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Chapter 7 Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA

IN RE:) Case No. 12-60137-7
)
WARREN C. BODEKER,)
)
Debtor.)
)
_____)

MOTION FOR PROTECTIVE ORDER; AND NOTICE

COMES NOW the duly qualified and acting Trustee in the above-captioned matter and respectfully requests a protective order on the following grounds:

1. In this chapter 7 case, Mr. Bodeker made false oaths in his schedules, statement of financial affairs and at his §341 creditor meetings and, upon Trustee's discovery of concealed assets (guns, cash on hand as of the date of filing, a gold and silver collection, tractor attachments, a Dall Ram Sheep Shoulder Mount, etc.), Debtor voluntarily and with competent legal counsel admitted his false oaths, waived his discharge and entered a stipulation with the United States Trustee's Office where he waived his homestead exemption and agreed to the immediate sale of real property located at 11 Freedom Lane, Plains, Montana (See Dkt #29).

2. Shortly after entering the Stipulation with the United States Trustee's Office, Debtor's attorney emailed the Trustee with contact information for a proposed buyer from Thompson Falls for 11 Freedom Lane, Plains, Montana. Trustee contacted the buyer, met with her and her husband and negotiated a sale agreement. The property is unique, with peculiar issues (e.g., there are no water rights of record for the shared well or otherwise, the roof is not properly secured, the carpeting needs to be replaced, and there is a burial site located on the premises) that are reflected in the sale price which is greater than the value listed by Debtor in his schedules for the property.

3. On or about June 15, 2012, Debtor sought the aid of Mr. Stewart Rhodes, founder and President of Oath Keepers, to prepare and publish a video on YouTube, which is now posted in several locations on the internet, including <http://oathkeepers.org/oath/2012/06/15/wwii-veteran-forced-out-of-home-and-forced-to-exhume-wifes-body-needs-your-help>, <http://liberty.com/content/wwii-veteran-being-forced-out-home-and-forced-exhume-wifes-body>, and <http://www.infowars.com/wwii-war-hero-has-land-and-home-stolen>. In the video and the article accompanying it, Debtor and Mr. Rhodes mischaracterize these proceedings and falsely accuse the Trustee of, among other things, "forcing a World War II veteran out of his home" and "forcing him to exhume his wife's body".

4. The YouTube video and article published by Mr. Bodeker and Mr. Rhodes require corrective statements for several reasons. First, they give short shrift to the facts that Mr. Bodeker made false oaths in his schedules, statement of financial affairs and at his §341 creditor meetings, that he concealed assets in this bankruptcy case

and that he voluntarily and with the aid of competent legal counsel entered the Stipulation with the United States Trustee's Office where he waived his homestead exemption and agreed to immediate sale of 11 Freedom Lane. The postings also fail to let the public know that Mr. Bodeker found and brought the proposed buyer for 11 Freedom Lane to Trustee and that the proposed purchase price is greater than the value listed by Debtor for the property in his schedules.

5. Second, the YouTube video and article falsely accuse Trustee of "forcing him to exhume his wife's body". This is a flat out falsehood. At no time has Trustee threatened exhumation of Debtor's deceased wife. To the contrary, Trustee understands that the buyer was a close friend of the deceased and desires to keep the burial site protected and undisturbed where it is located.

6. Third, the YouTube video and article invoke a "call to arms" where people are enlisted to contact public officials such as Senator Baucus, Senator Tester, Representative Rehberg, Governor Schweitzer and to contact the Trustee with email, mail and phone calls. Attached as **EXHIBIT A** are copies of some of the email directed to the Trustee. Attached as **EXHIBIT B** are copies of the current comments posted at the liberty.com website. Attached as **EXHIBIT C** is are copies of the current comments posted at the oathkeepers.org website. Some of the communications directed to the Trustee have been professional and polite, seeking to confirm the facts surrounding Mr. Bodeker's circumstances, but most contain derogative and contemptuous insults incited by the false characterizations and statements contained in the YouTube video and article. Worse still, several of the communications contain foul language with threats to the lives and property of Trustee and her family.

7. This is a difficult case where on one hand, Mr. Bodeker is a war veteran, 89-years old, recently widowed and suffering from medical issues for which Trustee has great compassion, honor and respect; on the other hand, Mr. Bodeker made false oaths in his bankruptcy filings and at his §341 creditor meetings, concealed assets, been uncooperative and obstructive in executing the Stipulation he entered with the United States Trustee's Office and now seeks public retribution and retaliation against Trustee for performing her mandated duties.

Based on the foregoing, Trustee requests the Court to enter a protective order requiring Debtor to post corrective statements at the websites oathkeepers.org, liberty.com, www.infowars.com and at any other websites that pick up the video and/or article published by Mr. Bodeker and Mr. Rhodes acknowledging that Trustee has at no time sought to exhume Lorna Bodeker's remains and acknowledging that Debtor agreed in his Stipulation with the United States Trustee's Office that the property was to be immediately sold, that the proposed buyer is a person that Debtor found and brought to the Trustee and that the purchase price is greater than the value Debtor assigned in his schedules and that if Debtor fails to post the required corrective statements within 24 hours of this Court's order that he be sanctioned \$50,000 payable to the Trustee. Trustee seeks such other and further relief as the Court may deem fair and just under these circumstances.

DATED this 19th day of June, 2012.

BRANDON LAW FIRM, PLLC

By: /s/ Christy L. Brandon
Christy L. Brandon
Chapter 7 Trustee

**NOTICE OF OPPORTUNITY TO RESPOND
AND REQUEST A HEARING**

If you object to this motion you must file a written responsive pleading and request a hearing within fourteen (14) days of the date of filing. The responding party shall schedule the hearing on the motion at least twenty-one (21) days after the date of the response and request for hearing and shall include in the caption of the responsive pleading in bold and conspicuous print the date, time and location of the hearing by inserting in the caption the following:

NOTICE OF HEARING

Date: _____
Time: _____
Location: _____

If no objections are timely filed, the Court may grant the relief requested as a failure to respond by any entity shall be deemed an admission that the relief requested should be granted.

DATED this 19th day of June, 2012.

BRANDON LAW FIRM, PLLC

By: /s/ Christy L. Brandon
Christy L. Brandon
Chapter 7 Trustee

CERTIFICATE OF SERVICE

I, the undersigned, certify under penalty of perjury that on this 19th day of June, 2012, or as soon as possible thereafter, copies of the foregoing Objection were served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and that in addition service by mailing a true and correct copy, first class mail, postage prepaid, was made to the following persons/entities who are not ECF registered users:

WARREN C. BODEKER
11 FREEDOM LANE
PLAINS, MT 59859

/s/ Christy L. Brandon
Christy L. Brandon