



v.  
John R. Stoebner,  
  
Appellee.

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Submitted: June 11, 2009  
Filed: August 27, 2009

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Before MELLOY, BEAM, and COLLOTON, Circuit Judges.

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PER CURIAM.

Diane S. Blodgett, Edward Clement, Audrey Florence, and Tom Lingenfelter appeal a decision of the Bankruptcy Appellate Panel (“BAP”) affirming the bankruptcy court’s\* denial of their objections to the Chapter 7 Trustee’s Final Report and of their motion under Federal Rule of Civil Procedure 60(b). This appeal arises out of the involuntary bankruptcy of T.G. Morgan, Inc., a rare coin investment group that was sued by the Federal Trade Commission and eventually reached a settlement with the Commission. Appellants have been parties to various disputes in the bankruptcy proceedings, which began over seventeen years ago and have resulted in several previous appeals to this court. *See, e.g., Lingenfelter v. Stoebner*, 188 F. App’x 554 (8th Cir. 2006); *Stoebner v. Lingenfelter*, 115 F.3d 576 (8th Cir. 1997); *Stoebner v. Blodgett*, No. 96-1083, 1996 WL 563881 (8th Cir. Oct. 4, 1996); *Stoebner v. Parry, Murray, Ward & Moxley*, 91 F.3d 1091 (8th Cir. 1996).

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\*The Honorable Robert J. Kressel, United States Bankruptcy Judge for the District of Minnesota.

On July 23, 2007, the Chapter 7 trustee, John R. Stoebner, submitted his Final Report and Proposed Distribution, which sought to distribute the remaining funds in the bankruptcy estate to pay the claims of unsecured creditors and administrative expenses, including trustee's and attorney's fees. Appellants objected to the final report, arguing that the Trustee had breached his fiduciary duties and taken other illegal actions throughout the bankruptcy proceedings. On August 27, 2007, the Trustee responded to the objections and gave notice of a hearing on the objections before the bankruptcy court on September 5, 2007. On the same day as the hearing, at which the appellants did not appear, the bankruptcy court overruled their objections and approved the Trustee's report. Appellants appealed the order to the BAP.

Appellants subsequently argued in correspondence to the bankruptcy court that they had not received notice of the hearing, and they eventually filed a Rule 60(b) motion seeking relief from the order overruling their objections. The BAP remanded the pending appeal to the bankruptcy court for the limited purpose of ruling on the Rule 60(b) motion. Following a hearing, the bankruptcy court denied the motion. Appellants moved for reconsideration, which the bankruptcy court denied. Appellants appealed, and the BAP consolidated the two appeals.

The BAP affirmed the orders of the bankruptcy court. *See Blodgett v. Stoebner (In re T.G. Morgan, Inc.)*, 394 B.R. 478 (8th Cir. BAP 2008). It held that the bankruptcy court properly overruled appellants' objections to the final report and denied their Rule 60(b) motion. The BAP concluded that appellants lacked standing to object to the report and that their claims were barred by *res judicata* and collateral estoppel. *Id.* at 483-85. With respect to their claims of lack of notice, the BAP held that appellants were not entitled to notice, because they lacked standing, and that even if they were entitled to notice, the bankruptcy court did not err in finding that the notice was proper under the circumstances. *Id.* at 485-86.

Having carefully reviewed the record, we affirm the judgment of the bankruptcy court for the reasons stated in the BAP's opinion. *See* 8th Cir. Rule 47B.