motion by an interested party with an opportunity to respond and object (possibly bringing into play the equitable mootness issue raised and decided in the District Court), an issue that the appellate court may or may not deal with. It is best

> not to precipitate those issues prior to the time that the Court of Appeals makes its decision. The ramifications of the appellate court decision should be before the Court before these cases are closed. What would also be avoided is any possible effect of the closing of the cases on the issues before the Court of Appeals."
> *In re SLI, Inc*., 2005 Bankr. LEXIS *8-9.

RSMawhinney disagrees and objects to the suggestion that:

> "The Debtors believe that the proposed distributions for release of excess reserve funds to holders of AMR Equity Interests and reimbursement of the Prepetition Claim Amount and expenses related to the Remaining Disputed Claims are all reasonable, appropriate, and consistent with the underlying purposes and intentions of the Plan and Bankruptcy Code."

RSMawhinney proclaims that it would not be appropriate, reasonable, or consistent with the Bankruptcy Code and requests that this court protect the interest of the Remaining Disputed Claim(s) from this *motion*. The Debtors, and the Debtors attorneys, have not been truthful before this court. RSMawhinney seeks protection from the Debtors misrepresentations and requests that the court deny the Debtors *motion*.

SIGNED: *s/ Robert S Mawhinney* **DATED**: October 23, 2021

PRINTED: Robert Steven Mawhinney, *Claimant* (13743)

ADDRESS: P.O. Box 3282, La Jolla, CA 92038

EMAIL: Steven24rd@yahoo.com

TELEPHONE: (619) 985-3674

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Certificate of Service

Case No: 11-15463 (SHL)

Description of Documents:

"Objection to AMR Corporations Motion of September 30, 2021 (Doc. 13369);"

and, this

Certificate of Service.

Service on Case Participants:

I hereby certify that I served the foregoing/attached documents on this date by United States Postal Service to the following case participants:

Reorganized Debtor – Attn: Alfredo R. Perez
Weil, Gotshal, & Manges LLP
700 Louisiana Street, Suite 1700
Houston, TX 77002

Reorganized Debtor – Attn: D. Douglas Cotton
c/o AMR Corporation
P.O. Box 619616, MD 5675
Fort Worth, TX 75261-9616

Signature: *s/ Robert S Mawhinney* **Date**: October 23, 2021

Printed: Robert Steven Mawhinney, *Claimant* (Claim No. 13743)

ADDRESS: P.O. Box 3282, La Jolla, CA 92038

EMAIL: Steven24rd@yahoo.com

TELEPHONE: (619) 985-3674