

From: Paul Dulberg Paul_Dulberg@comcast.net

Subject: Capped ADR agreement issue

Date: February 19, 2020 at 6:09 AM

To: Julia C. Williams juliawilliams@clintonlaw.net, Ed Clinton ed@clintonlaw.net

Cc: Mary Winch marywinch@clintonlaw.net

PD

Hi Julia, and Ed

Yesterday we talked about the bankruptcy court ordering the case into ADR with a cap on the amount that could be recovered.

This was an agreement between Allstate, the Baudins and the trustee that put the motion before the bankruptcy court.

I did some talking with at least 12 bankruptcy attorneys on those free legal advise forums last night

All said basically the same thing. This should not have been allowed without the owner of the case/asset, me, agreeing to it.

I was given this example which I believe best explains it.

In chapter 7 bankruptcy

You go into Bankruptcy and the court orders your assets (like your home) to be auctioned off to pay your creditors which is legal

But they took it one step too far when they capped the amount

Since it's already going to auction its not fair to you, the actual owner of the asset or even the creditors, to cap the amount that can be recovered at auction

They are supposed to let the auction play out to recover what the highest bidder pays, not cap it.

Capping the highest bid at an auction makes no sense

The same goes for any recovery from any asset including a personal injury suit

I'm sorry this happen to you

Now that I know this, I'm not 100% here, but I think I understand why the trustee Joe Olsen hired the Baudins to represent him

Any advise on this would be helpful

Thanks,
Paul