

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

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In Re:) Civil Action No. 4:25-cv-02057 (LHR)
)
ROBERT WYN YOUNG) Judge Lee H. Rosenthal
)
Appellant.)

In Re:) Chapter 7
)
ALEXANDER E. JONES) Bankruptcy Case No. 22-33553 (CML)
)
Debtor.)

**APPELLANT’S RULE 8009(e) MOTION FOR LEAVE TO SUPPLEMENT
STATEMENT OF THE ISSUE(S) ON APPEAL**

The undersigned Interested Party~Appellant, **Robert Wyn Young** (“Appellant”, “Interested Party~Appellant”, or “the undersigned”), hereby moves the **District Court**, pursuant to **Fed. R. Bankr. P. 8009(e)**, for leave to supplement Appellant’s **Statement of the Issue(s) on Appeal**. In denying Appellant’s **Request for Certification** (Docket 1144) at the June 5, 2025, status conference/hearing [held 22 days **after** Appellant timely filed a **Statement of the Issue(s) on Appeal** (Docket 1143)], the Bankruptcy Court expressly utilized the **Fed. R. Bankr. P. 2018** standard(s) for permissive intervention to determine the existence of a matter of **public importance** under **28 U.S.C. § 158(d)(2)(A)(i)**. (Docket 1193 and S.D. Tex. Docket 6-2 at Page 9 of 70) This fairly raises a **second issue** for assignment of error on appeal. Therefore, Appellant hereby respectfully requests leave to supplement Appellant’s **Statement of the Issue(s) on Appeal**. The grounds for this **Rule 8009(e) Motion for Leave** are more fully set forth below.

RELEVANT PROCEDURAL HISTORY

On May 4, 2025, the undersigned filed a timely **Notice of Appeal and Statement of Election** appealing the Bankruptcy Court’s April 22, 2025, **Order Denying Motion for Leave to Intervene** (Docket 1129). (Docket 1135) (See, also, Bankruptcy Clerk’s May 7, 2025, **Notice of Filing of an Appeal** and assigning same Civil Action No. 4:25-cv-2057, Docket 1138.) Along with the **Notice of Appeal**, the undersigned contemporaneously filed a **Motion for Leave to Appeal Order Denying Intervention**. (Docket 1135~2)

On May 6, 2025, the undersigned filed an electronic **Election to Appeal to Court of Appeals**. (Docket 1136) On May 14, 2025, the undersigned filed **Appellant’s Designation of the Record and Statement of the Issue(s) on Appeal**. (Docket 1143)

On May 15, 2025, the undersigned filed **Appellant’s Request for Certification Under 28 U.S.C. § 158(d)(2)(A)** to pursue a direct and immediate appeal to the Fifth Circuit Court of Appeals. (Docket 1144)

On May 21, 2025, the undersigned filed **Appellant’s Rule 8007 Motion for Stay of Proceedings Pending Appeal**. (Docket 1153) On May 28, 2025, the Chapter 7 Trustee filed a **Statement of Trustee in Connection with Appeal of Robert Wyn Young** (Docket 1156; S.D. Tex. Docket 2).

On June 3, 2025, the Bankruptcy Court’s thirty (30) day period of retention of jurisdiction under **Fed. R. Bankr. P. 8006**, following the effective date of the undersigned’s appeal, i.e., May 4, 2025 (see Docket 1138), **expired**. On June 5, 2025, the Bankruptcy Court conducted a status conference/hearing and issued an **Order Denying Request for Certification of Direct Appeal and Denying Motion to Stay Pending Appeal** “[f]or the reasons stated on the record at the June

5, 2025, hearing”. (Docket 1164) On June 9, 2025, Appellant filed an AO 435 order for a transcript of the June 5, 2025, status conference/hearing. (Docket 1175)

On June 11, 2025, Appellant filed a **Rule 60(B)(4) Motion to Vacate Order Denying Request for Certification of Direct Appeal, Docket 1164** in the District Court (S.D. Tex. Docket 5) on the grounds that, as of June 5, 2025, and under the plain terms of **Fed. R. Bankr. P. 8006(b)**, the Bankruptcy Court lacked subject matter jurisdiction to issue said order, and it is thus properly deemed as **void**. (S.D. Tex. Docket 5 at 1)

On June 17, 2025, Veritext submitted a **Notice of Electronic Filing** of the “Transcript RE: hearing held on 6/5/25 before Judge Christopher Lopez.” (Docket 1193) On June 22, 2025, Appellant filed a **Rule 8007(b) Motion** to stay all proceedings in the Chapter 7 bankruptcy, Case No. 22-33553 (CML), pending the outcome of this appeal in Civil Action No. 4:25-cv-2057 (LHR). (S.D. Tex. Docket 6) In accordance with **Fed. R. Bankr. P. 8007(b)(3)(C)** and S.D. Tex. **Administrative Procedures for Electronic Filing No. 5**, Appellant filed relevant portions of the June 5, 2025, status conference/hearing transcript, specifically, Docket 1193; Pages 1~2, 7~12, 25~26, 42, 55~57, and 62~63 of 70, as an **Exhibit** to Appellant’s June 22, 2025, **Rule 8007(b) Motion to Stay**.¹ (S.D. Tex. Docket 6~2)

On June 23, 2025, Appellant filed a **Rule 8009(e) Motion for Leave to Supplement the Record on Appeal** (S.D. Tex. Docket 7) with (1) Debtor Alexander E. Jones’ December 2, 2022, **Voluntary Petition for Individuals Filing for Bankruptcy** (Docket 1) and (2) relevant filings in Case No. 22-33553 (CML) post~dating Appellant’s May 14, 2025, **Designation of the Record and Statement of the Issue(s) on Appeal** (Docket 1143).

¹ Referenced passages of the June 5, 2025, status conference/hearing transcript excerpt(s) (S.D. Tex. Docket 6~2) are highlighted in yellow for convenience.

SUPPLEMENTATION OF THE ISSUE(S) ON APPEAL IS APPROPRIATE

Appellant respectfully seeks leave, pursuant to **Fed. R. Bankr. P. 8009(e)**, to supplement Appellant’s **Statement of the Issue(s) on Appeal** in view of ruling(s) directly affecting the appeal made by the Bankruptcy Court on June 5, 2025, twenty~two (22) days **after** Appellant filed the original **Statement of the Issue(s) on Appeal** (Docket 1143). (Docket 1164 and 1193)

In denying **Appellant’s Request for Certification** (Docket 1144) on June 5, 2025 (which, again, Appellant respectfully submits was done without subject matter jurisdiction), the Bankruptcy Court stated the following:

157(d)(2)(B)(ii) [**sic**] mandates that if any of the four conditions are met, I make the certification, but none of them apply here. It would involve a permissive motion to intervene in both the text and Bankruptcy Rule 2018. And the law in this district is clear that intervention is permissive.

(Docket 1193 at Page 9 of 70)

The Bankruptcy Court held that **28 U.S.C. § 158(d)(2)(A)(i)** “doesn’t support certification”, because **Fed. R. Bankr. P. 2018(a)** does not, in the Bankruptcy Court’s view, support the undersigned’s intervention. (Docket 1193 at Page 9 of 70) Thus, the Bankruptcy Court expressly utilized the **Fed. R. Bankr. P. 2018(a)** standard(s) for intervention to determine the existence of a matter of **public importance** under **28 U.S.C. § 158(d)(2)(A)(i)**. Appellant respectfully submits that the Bankruptcy Court committed **error** in so ruling.

Appellant further and respectfully submits that the foregoing ruling, made twenty~two (22) days **after** Appellant timely filed a **Statement of the Issue(s) on Appeal** (Docket 1143), fairly raises a **second** issue for assignment of error and determination on appeal. Accordingly, Appellant respectfully seeks leave to supplement Appellant’s **Statement of the Issue(s) on Appeal** by adding the **second** question set forth in the following **Request for Relief**.

REQUEST FOR RELIEF

Interested Party~Appellant hereby requests leave, pursuant to **Fed. R. Bankr. P. 8009(e)**, to file a **Supplemental Statement of the Issue(s) on Appeal** to add the following **second** question:

2. Given that, under **28 U.S.C. §§ 158(d)(2)(A)(i)** and **158(d)(2)(B)(i)**, a bankruptcy court has **no discretion** to deny a request for certification for a direct appeal to the court of appeals of an order involving a matter of **public importance**, does a bankruptcy court have **unfettered discretion** under **Fed. R. Bankr. P. 2018(a)** to deny intervention where the interested party seeks to protect a public interest at stake, but not being adequately protected, in a matter involving **public importance**?

Interested Party~Appellant respectfully submits that the question presented should be answered in the **negative** and that it was, indeed, an **abuse of discretion** for the Bankruptcy Court to deny the undersigned's requested intervention in this matter of **public importance** where the Chapter 7 Trustee failed/refused to investigate and report the credible allegation of fraud presented.

Appellant is attaching as an **Exhibit** a proposed **Amended/Supplemental Designation of the Record and Supplemental Statement of the Issue(s) on Appeal**, which is undated, unsigned, and to be filed upon the granting of the leave requested herein. If the leave herein requested is granted, Appellant will simply **withdraw** the previously~proposed **Amended/Supplemental Designation of the Record and Statement of the Issue(s) on Appeal** (also undated and unsigned) filed merely as an **Exhibit** to Appellant's June 23, 2025, **Rule 8009(e) Motion for Leave to Supplement the Record on Appeal**. (S.D. Tex. Docket 7~2)

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CONCLUSION

WHEREFORE, for the Foregoing Reasons, Interested Party~Appellant, **Robert Wyn Young**, respectfully submits that **Appellant’s Rule 8009(e) Motion for Leave to Supplement Statement of the Issue(s) on Appeal** is well~founded, and it should be **granted**. The undersigned is attaching herewith: **(1)** a proposed Order granting the relief herein requested, as required by **LR7.1(C)**, and **(2)** **Appellant’s (proposed) Amended/Supplemental Designation of the Record and Supplemental Statement of the Issue(s) on Appeal** (which is undated, unsigned, and to be filed upon the granting of the requested leave).

Respectfully submitted,

Date: **06/30/25**

/s/ Robert Wyn Young
Robert Wyn Young
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***Pro Se Attorney Intervenor/
Interested Party~Appellant***

LR7.1(D) AVERMENT

Appellant **Robert Wyn Young** hereby avers that, pursuant to **LR7.1(D)**, the undersigned conferred with the respondent by issuing counsel for Debtor~Appellee **Alexander E. Jones** notification, via email sent on June 20, 2025, at 5:37 AM ET, of the undersigned’s intention to file a **Rule 8009(e) Motion for Leave to Supplement the Record on Appeal**. Counsel for Debtor~Appellee **Alexander E. Jones, Shelby Jordan**, responded to Appellant on June 22, 2025, stating: “Alex E. Jones does not agree with **any** motion you file other than a Motion to Dismiss appeal.” [Emphasis added. See 25_06_22_EW(Debtor’s Counsel) re_LR7 Meet & Confer on Motions to Stay & Supplement Record. (S.D. Tex. Docket 6~5 and 7~1)]

/s/ Robert Wyn Young
Robert Wyn Young

FED. R. BANKR. P. 8015(h) CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **Appellant’s Rule 8009(e) Motion for Leave to Supplement Statement of the Issue(s) on Appeal** complies with the 5,200~word limitation under **Fed. R. Bankr. P. 8013(f)(3)(A)**, excluding parts exempted under **Fed. R. Bankr. P. 8015(g)** (444 words), and that such certification is based on a **1,375~word** calculation of said **Motion for Leave** by my word processing program.

/s/ Robert Wyn Young

Robert Wyn Young

CERTIFICATE OF SERVICE

I hereby certify that on **June 30, 2025**, I caused a copy of the foregoing **Appellant’s Rule 8009(e) Motion for Leave to Supplement Statement of the Issue(s) on Appeal**, the **Exhibit** to same, and the attached **LR7.1(C) proposed Order** granting motion, to be served on all subscribed parties by the Electronic Case Filing System of the United States District Court for the Southern District of Texas.

/s/ Robert Wyn Young

Robert Wyn Young