

The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document has been entered electronically in the record of the United States Bankruptcy Court for the Northern District of Ohio.



Dated: January 04 2010

Mary Ann Whipple  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

In Re:	)	Case No. 09-32683
	)	
Joshua E. Young,	)	Chapter 7
	)	
	)	
Debtor.	)	JUDGE MARY ANN WHIPPLE

**ORDER**

This case is before the court on German Mutual’s Amended Motion To Modify This Court’s Opinion And Order Served December 25, 2009 [Doc. #55](“Motion”).

The Motion asks the court to change the wording of its order filed on December 22, 2009, [Doc. # 48], and then amended *sua sponte* in a filing on December 23, 2009, [Doc. # 50].<sup>1</sup> Nothing stated in the

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<sup>1</sup>The court understands the wording of the caption in both the original motion [Doc. # 54] and the Motion as intended for some reason to draw attention to the fact that the filing and noticing system continued to function routinely on Christmas. As the court does not understand the reason, however, the manner of that function in this case will be explained.

The court filed an order that was docketed and electronically served through the court’s CM/ECF electronic filing system at 5:13 p.m. on December 22, 2009. [Doc. # 48]. This electronic service was effected upon, among others, counsel for German Mutual Insurance Company. That order was also served by first class United States Mail on the two non-attorney parties-in-interest (Debtor Joshua Young and German Mutual Insurance Company), who do not (and cannot) receive electronic notice through the court’s CM/ECF electronic filing system. This separate first class mail service was effected by the Bankruptcy Noticing Center (“BNC”) on December 24, 2009. The BNC electronically filed its certificate of service on December 24, 2009, which was automatically docketed by the court’s CM/ECF filing system shortly after midnight on December 25, 2009. [Doc. # 51]. The BNC’s filed certificate of service is appended to the back of another copy of the December 22, 2009, order that it served to evidence what it sent by first class mail.

Motion causes the court to change the substance of the decretal parts of the original and amended orders in issue. As specified, the court will address the substance of the two underlying motions again at the written request of any party in interest, including Movant. The court does not understand the Motion to be such a request.

Based on the foregoing reasons,

**IT IS THEREFORE ORDERED** that German Mutual's Amended Motion To Modify This Court's Opinion And Order Served December 25, 2009 [Doc. # 55] is denied.

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The court *sua sponte* filed an amended version of the December 22, 2009, order. [Doc. # 50]. The court's amended order was docketed and electronically served through the court's CM/ECF electronic filing system at 10:40 a.m. on December 23, 2009. This electronic service was effected upon, among others, counsel for German Mutual Insurance Company. The amended order was also served by first class United States Mail on the two non-attorney parties-in-interest (Debtor Joshua Young and German Mutual Insurance Company), who do not (and cannot) receive electronic notice through the court's CM/ECF electronic filing system. This separate first class mail service was effected by the BNC on December 25, 2009. The BNC also electronically filed its certificate of service on December 25, 2009, which was automatically docketed early on December 26, 2009. [Doc. # 52]. The BNC's filed certificate of service is appended to the back of another copy of the December 23, 2009, amended order that it served to evidence what it sent by first class mail. The importance of attaching another copy of the served document is illustrated by the fact that the BNC also served by first class mail on December 25, 2009, another order of the court that had also been docketed and electronically served on December 23, 2009, including on counsel for German Mutual Insurance Company. [See Doc. ## 49, 53].