

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re	:	Chapter 11
	:	
KB TOYS, INC., <i>et al.</i>	:	Case Number 04-10120 (DDS)
	:	
	:	Jointly Administered
Debtors	:	
	:	Hearing Date: 6/2/05 at 1:30 p.m.
	:	Objections Due: 5/19/05 at 4:00 p.m.

**UNITED STATES TRUSTEE’S MOTION TO STRIKE PLEADING OF
STEVEN HAAS, A/K/A LASER HAAS, STYLED AS “STATEMENT IN SUPPORT
OF BIG LOTS STORES, INC. LIMITED OBJECTION TO THE MOTION OF
THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS TO
PROSECUTE ACTIONS AND REQUEST FOR ALTERNATIVE RELIEF
AS DEFENSE AGAINST MISPRISON [SIC.] OF A FELONY, WHILST
THE PUBLIC ALONG WITH THE COURT IS DECEIVED AND
DEFRAUDED, WITH NO TRUSTWORTHY WATCHDOG” (D.I. 2210)**

In support of her Motion to Strike the Pleading of Steven Haas, a/k/a Laser Haas, Styled as “Statement in Support of Big Lots Stores, Inc. Limited Objection to the Motion of the Official Committee of Unsecured Creditors to Prosecute Actions and Request for Alternative Relief as Defense Against Misprison [sic.] of a Felony, Whilst the Public Along With the Court is Deceived and Defrauded, with No Trustworthy Watchdog” (the “Haas Statement”), Kelly Beaudin Stapleton, the United States Trustee (“UST”), by undersigned counsel, avers:

1. This Court has jurisdiction to hear this Motion.
2. Under 28 U.S.C. § 586, the UST is charged with overseeing the administration of Chapter 11 cases filed in this judicial district. *See United States Trustee v. Columbia Gas Sys., Inc. (In re Columbia Gas Sys. Inc.)*, 33 F.3d 294, 295-96 (3d Cir. 1994) (noting that UST has “public interest standing” under 11 U.S.C. § 307, which goes beyond mere pecuniary interest);

Morgenstern v. Revco D.S., Inc. (In re Revco D.S., Inc.), 898 F.2d 498, 500 (6th Cir. 1990) (describing the UST as a “watchdog”).

3. Under 11 U.S.C. § 307, the UST has standing to be heard on this Motion.

4. On April 27, 2005, Steven Haas, also known as Laser Haas, filed the Haas Statement, purporting to support Big Lots, Inc.’s limited objection to a motion filed by the Creditors’ Committee seeking authority to prosecute certain claims and causes of action which the estate allegedly holds against third parties.

5. Mr. Haas is not a party in interest in these jointly administered cases. He is not listed in any of the Debtors’ schedules as a creditor of any of the estates, and he has not filed a proof of claim against any of the Debtors.^{1/} Mr. Haas is not an equity security holder; none of the Debtors is a public company. Mr. Haas does not purport to be a party to an executory contract or unexpired lease with any of the debtors. He does not purport to be an administrative creditor of any of the estates, nor has he been employed as a professional in these cases. His name appears on the docket only in connection with the filing of the Haas Statement.

6. Mr. Haas does not have any stake in the outcome of the instant Chapter 11 case; he holds no legally protected interest herein. Thus, he is not a party in interest in this case and is not entitled to raise, appear and be heard on any issues herein. 11 U.S.C. § 1109(b); *In re James Wilson Assoc.*, 965 F.2d 160, 169 (7th Cir. 1992).

7. In fact, the Haas Statement does not actually seek any relief. Instead, it simply uses this Chapter 11 case as an additional forum to express Mr. Haas’s views of certain matters that are presently pending before the United States Bankruptcy Court for the District of Delaware

^{1/}The claims bar date established by order of this Court was July 16, 2004.

in another case, *In re eToys, Inc.* (“*eToys*”), Case No. 01-706 (MFW). Mr. Haas’s company, Collateral Logistics, Inc., holds a disputed administrative claim in *eToys*.

8. The Haas Statement, filed in this case under docket number 2210, contains impertinent and scandalous matter attacking the various professionals in these cases, including personnel of the United States Trustee Program. The impertinent and scandalous allegations of the Haas Statement carry the potential to injure the reputations and livelihoods of those professionals, and accordingly are not republished in this Motion. However, because Mr. Haas is not a party in interest in these cases and does not have any standing herein pursuant to 11 U.S.C. § 1109(b), the Haas Statement serves no legitimate purpose. Accordingly, the Haas Statement should be stricken from the record and expunged from the Electronic Case Filing docket in these cases.

WHEREFORE, for the foregoing reasons, the United States Trustee respectfully requests that the Court strike the Haas Statement from the record and direct that the Haas Statement be expunged from the Electronic Case Filing docket herein, and grant such other and further relief as is just and proper under the circumstances.

Respectfully submitted,

**KELLY BEAUDIN STAPLETON
UNITED STATES TRUSTEE**

Dated: May 6, 2005

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