

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

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PATRICK FISHER
Clerk

In re: RICHARD STEVEN PARRIN
and CONSTANCE ANNE PARRIN,

Debtors.

RICHARD STEVEN PARRIN and
CONSTANCE ANNE PARRIN,

Appellants,

v.

BRENDA PORTER HELMS,
JANICE E. STANTON, and MARK
SCHOTTLER,

Appellees.

No. 99-3023
(BAP No. KS-97-055)
(Bankr. No. 97-20238)
(D. Kan.)

ORDER AND JUDGMENT *

Before **ANDERSON** , **BARRETT** , and **BRISCOE**, Circuit Judges.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

After examining the briefs and appellate record, this panel has determined unanimously to grant the parties' request for a decision on the briefs without oral argument. See Fed. R. App. P. 34(f); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

Debtors Richard Steven Parrin and Constance Anne Parrin appeal the bankruptcy court's order denying their motion to enforce the 11 U.S.C. § 362 automatic stay in their bankruptcy proceeding. The Parrins filed personal Chapter 7 bankruptcy in the Kansas District Court. The Parrins are also the sole officers and shareholders of Bodin Corporation, which is the debtor in an involuntary Chapter 7 bankruptcy proceeding in the Northern District of Illinois. Defendants, the trustee in the Bodin proceeding and trustee's counsel, filed a motion to compel the Parrins' attendance at a Rule 2004 examination relating to the Bodin estate. *See* Bankr. R. 2004. The Parrins sought to stay defendants' motion, invoking § 362's automatic stay provisions. The bankruptcy court denied their motion, concluding that the Rule 2004 examination in the Bodin proceeding was not an action "against the debtor" in the Parrin's personal bankruptcy proceeding. *See* § 362(a). The Tenth Circuit Bankruptcy Appellate Panel (the BAP) affirmed the bankruptcy court's order denying stay relief.

We exercise jurisdiction under 28 U.S.C. § 158(d). The order denying the Parrins' motion to enforce the stay is a final order. *See Eddleman v. United*

States Dep't of Labor , 923 F.2d 782, 784 (10th Cir. 1991), *overruled in part on other grounds* , *Temex Energy, Inc. v. Underwood, Wilson, Berry, Stein & Johnson* , 968 F.2d 1003 (10th Cir. 1992). As there are no disputed facts, we review the BAP's legal determinations de novo. *See Phillips v. White (In re White)* , 25 F.3d 931, 933 (10th Cir. 1994). Upon review of the parties' submissions, we affirm for substantially the reasons stated in the thorough opinion issued by the BAP.

The judgment of the Tenth Circuit Bankruptcy Appellate Panel is
AFFIRMED.

Entered for the Court

Stephen H. Anderson
Circuit Judge