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 the Liquidating Trustee of the Front Sight Creditors Trust

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In re:	Case No. 22-11824-abl
Front Sight Management LLC,	Chapter 11
Debtor.	Hearing Date: none set Hearing Time: none set

**LIQUIDATING TRUSTEE’S OPPOSITION TO AMENDED EX PARTE MOTION TO
 REOPEN CASE FOR THE ISSUANCE OF AN ORDER TO PROVE THAT CREDITOR
 TATIANA SARKISOVA FIRMENICH IS AN INNOCENT INVESTOR AND TO RELATED
 EX PARTE MOTION FOR ORDER SHORTENING TIME**

Province, LLC, solely in its capacity as the duly authorized and acting Liquidating Trustee (the “Liquidating Trustee”) of the Front Sight Creditors Trust (the “Trust”), hereby files its opposition (the “Opposition”) to the *Amended Ex Parte Motion to Reopen case for the Issuance of an Order Prove that Creditor Tatiana Sarkisova Firmenich is an Innocent Investor*, filed on December 2, 2024 [ECF No. 905] (the “Motion”), by Tatiana Sarkisova Firmenich (the “Movant”) and its related *Ex Parte Motion for Order Shortening Time for Hearing* [ECF No. 912] (the “OST Motion”) . In support of the Opposition, the Liquidating Trustee represents as follows:

On July 25, 2024, the Court entered an order [ECF No. 895] granting the Liquidating Trustee's motion for entry of final decree. On September 6, 2024, the Court entered a Final Decree finding that "this Court's jurisdiction is no longer necessary and that the case has been fully administered." [ECF No. 904]. Movant, who did not participate in Front Sight Management LLC's (the "Debtor's") bankruptcy case, who did not file a claim in the Debtor's case and who appears to have, at best, a tenuous connection with the Debtor per Movant's alleged investment with the Debtor's pre-petition lender, now seeks to reopen this case to obtain relief that this Court cannot grant. Movant previously attempted to do the same in October 2024 [ECF No. 905] (the "Original Motion"), which the Trustee opposed on October 31, 2024 [ECF No. 907] (the "Trustee Opposition"). The Motion again seeks to reopen the bankruptcy case, purportedly for the entry of an order that Movant is an "innocent investor." However, as set forth below, the Movant has not demonstrated any cause to reopen the bankruptcy case, or any legal basis for the Court to enter an order finding the Movant is an "innocent investor." Furthermore, Movant has not demonstrated standing to seek any relief from this Court in this bankruptcy case. The Motion mirrors the Original Motion and offers no additional basis to grant the relief requested therein. Therefore, the Liquidating Trustee respectfully requests that the Motion be denied and opposes the current Motion for the same reasons set forth in the Trustee Opposition and below.

Federal Rule of Bankruptcy Procedure 5010¹ provides that, "A case may be reopened on motion of the debtor or other party in interest pursuant to § 350(b) of the Code. . . ." Fed. R. Bankr. P. 5010. Under 11 U.S.C. § 350(b), "[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause." Courts may deny a request to reopen a closed case when it is not necessary to reopen the case or there no legal basis to grant the relief sought by the movant. *See In re Cortez*, 191 B.R. 174, 179 (B.A.P. 9th Cir. 1995) ("The bankruptcy court did not abuse its discretion by denying the debtors' motion to reopen their bankruptcy case when there was no legal basis for granting the relief sought."); *In re Smyth*, 470

¹ References to "Section" refer to the Bankruptcy Code (11 U.S.C. §§ 101 et seq.); references to "Bankruptcy Rule" refer to the Federal Rules of Bankruptcy Procedure; and references to "Local Rule" refer to the Local Bankruptcy Rules.

1 B.R. 459 (6th Cir. 2012) (“A bankruptcy case should not be reopened if doing so is futile.”); *In re*
 2 *Clark*, 465 B.R. 556 (Bankr. D. Idaho 2011) (“There must be some potential relief that is available to
 3 movant in a reopened case to support a motion to reopen; otherwise, reopening is pointless, and the §
 4 350(b) motion will be denied.”).

5 Here, the Movant has not demonstrated there is any cause to reopen the bankruptcy case. She
 6 does not assert that there are additional assets to be administered or that the Debtor requires
 7 additional relief, and has not established any other cause that would merit reopening this fully
 8 administered bankruptcy case.

9 The Movant has not provided any legal authority demonstrating that the Court has
 10 jurisdiction to enter the relief sought in the Motion². The vast majority of the statutes, regulations,
 11 and legal authority cited in support of the Movant’s request for the entry of an order that she is an
 12 innocent investor, appear to concern immigration law, not bankruptcy law. The movant appears to
 13 seek a ruling to assist her in connection with her proceedings before the United States Customs and
 14 Immigration Services. Immigration proceedings clearly fall outside the Court’s jurisdiction and are
 15 more appropriately brought before an immigration court or a district court. In addition, to the extent
 16 that the Movant seeks declaratory relief, an adversary proceeding would be required. *See* Fed. R.
 17 Bankr. P. 7001.

18 Nonsensically, the Motion represents that the Movant “is the recipient of the transfers the
 19 Trustee seeks to recover,” and recites legal principles related to defenses to fraudulent conveyance
 20 actions. However, no fraudulent conveyance action was prosecuted in this bankruptcy case against
 21 Movant, and to the best of the Liquidating Trustee’s knowledge, there were never any transfers made
 22 from the Debtor to the Movant (and Movant has failed to provide this Court with any evidence
 23 whatsoever – let alone any evidence in support of her assertion that she is a creditor or investor of
 24 this estate).

27 ² It is not entirely clear what relief the Movant seeks beyond the request for an order finding her to
 28 be an “innocent investor” and a prayer “for the entry of an Order to Show Cause granting the relief
 requested.”

1 The Movant also has not demonstrated she has standing in connection with this bankruptcy
2 case to even bring a motion to reopen. The Movant was not a participant in the bankruptcy case. She
3 did not file a proof of claim, and has not otherwise provided any evidence that she is a creditor or
4 investor of the Debtor. Based on the information provided in the Motion, it appears that the Movant
5 may have been an investor to the pre-petition lender in the case, but the Movant has not provided
6 any information or evidence to demonstrate any contractual relationship between her and the debtor
7 and its estate.

8 The Trustee also notes that in the OST Motion, Movant represents that Movant “has
9 conferred with or attempted to confer with all interested parties” [OST Motion, p. 2]. This is not
10 true. Neither the Trustee nor her counsel were contacted by Movant at any time about the OST
11 Motion or the Motion.

12 Therefore, the Movant has not established that there is cause to enter an order shortening
13 time on the Motion, or that there is any relief that would be available to the Movant in this case if the
14 case were reopened, or that she even has standing to seek relief in this bankruptcy case; reopening
15 the case is futile. Accordingly, the Liquidating Trustee respectfully requests that the Court deny the
16 Movant’s Motion and the OST Motion.

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18 DATED: April 14, 2025

BG Law LLP

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20 By: /s/ Susan K. Seflin

Susan K. Seflin

Jessica S. Wellington

21 Attorneys for Province, LLC, solely in its capacity as
22 the Liquidating Trustee of the Front Sight Creditors
23 Trust
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