

United States Department of Justice



United States Attorney
Eastern District of Tennessee

Please reply to the Chattanooga Office

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August 22, 2003

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Mr. Ernest A. Oliver
58 Bohr Drive
Chattanooga, TN 37415

Re: Claims against trustee in bankruptcy

Dear Mr. Oliver:

As per our telephone conversation, I have read the documents you sent to me dated August 11, 2003, and have determined it is appropriate to take the action outlined below. Your original documents are returned with this letter as they were received by me.

First, you have eluded to a number of legal issues and complaints (claims against Dr. Catanzaro for misuse of state funds, perjury, and other state law violations; EPA violations by various businesses, including Wal-Mart and the McKee "Little Debbie" companies; complaints against certain Assistant U.S. Attorneys, etc.) that are outside of my area of expertise and outside what I indicated to you I would review. While I am making no comment on, or evaluation of, these claims or their veracity, it is my understanding that they have all been previously reviewed by our office and that at least one prosecution has been completed. **Mr. Mattice addressed those issues in his letter to you of July 10, 2002, and this letter should not be construed as reviewing, reversing or modifying his position set out therein.**

I have reviewed your complaints as to the treatment of certain claims held by you by Mr. James Paris. Mr. Paris was the panel trustee appointed in bankruptcy for Case No. 01-11696, in which you were the debtor. My understanding, from your documents and our discussion, is that you believe he failed to pursue those claims and did so to the detriment of your creditors. You had apparently planned to hire Mr. Wolfe and Mr. Collins to pursue these claims, which you outline generally as related to hazardous waste dumping. I do not have any data on which to judge the value of those suits, the likelihood of their success, or when the limitations periods expire on them. I also am not clear on whether Mr. Paris abandoned those to you. No order of abandonment is shown on the court docket.

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It is my analysis that the proper route for a meaningful review of this action is to forward your complaints to the United States Trustee for Kentucky and Tennessee ("UST"), Mr. Richard Clippard, in Nashville. Normally this would be referred to the local office of the UST, but due to your allegations that there may be a bias against you locally, and since you allege the local office of the UST did not review your allegations fully, I thought it prudent to have this reviewed by higher echelon officials outside the Chattanooga area who have no relationship to the entities you have named in your allegations. Mr. Clippard, as the United States Trustee, is tasked by the Department of Justice to oversee the bankruptcy process in this area, and to review actions of the panel trustee. Investigation of such matters are in the purview of his office, and not of the U.S. Attorney, which is the litigating wing of the Department of Justice.

Therefore, it is my considered opinion that Mr. Clippard should review this matter and determine if any action is warranted. If he does find matters that require legal action, he then has the option of referring the matter to this office, or to the Department of Justice in Washington for appropriate action. I cannot speculate on what action, if any, he may, in his discretion, take.

By copy of this letter I am asking Mr. Clippard's office to contact you directly in this regard. The course of his investigation will be determined by him after his review of the facts and law. You may forward him any documents you deem pertinent, including those I am returning to you today. His address is 701 Broadway, Suite 318, Nashville, Tennessee 37203.

I am,

Very truly yours,

HARRY S. MATTICE, JR.
UNITED STATES ATTORNEY

By:



M. Kent Anderson
Assistant U.S. Attorney

MKA/ml

Enclosures: original documents

cc: Mr. Richard Clippard (without enclosures)