

1 STEVEN T. GUBNER – NV Bar No. 4624  
 2 SUSAN K. SEFLIN – CA Bar No. 213865 – Admitted *Pro Hac Vice*  
 3 JESSICA S. WELLINGTON – CA Bar No. 324477 – Admitted *Pro Hac Vice*  
 4 BG LAW LLP  
 5 300 S. 4<sup>th</sup> Street, Suite 1550  
 6 Las Vegas, NV 89101  
 7 Telephone: (702) 835-0800  
 8 Facsimile: (866) 995-0215  
 9 Email: sgubner@bg.law  
 10 sseflin@bg.law  
 11 jwellington@bg.law

12 Attorneys for Province, LLC, solely in its capacity as  
 13 the Liquidating Trustee of the Front Sight Creditors Trust

14 **UNITED STATES BANKRUPTCY COURT**  
 15 **FOR THE DISTRICT OF NEVADA**

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| <p>16 In re:</p> <p>17 Front Sight Management LLC,</p> <p>18 Debtor.</p> | <p>19 Case No. 22-11824-abl</p> <p>20 Chapter 11</p> <p>21 <b>Hearing Date:</b> none set<br/> <b>Hearing Time:</b> none set</p> |
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22 **LIQUIDATING TRUSTEE’S OPPOSITION TO EX PARTE MOTION TO REOPEN CASE**  
 23 **FOR THE ISSUANCE OF AN ORDER TO PROVE THAT CREDITOR TATIANA**  
 24 **SARKISOVA FIRMENICH IS AN INNOCENT INVESTOR**

25 Province, LLC, solely in its capacity as the duly authorized and acting Liquidating Trustee  
 26 (the “Liquidating Trustee”) of the Front Sight Creditors Trust (the “Trust”), hereby files its  
 27 opposition (the “Opposition”) to the *Ex Parte Motion to Reopen case for the Issuance of an Order*  
 28 *Prove that Creditor Tatiana Sarkisova Firmenich is an Innocent Investor*, filed on October 30, 2024  
 [ECF No. 905] (the “Motion”), by Tatiana Sarkisova Firmenich (the “Movant”). 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

1 administered.” [ECF No. 904]. Movant, who did not participate in Front Sight Management LLC’s  
2 (the “Debtor’s”) bankruptcy case, who did not file a claim in the Debtor’s case and who appears to  
3 have, at best, a tenuous connection with the Debtor per Movant’s alleged investment with the  
4 Debtor’s pre-petition lender, now seeks to reopen this case to obtain relief that this Court cannot  
5 grant. The Motion seeks to reopen the bankruptcy case, purportedly for the entry of an order that  
6 Movant is an “innocent investor.” However, as set forth below, the Movant has not demonstrated  
7 any cause to reopen the bankruptcy case, or any legal basis for the Court to enter an order finding the  
8 Movant is an “innocent investor.” Furthermore, Movant has not demonstrated standing to seek any  
9 relief from this Court in this bankruptcy case. Therefore, the Liquidating Trustee respectfully  
10 requests that the Motion be denied.

11 Federal Rule of Bankruptcy Procedure 5010<sup>1</sup> provides that, “A case may be reopened on  
12 motion of the debtor or other party in interest pursuant to § 350(b) of the Code. . . .” Fed. R. Bankr.  
13 P. 5010. Under 11 U.S.C. § 350(b), “[a] case may be reopened in the court in which such case was  
14 closed to administer assets, to accord relief to the debtor, or for other cause.” Courts may deny a  
15 request to reopen a closed case when it is not necessary to reopen the case or there no legal basis to  
16 grant the relief sought by the movant. *See In re Cortez*, 191 B.R. 174, 179 (B.A.P. 9th Cir. 1995)  
17 (“The bankruptcy court did not abuse its discretion by denying the debtors’ motion to reopen their  
18 bankruptcy case when there was no legal basis for granting the relief sought.”); *In re Smyth*, 470  
19 B.R. 459 (6th Cir. 2012) (“A bankruptcy case should not be reopened if doing so is futile.”); *In re*  
20 *Clark*, 465 B.R. 556 (Bankr. D. Idaho 2011) (“There must be some potential relief that is available to  
21 movant in a reopened case to support a motion to reopen; otherwise, reopening is pointless, and the §  
22 350(b) motion will be denied.”).

23 Here, the Movant has not demonstrated there is any cause to reopen the bankruptcy case. She  
24 does not assert that there are additional assets to be administered or that the Debtor requires  
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27 <sup>1</sup> References to “Section” refer to the Bankruptcy Code (11 U.S.C. §§ 101 et seq.); references to  
28 “Bankruptcy Rule” refer to the Federal Rules of Bankruptcy Procedure; and references to “Local  
Rule” refer to the Local Bankruptcy Rules.

1 additional relief, and has not established any other cause that would merit reopening this fully  
2 administered bankruptcy case.

3 The Movant has not provided any legal authority demonstrating that the Court has  
4 jurisdiction to enter the relief sought in the Motion<sup>2</sup>. The vast majority of the statutes, regulations,  
5 and legal authority cited in support of the Movant’s request for the entry of an order that she is an  
6 innocent investor, appear to concern immigration law, not bankruptcy law. The movant appears to  
7 seek a ruling to assist her in connection with her proceedings before the United States Customs and  
8 Immigration Services. Immigration proceedings clearly fall outside the Court’s jurisdiction and are  
9 more appropriately brought before an immigration court or a district court. In addition, to the extent  
10 that the Movant seeks declaratory relief, an adversary proceeding would be required. *See* Fed. R.  
11 Bankr. P. 7001.

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

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

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27 <sup>2</sup> 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           Therefore, the Movant has not established that there is any relief that would be available to  
2 the Movant in this case if the case were reopened, or that she even has standing to seek relief in this  
3 bankruptcy case; reopening the case is futile. Accordingly, the Liquidating Trustee respectfully  
4 requests that the Court deny the Movant’s Motion.

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6 DATED: October 31, 2024

BG Law LLP

7  
8 By: /s/ Susan K. Seflin  
9 Susan K. Seflin  
10 Jessica S. Wellington  
11 Attorneys for Province, LLC, solely in its capacity as  
12 the Liquidating Trustee of the Front Sight Creditors  
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