

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

March 5, 2014 at 10:00 a.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	11-25901-D-12	TOG, LLC	MOTION TO DISMISS CASE FOR
	JPJ-1		FAILURE TO MAKE PLAN PAYMENTS
			1-29-14 [57]

2.	11-43803-D-12	TERESA GROESBECK	MOTION TO DISMISS CASE FOR
	JPJ-1		FAILURE TO MAKE PLAN PAYMENTS
			1-31-14 [54]

3. 14-21005-D-11 JANE LYNCH STATUS CONFERENCE RE: VOLUNTARY
PETITION
2-2-14 [1]

4. 12-41510-D-7 DAVINA MORENO MOTION TO COMPROMISE
DNL-2 CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH LORA LEE, NORMA
JEAN THOMPSON, ROBERT ANDREW
PAGENKOPF AND INHERITANCE
FUNDING COMPANY, INC.
2-5-14 [35]

Final ruling:

Motion withdrawn by moving party. Matter removed from calendar.

5. 14-20613-D-7 COSME JUAREZ RUIZ MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
1-24-14 [5]

6. 10-28715-D-12 HAYCART CUSTOM FARMING, MOTION TO DISMISS CASE FOR
JPJ-2 INC. FAILURE TO MAKE PLAN PAYMENTS
1-28-14 [229]

7. 13-35124-D-7 BHINDER BADESHA MOTION FOR RELIEF FROM
KAZ-1 AUTOMATIC STAY
NATIONSTAR MORTGAGE, LLC VS. 1-23-14 [14]

Final ruling:

This matter is resolved without oral argument. This is Nationstar Mortgage, LLC's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

8. 13-35424-D-7 STEPHEN CLOUGH MOTION FOR RELIEF FROM
RCO-1 AUTOMATIC STAY AND/OR MOTION
GREEN TREE SERVICING LLC VS. FOR ADEQUATE PROTECTION
2-5-14 [14]

Final ruling:

This matter is resolved without oral argument. This is Green Gree Servicing, LLC's motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

9. 12-35225-D-7 SHANNON/AMBER PRATHER MOTION FOR RELIEF FROM
RMD-1 AUTOMATIC STAY
OCWEN LOAN SERVICING, LLC VS. 1-27-14 [35]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. The debtors received their discharge on December 3, 2012 and, as a result, the stay is no longer in effect as to the debtors (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtors as moot. The court will grant relief from stay as to the trustee and the estate, and will waive FRBP 4001(a)(3). This relief will be granted by minute order. There will be no further relief afforded. No appearance is necessary.

10. 13-35025-D-7 EDDIE/ANNER DAVIS MOTION FOR RELIEF FROM
KAZ-1 AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST COMPANY VS. 2-5-14 [25]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

11. 13-29928-D-7 ARMANDO SANCHEZ
AS-1

MOTION TO REOPEN CHAPTER 7
BANKRUPTCY CASE
1-27-14 [61]

CASE CLOSED 1/10/14

12. 13-28732-D-7 RONALD CORILONI
13-2312 GTB-1
WETHERBEE ET AL V. CORILONI

CONTINUED MOTION TO DISMISS
ADVERSARY PROCEEDING
11-4-13 [8]

13. 13-30632-D-7 CAINE/DANA OTT
JRR-2

MOTION TO COMPROMISE
CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH TROY OTT
1-29-14 [25]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to approve compromise of controversy, and the trustee has demonstrated the compromise is in the best interest of the creditors and the estate. Specifically, the motion demonstrates that when the compromise is put up against the factors enumerated in In re Woodson, 839 F.2d 610 (9th Cir. 1988), the likelihood of success on the merits, the complexity of the litigation, the difficulty in collectability, and the paramount interests of creditors, the compromise should be approved. Accordingly, the motion is granted and the compromise approved. The moving party is to submit an appropriate order. No appearance is necessary.

14. 14-20234-D-7 NENG THAO

MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
1-10-14 [5]

Final ruling:

This is the trustee's motion to employ Kristian Peter, of Bankruptcy Short Sale Solutions, as his real estate broker. The motion was noticed pursuant to LBR 9014-1(f)(1), and no timely opposition has been filed. However, for the following reasons, the court is not prepared to grant the motion at this time.

First, Mr. Peter's supporting declaration does not demonstrate that he is qualified to be employed by the trustee, as required by § 327(a) of the Bankruptcy Code. The applicable rule requires that the motion be accompanied by a verified statement of Mr. Peter setting forth his "connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee." Fed. R. Bankr. P. 2014(a). The requirement has been refined in the court in this district to require, after disclosure of any actual connections, the closing statement, "Except as set forth above, I have no connection with the debtor, creditors, or any party-in-interest, their respective attorneys, accountants, or the U.S. Trustee, or any employee of the U.S. Trustee." LBR 2014-1. Instead, Mr. Peter's declaration includes only the following:

(1) a statement that he has not been retained for any pre-petition services on behalf of the debtor or the trustee in this case, and has not received retainers or advanced fees;

(2) a statement that he is currently employed by the trustee to sell property in another bankruptcy case, and expects to sell property on behalf of the trustee in other bankruptcy cases in the future;

(3) a statement reciting the elements of the definition of a "disinterested person," as set forth in § 101(14), as they apply to Mr. Peter; and

(4) a conclusion that he "does not have any connection with the Debtor, Trustee (except as stated above), the United States Trustee, or any person employed in the Office of the United States Trustee."

What is required by Fed. R. Bankr. P. 2014(a) and LBR 2014-1, but is missing here is any mention of the following: (1) any connections with any creditors in the case; (2) any connections with any other party-in-interest besides the debtor and the trustee; and (3) and the respective attorneys and accountants of the debtors, creditors, the trustee, and other parties-in-interest. These persons and entities are also missing from Mr. Peter's concluding statement (no connections with any of these other than as set forth above).

Second, it is clear from the motion and supporting declaration that it is not just Mr. Peter who is to be employed, it is Bankruptcy Short Sale Solutions. (Both the motion and the declaration refer to Mr. Peter "and/or his associate real estate broker Mark Ponticelli" as marketing the property for the trustee.) Yet the disclosure of connections contained in Mr. Peter's declaration pertains only to Mr. Peter, and not to Mr. Ponticelli or any other officers, employees, or other affiliates of Bankruptcy Short Sale Solutions.

The court will continue the hearing to March 19, 2014, at 10:00 a.m., the moving party to submit supplemental evidence in support of the motion no later than March 10, 2014. The hearing will be continued by minute order. No appearance is necessary on March 5, 2014.

16. 11-36143-D-12 CHARLES YURGELEVIC MOTION TO DISMISS CASE FOR
JPJ-1 FAILURE TO MAKE PLAN PAYMENTS
1-31-14 [63]

17. 13-32048-D-7 EDWARD COLON MOTION TO EMPLOY BANKRUPTCY
JB-1 SHORT SALE SOLUTIONS AS
BROKER(S)
2-4-14 [21]

Final ruling:

This motion has been withdrawn by stipulated order dated February 27, 2014. Matter removed from calendar. No appearance is necessary.

18. 13-35948-D-7 TEENA BLANCO MOTION FOR RELIEF FROM
VVF-1 AUTOMATIC STAY AND/OR MOTION
HONDA LEASE TRUST VS. FOR ADEQUATE PROTECTION
2-5-14 [11]

Final ruling:

This matter is resolved without oral argument. This is Honda Lease Trust's motion for relief from automatic stay. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and debtor is not making post petition payments. The court finds there is cause for relief from stay, including lack of adequate protection of the moving party's interest. Accordingly, the court will grant relief from stay by minute order. As the debtor is not making post-petition payments and the creditor's collateral is a depreciating asset, the court will also waive FRBP 4001(a)(3). There will be no further relief afforded. No appearance is necessary.

19. 14-20064-D-7 GLENN GREGO MOTION TO USE CASH COLLATERAL,
MOTION FOR ADEQUATE PROTECTION
2-4-14 [42]

Final ruling:

This case was converted to a case under Chapter 7 on February 6, 2014. As a result the motion will be denied by minute order as moot. No appearance is necessary.

20. 12-20365-D-7 JEFFREY/DINA GRAVES
PD-1
WELLS FARGO BANK, N.A. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-29-14 [43]

Final ruling:

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed and the relief requested in the motion is supported by the record. As such the court will grant relief from stay. As the debtors' Statement of Intentions indicates they will surrender the property, the court will also waive FRBP 4001(a)(3) by minute order. There will be no further relief afforded. No appearance is necessary.

21. 11-21069-D-7 CHARLES ALFORD
13-2397 USA-1
ALFORD V. US DEPARTMENT OF
EDUCATION ET AL

MOTION TO DISMISS ADVERSARY
PROCEEDING
1-29-14 [7]

Tentative ruling:

This is the motion of the United States, on behalf of defendant the U.S. Department of Education (the "United States"), to dismiss the plaintiff's complaint in this adversary proceeding (the "complaint") pursuant to Fed. R. Civ. P. 12(b)(6), made applicable herein by Fed. R. Bankr. P. 7012(b), for failure to state a claim upon which relief can be granted. Plaintiff Charles Ellis Alford, the debtor in the underlying chapter 7 case in which this adversary proceeding is pending (the "plaintiff"), has filed opposition. For the following reasons, the motion will be conditionally granted.

By his complaint, the plaintiff seeks a determination that his debts to the United States and other defendants, although they are student loans, are dischargeable based on undue hardship, and have been discharged by the debtor's discharge in the underlying case. The United States contends the plaintiff's complaint does nothing more than recite the elements of a claim for discharge of student loans based on undue hardship, and therefore, that the complaint is insufficient to state a claim for relief. The United States is correct. The only allegations of undue hardship in the complaint appear in paragraph 7; however, they merely recite the conclusions the court must reach in order to find for the plaintiff. That is not sufficient. "[T]he tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009), citing Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007).

The plaintiff relies in his opposition on Fed. R. Civ. P. 8(a), incorporated herein by Fed. R. Bankr. P. 7008(a), which provides that "[a] pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court's jurisdiction . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought" However, the "short and plain statement of the claim" must include something more than legal conclusions and a recital of the elements of the claim. "Rule 8 [Fed. R. Civ. P. 8] marks a notable and generous departure from the hypertechnical, code-pleading regime of a prior era, but it does not unlock the

doors of discovery for a plaintiff armed with nothing more than conclusions." Iqbal, 556 U.S. at 678-79.

The plaintiff also cites Fed. R. Civ. P. 11(b), which provides that by signing, filing, or submitting a pleading to the court, an unrepresented party certifies that, to the best of his or her knowledge, information, and belief, formed after a reasonable inquiry, "the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery." Fed. R. Civ. P. 11(b). (The applicable rule in this proceeding is Fed. R. Bankr. P. 9011(b).) As with Rule 8(a), this rule is in addition to, not in substitution for, the requirement that a pleading must contain something more than legal conclusions and a listing of the elements of the claim.

The United States also contends that the plaintiff's complaint should be dismissed under Rule 12(b)(6) because it fails to explain why the plaintiff waited three years from the time his bankruptcy petition was filed before filing his adversary complaint, and thus, why his claims are not barred by the doctrine of laches. Laches is an affirmative defense, and the United States has offered no authority for the proposition that a plaintiff must include factual allegations in his complaint that would overcome the defense.

For the reasons stated, the court will conditionally grant the motion. The plaintiff may file an amended complaint within 30 days from the date of the order on the motion; if he does not, the complaint will be dismissed without further notice or hearing.¹ If the plaintiff files an amended complaint within 30 days from the date of the order, the United States shall file an answer or other response in accordance with applicable rules.

The court will hear the matter.

¹ The court's findings and conclusions herein are applicable to the complaint as a whole; that is, as to all the defendants, and if the plaintiff does not timely amend the complaint as required hereby, the complaint will be dismissed as to all the defendants.

23. 13-28369-D-7 EDWIN GERBER CONTINUED MOTION FOR RELIEF
FWP-1 FROM AUTOMATIC STAY AND/OR
MONTICELLO BANKING COMPANY MOTION FOR ADEQUATE PROTECTION
VS. 10-16-13 [31]

24. 13-28369-D-7 EDWIN GERBER MOTION TO DISMISS FOURTH
14-2003 DL-1 CAUSE(S) OF ACTION FROM
BELL V. GERBER COMPLAINT
2-4-14 [8]

25. 12-20571-D-7 PRITPAUL SAPPAL MOTION TO AVOID LIEN OF MILLER
AND BECK
Final ruling: 1-30-14 [166]

This is the debtor's motion to avoid a judicial lien held by Miller & Beck. The motion was noticed pursuant to LBR 9014-1(f)(1), and no timely opposition has been filed. However, the court is not prepared to grant the motion at this time because the moving party failed to serve Miller & Beck in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving party served Miller & Beck through the attorneys who have appeared in this case on its behalf, and also served Miller & Beck at a street address, but not to the attention of an officer, managing or general agent, or agent for service of process, as required by Fed. R. Bankr. P. 7004(b)(3). (Service on the attorneys, although a good idea, was not sufficient to effect service as required by Fed. R. Bankr. P. 7004(b)(3).) In addition, the moving party failed to serve Miller & Beck at the address of its apparent successor in interest, MillerHauser Law Group LLP. According to documents filed by Miller & Beck's attorneys in this case, Miller & Beck is now known as MillerHauser Law Group LLP. The court pointed this out to the moving party in a ruling denying an earlier motion, but the moving party has again failed to serve MillerHauser Law Group LLP at its address.

The court will continue the hearing to April 2, 2014, at 10:00 a.m., the moving party to file a notice of continued hearing no later than March 5, 2014, and to serve it, along with the motion, on Miller & Beck and separately on MillerHauser Law Group LLP, both to the attention of an officer or managing or general agent. (The moving party need not name a particular individual.) Such service shall be made by March 5, 2014. The notice of continued hearing shall be a notice pursuant to LBR 9014-1(f)(1) (written opposition required to be filed and served at least 14 days

prior to the continued hearing date). The moving party shall file a proof of service of the motion and notice of continued hearing no later than March 7, 2014.

The hearing will be continued by minute order. No appearance is necessary on March 5, 2014.

26. 12-20571-D-7 PRITPAUL SAPPAL MOTION TO AVOID LIEN OF CCM CORPORATION
1-30-14 [171]

Final ruling:

This is the debtor's motion to avoid a judicial lien held by CCM Corporation ("CCM"). The motion was noticed pursuant to LBR 9014-1(f)(1), and no timely opposition has been filed. However, the court is not prepared to grant the motion at this time because the moving party failed to serve CCM in strict compliance with Fed. R. Bankr. P. 7004(b)(3), as required by Fed. R. Bankr. P. 9014(b). The moving party served CCM (1) at a street address, but not to the attention of an officer, managing or general agent, or agent for service of process, as required by Fed. R. Bankr. P. 7004(b)(3), and (2) at a different street address to the attention of "William C. Meek, Agent for CCM Corporation," and not to the attention of an officer, managing or general agent, or agent for service of process. (The court notes that the Secretary of State's website shows no corporation with "CCM" in its name having William C. Meek as its registered agent for service of process.)

The court will continue the hearing to April 2, 2014, at 10:00 a.m., the moving party to file a notice of continued hearing no later than March 5, 2014, and to serve it, along with the motion, on CCM Corporation to the attention of an officer or managing or general agent. (The moving party need not name a particular individual.) Such service shall be made by March 5, 2014. The notice of continued hearing shall be a notice pursuant to LBR 9014-1(f)(1) (written opposition required to be filed and served at least 14 days prior to the continued hearing date). The moving party shall file a proof of service of the motion and notice of continued hearing no later than March 7, 2014.

The hearing will be continued by minute order. No appearance is necessary on March 5, 2014.

27. 13-23371-D-11 JUAN/MARGARITA RAMIREZ MOTION FOR APPROVAL OF STIPULATION RE: TREATMENT OF CLAIM UNDER DEBTORS' PROPOSED CHAPTER 11 PLAN OF REORGANIZATION
PD-1 2-5-14 [149]

28. 13-35671-D-11 CARLYLE STATION LLC MOTION TO VALUE COLLATERAL OF
TMP-4 HERITAGE BANK OF COMMERCE
1-31-14 [52]

Final ruling:

The hearing on this motion is continued to April 16, 2014 at 10:00 a.m. No appearance is necessary.

29. 13-35082-D-7 SANTAREJAI/DASHANNA BROWN ORDER TO SHOW CAUSE - FAILURE
TO PAY FEES
2-7-14 [52]

30. 13-26683-D-7 JILL SPOONER MOTION FOR RELIEF FROM
KAZ-1 AUTOMATIC STAY
U.S. BANK, N.A. VS. 1-27-14 [78]

Final ruling:

This matter is resolved without oral argument. This is U.S. Bank, N.A.'s motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

31. 11-22685-D-7 BLUE RIBBON STAIRS, INC. MOTION FOR RELIEF FROM
MEC-1 AUTOMATIC STAY
BEAZER HOMES HOLDINGS CORP. 1-27-14 [1081]
VS.

Final ruling:

This matter is resolved without oral argument. This is Beazer Homes Holdings Corp.'s motion seeking relief from automatic stay to pursue available insurance proceeds. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is cause for granting limited relief from stay to allow the moving party to proceed with litigation, as is necessary, to collect against available insurance proceeds. Accordingly, the court will grant limited relief from stay to allow the moving party to proceed to judgment against the debtor for the limited purpose of pursuing any available insurance proceeds. There will be no further relief afforded. Moving party is to submit an appropriate order. No appearance is necessary.

32. 11-22685-D-7 BLUE RIBBON STAIRS, INC. MOTION FOR RELIEF FROM
PCH-1 AUTOMATIC STAY
BEAZER HOMES HOLDING CORP. 1-28-14 [1086]
VS.

Final ruling:

This matter is resolved without oral argument. This is Beazer Homes Holdings Corp.'s motion seeking relief from automatic stay to pursue available insurance proceeds. The court's records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is cause for granting limited relief from stay to allow the moving party to proceed with litigation, as is necessary, to collect against available insurance proceeds. Accordingly, the court will grant limited relief from stay to allow the moving party to proceed to judgment against the debtor for the limited purpose of pursuing any available insurance proceeds. There will be no further relief afforded. Moving party is to submit an appropriate order. No appearance is necessary.

33. 13-34790-D-7 RONALD/MARCINE STUCKER MOTION FOR RELIEF FROM
RWR-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A. VS. 1-23-14 [17]

Final ruling:

This matter is resolved without oral argument. This is Wells Fargo Bank, N.A.'s motion for relief from automatic stay. The court records indicate that no timely opposition has been filed. The motion along with the supporting pleadings demonstrate that there is no equity in the subject property and the property is not necessary for an effective reorganization. Accordingly, the court finds there is cause for granting relief from stay. The court will grant relief from stay by minute order. There will be no further relief afforded. No appearance is necessary.

34. 14-20391-D-7 JOSE/ANA SANCHEZ MOTION FOR RELIEF FROM
SC-1 AUTOMATIC STAY
GRANITE RANCH OPPORTUNITIES, 1-31-14 [15]
LLC VS.

35. 09-26096-D-7 TOP NOTCH LIMOUSINE AND MOTION FOR COMPENSATION FOR
KPM-2 EXECUTIVE SERVICES KOKJER, PIEROTTI, MAIOCCO AND
DUCK LLP, ACCOUNTANT(S), FEES:
Final ruling: \$7,348.50, EXPENSES: \$495.47
1-24-14 [204]

The matter is resolved without oral argument. The court's records indicate that no timely opposition has been filed. The record establishes, and the court finds, that the fees and costs requested are reasonable compensation for actual, necessary, and beneficial services under Bankruptcy Code § 330(a). As such, the court will grant the motion by minute order. No appearance is necessary.

36. 11-31798-D-12 ROBERT CARRILLO MOTION TO DISMISS CASE
JPJ-1 1-30-14 [75]
37. 13-34313-D-7 LUCY CALDERON MOTION TO DISMISS CASE
NUU-1 2-13-14 [14]
38. 13-34135-D-7 BALBIR SANDHU CONTINUED TRUSTEE'S MOTION TO
DISMISS FOR FAILURE TO APPEAR
AT SEC. 341(A) MEETING OF
CREDITORS
1-21-14 [16]
39. 13-31754-D-11 VICTOR/SVETLANA PARSHIN MOTION TO EMPLOY RICHARD JARE
RJ-3 AS ATTORNEY(S)
2-19-14 [59]

Tentative ruling:

This is the motion of the debtors-in-possession in this case to employ Richard Jare as their counsel in this case. The motion was noticed pursuant to LBR 9014-1(f)(2); thus, the court will entertain opposition, if any, at the hearing. However, for the guidance of the parties, the court issues this tentative ruling.

The motion is supported by a declaration of the proposed attorney for the debtors-in-possession in which he states that he "[does] not have any connection with the Debtor, the Debtors in Possession, the creditors, or with the office of the United States Trustee." This does not comply with the applicable rule, which requires that a person proposed to be employed in a bankruptcy case must disclose "all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee." Fed. R. Bankr. P. 2014(a). The declaration does not mention other parties-in-interest, or the respective attorneys and accountants of the debtors, creditors, and other parties-in-interest, and does not mention the employees of the office of the United States Trustee. In preparing a supplemental declaration, counsel should also keep in mind the requirement of the LBR 2014-1. Further, the proposed attorney for the debtors has failed to file the statement required by Fed. R. Bankr. P. 2016(b).

For these reasons, the court intends to deny the motion. In the alternative, the court will continue the hearing to allow proposed counsel to supplement the record. The court will hear the matter.

40. 09-29162-D-11 SK FOODS, L.P. CONTINUED MOTION TO EMPLOY
SH-242 ROBERT C. GREELEY AS ESTATE
PROFESSIONAL - RECEIVER
1-28-14 [4650]

This motion has been granted by an order entered March 3, 2014. Matter removed from calendar.

41. 09-29162-D-11 SK FOODS, L.P. CONTINUED MOTION TO EMPLOY MARK
SH-243 A. SERLIN AS SPECIAL COUNSEL
1-28-14 [4655]

This motion has been granted by an order entered March 3, 2014. Matter removed from calendar.

42. 13-28369-D-7 EDWIN GERBER MOTION TO EMPLOY GABRIELSON AND
JB-1 COMPANY AS ACCOUNTANT(S)
2-11-14 [119]

43. 13-28369-D-7 EDWIN GERBER
PA-6

COUNTER MOTION TO EMPLOY
KATZAKIAN REAL ESTATE AS REAL
ESTATE BROKER
2-14-14 [126]

Tentative ruling:

This is the trustee's motion to employ Katzakian Real Estate as his real estate broker in this case. The motion was noticed pursuant to LBR 9014-1(f)(2); thus, the court will entertain opposition, if any, at the hearing. However, for the guidance of the parties, the court issues this tentative ruling.

The motion is supported by a declaration of Christine Katzakian, who states that Katzakian Real Estate "has no connections with the Debtor, the Office of U.S. Trustee, creditors, or any party in interest." C. Katzakian Decl., filed Feb. 14, 2014, at 2:25-27. She adds that Katzakian Real Estate has been employed by the trustee in other bankruptcy cases, but does not currently have any other listings with the trustee. The quoted and cited language does not comply with the applicable rule, which requires that a person proposed to be employed in a bankruptcy case must disclose "all of the person's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee." Fed. R. Bankr. P. 2014(a) (emphasis added).

For this reason, the court intends to deny the motion. In the alternative, the court will continue the hearing to allow proposed counsel to supplement the record. The court will hear the matter.

44. 13-21595-D-7 PATRICIA CUNNINGHAM
JB-1

MOTION TO EMPLOY GABRIELSON AND
COMPANY AS ACCOUNTANT(S)
2-11-14 [159]

45. 14-20196-D-11 LABOUR OF LOVE CHURCH OF
GOD IN CHRIST

CONTINUED ORDER TO SHOW CAUSE
1-15-14 [11]

Final ruling:

The deficiency has been corrected. As a result the court will issue a minute order discharging the order to show cause and the case will remain open. No appearance is necessary.