

ORIGINAL

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT FLORIDA  
TAMPA DIVISION

RECEIVED  
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CLERK, U.S. BANKRUPTCY COURT  
TAMPA, FL

In re:

Case No.: 99-10074-8B7

NORTH AMERICAN TELEPHONE-  
TPA, INC.,

020000-PU

CHAPTER 7

Debtor.

CHAPTER 11 TRUSTEE'S MOTION FOR  
AUTHORITY TO COMPROMISE CONTROVERSY  
WITH ASSOCIATED GLOBAL SYSTEM, INC.

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within twenty (20) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at the United States Bankruptcy Court, 801 North Florida Avenue, Suite 727, Tampa, Florida 33602-3826, and serve a copy of the movant's attorney, John J. Lamoureux, P. O. Box 3239, Tampa, Florida 33601.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

Douglas Menchise, Chapter 7 Trustee ("Trustee") of the bankruptcy estate of North American Telephone, TPA, Inc. (the "Debtor") requests this Court to authorize him to settle controversy with Associated Global System, Inc. (the "Defendant"), and states:

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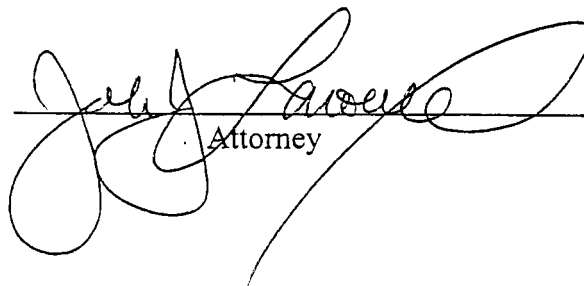
shambles and it may be difficult to locate the checks and supporting documents to prove the preferential transfer. Further, the relatively small amount in controversy necessitates settlement rather than the estate incurring the additional cost and expense associated with the Adversary Proceeding.

(d) The law favors compromise of disputes over litigation. In re Blair, 538 F.2d 849 (9<sup>th</sup> Cir. 1976). Some courts have held that a proposed settlement should be approved unless it yields less than the lowest amount that the litigation could reasonably produce. In re New Concept Housing, Inc., 951 F. 2d 932 (8<sup>th</sup> Cir. 1991); In re Justice Oaks II, Ltd., 898 F.2d 1544 (11<sup>th</sup> Cir. 1990), cert. denied 498 U.S. 959, 111 S. Ct. 387, 112 L.Ed. 2d 398 (1990), the Court enunciated certain factors which must be considered in determining whether to approve a compromise, which are:

- (i) The probability of success in the litigation;
- (ii) the difficulties, if any, to be encountered in the matter of collection;
- (iii) The complexity of the litigation involved, and the expense, inconvenience, and delay necessarily attending it; and
- (iv) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

6. Dealing with the first Justice Oaks factor, the settlement fairly resolves the risks of continued litigation. The cost of pursuing the Adversary Proceeding could far exceed by the potential preferential transfer recovery if this matter were to go to trial. Further, there may be difficulty in obtaining copies of all the documents necessary to prove up the Trustee's case.

Charlotte G. Swift, Jason & Nesson, L.L.P., 100 Red Schoolhouse Road, Chestnut Ridge, New York 10977-7055 and, All Parties on the attached Local Rule 1007-2 mailing matrix on this 28<sup>th</sup> day of February, 2002.



Jason J. Nesson  
Attorney

Web Creditors Matrix  
Case# 99-10074-8B7  
Date: 02/27/2002 14:19:09  
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