

**In re E.S. Bankest, L.C., Debtor.**  
**Case No. 04-17602-BKC-AJC**  
**321 B.R. 588 (Bankr. S.D.Fla. 2005)**

The Court found in verse that where a proof of claim was misplaced and disappeared en route to being filed via courier, the failure to timely file was due to excusable neglect. The attorney's actions were not intended to hinder or prejudice any other parties, as the attorney distributed copies of the same to opposing counsel on the same date. In any event, the proof of claim should be deemed timely filed under the erroneous delivery doctrine.