

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil
Bankruptcy Judge
Sacramento, California

May 18, 2016 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.	16-20902-D-7	HOLLY PACE	MOTION TO ABANDON
	SCB-2		4-15-16 [27]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the trustee's motion to abandon real and personal property and the trustee has demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned by minute order. No appearance is necessary.

2. 15-25906-D-7 ESTHER BAEZ MOTION TO COMPROMISE
BHS-3 CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH NICOLE TUTER
4-6-16 [64]

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.

3. 15-25906-D-7 ESTHER BAEZ OBJECTION TO CLAIM OF LVNV
JLK-4 FUNDING, LLC, CLAIM NUMBER 4
4-4-16 [56]

Final ruling:

This is the debtor's objection to the claim of LVNV Funding, LLC, Claim No. 4 on the court's claims register. On April 20, 2016, the claimant withdrew the claim. As a result of the withdrawal of the claim, the objection is moot. The objection will be overruled as moot by minute order. No appearance is necessary.

4. 15-25906-D-7 ESTHER BAEZ OBJECTION TO CLAIM OF TOLER
JLK-5 BAIL BONDS, CLAIM NUMBER 3
4-4-16 [60]

Final ruling:

The matter is resolved without oral argument. The court's record indicates that no timely opposition/response to the objection to the claim of Toler Bail Bonds, Claim No. 3, has been filed and the objection is supported by the record. Accordingly, the court will sustain the debtor's objection to Toler Bail Bonds' claim. Moving party is to submit an appropriate order. No appearance is necessary.

5. 16-21007-D-7 ELIZABETH PAZ MOTION FOR RELIEF FROM
AP-1 AUTOMATIC STAY
THE BANK OF NEW YORK MELLON
VS. 4-11-16 [13]

Final ruling:

This matter is resolved without oral argument. This is The Bank of New York Mellon'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.

6. 15-24611-D-7 MICHAEL/SUSAN PAGE MOTION TO SELL
MDM-2 4-19-16 [63]
7. 09-46625-D-7 VASCO/MICHELE DEMELLO MOTION TO COMPROMISE
DNL-5 CONTROVERSY/APPROVE SETTLEMENT
AGREEMENT WITH GARY TAYLOR LEE,
JR.
4-20-16 [137]
8. 14-31725-D-11 TAHOE STATION, INC. CONTINUED ORDER TO SHOW CAUSE
2-11-16 [314]
DEBTOR DISMISSED: 10/29/2015
9. 16-20425-D-7 MARY ANN ROSAROSO MOTION FOR RELIEF FROM
MDE-1 AUTOMATIC STAY
HSBC BANK USA, N.A. VS. 4-19-16 [16]

10. 10-47536-D-7 DOUGLAS KIRKWOOD MOTION FOR COMPENSATION BY THE
CDH-4 LAW OFFICE OF HUGHES LAW
CORPORATION FOR CHRISTOPHER
HUGHES, TRUSTEE'S ATTORNEY(S)
3-16-16 [94]
11. 10-47536-D-7 DOUGLAS KIRKWOOD MOTION FOR ADMINISTRATIVE
CDH-5 EXPENSES
3-16-16 [99]
12. 10-47536-D-7 DOUGLAS KIRKWOOD MOTION FOR COMPENSATION BY THE
MDM-2 LAW OFFICE OF MELLEN LAW FIRM
FOR MATTHEW D. MELLEN, SPECIAL
COUNSEL(S)
3-16-16 [103]
13. 10-50339-D-7 ELEFThERIOS/PATRICIA MOTION FOR COMPENSATION FOR
HSM-9 EFSTRATIS MELINDA JANE STEUER, SPECIAL
COUNSEL
4-20-16 [340]

Tentative ruling:

This is the trustee's application for a first interim allowance of compensation to his special litigation counsel, Law Offices of Melinda Jane Steuer (the "Applicant"). The trustee also seeks authority to pay a \$30,000 retainer to the Applicant as an advance against future litigation costs. Guy Kornblum opposes the

motion, asserting he has a judgment lien in the monies from which the trustee proposes to pay the requested compensation and expense retainer. The trustee has filed a reply. Since the motion was filed, the trustee has filed another motion, also on this calendar, in which he seeks to surcharge, pursuant to § 506(c) of the Bankruptcy Code, the alleged collateral of Mr. Kornblum and another judgment lien claimant to pay the compensation and expense retainer to the Applicant. The trustee does not concede the validity of either Mr. Kornblum's or the other lien claimant's judgment lien; he merely asserts that to the extent the funds are the collateral of one or the other, the trustee should be permitted to surcharge that collateral to pay the compensation and expense retainer.

The surcharge motion was brought pursuant to LBR 9014-1(f)(2), and Mr. Kornblum has stated he intends to oppose it. Given his asserted claim of a lien in the monies, it appears the court cannot approve the payment until the surcharge motion is resolved or the trustee demonstrates he may use that alleged collateral pursuant to some other authority. The trustee has presented no legal authority in support of the compensation motion under which the court may authorize him to use the alleged collateral to pay the Applicant over Mr. Kornblum's objection. The trustee proposes only that the payment to the Applicant be approved "on an interim basis," subject to final approval at a later time and subject to disgorgement by the Applicant if Mr. Kornblum's or the other party's lien claim holds up. The Applicant's agreement to be responsible for disgorgement in the event of such a result is simply not a sufficient substitute for legal authority under which the court may approve the payment at this time.

For these reasons, the court intends to grant the motion in part, to the extent of approving the compensation and reimbursement of expenses, but not allowing payment at this time. The court will use this hearing as a status conference and will likely continue it to coincide with a final hearing on the surcharge motion. The court will hear the matter.

14. 16-21953-D-7 ROSSALIND HAYES MOTION FOR WAIVER OF THE
CHAPTER 7 FILING FEE OR OTHER
FEE
3-30-16 [5]

15. 16-21953-D-7 ROSSALIND HAYES MOTION FOR RELIEF FROM
APN-1 AUTOMATIC STAY
WELLS FARGO BANK, N.A. VS. 4-12-16 [14]

16. 16-21654-D-7 DAVID/JENIFER HIGGINS MOTION TO COMPEL ABANDONMENT
FF-2 4-15-16 [11]

Final ruling:

The matter is resolved without oral argument. There is no timely opposition to the debtors' motion to compel the trustee to abandon property and the debtors have demonstrated the property to be abandoned is of inconsequential value to the estate. Accordingly, the motion will be granted and the property that is the subject of the motion will be deemed abandoned. Moving party is to submit an appropriate order. No appearance is necessary.

17. 15-28060-D-11 ACADEMY OF PERSONALIZED MOTION FOR COMPENSATION BY THE
MLA-10 LEARNING, INC. LAW OFFICE OF ABDALLAH LAW
GROUP, P.C. FOR MITCHELL L.
ABDALLAH, DEBTOR'S ATTORNEY(S)
4-20-16 [312]

Tentative ruling:

This is the motion of Mitchell Abdallah, dba Abdallah Law Group, P.C. (the "Applicant") for a first interim allowance of compensation for services as the debtor's bankruptcy counsel in this case. The court intends to grant the motion in part and allow costs plus 75% of the fees requested, on an interim basis, without prejudice to the Applicant's right to seek allowance of all the fees in a final fee application. The court issues this tentative ruling to alert the Applicant to certain concerns the court has with some of the charges for particular services.

First, the Applicant has billed at law clerk rates for services that are purely secretarial or clerical in nature, which are not compensable. See *Sousa v. Miguel*, 32 F.3d 1370, 1374 (9th Cir. 1994). For example, the Applicant has billed at \$200 per hour for services such as preparation of proofs of service; inputting the creditor list and other information into the schedules and amended schedules; completing the schedules for counsel's review; filing the schedules and other documents; and filing and serving motions, amendments to schedules, and proofs of service. These types of services are not compensable whether they are performed by a secretary or a law clerk. Applicant should not charge for these types of services in future applications.

Second, some of the Applicant's time entries appear excessive. For example, counsel billed 4.5 hours at \$350 per hour, a total of \$1,575, for a routine two-page application to employ accountants and a routine two-page supporting declaration. Counsel also billed 3.0 hours at \$350 per hour, a total of \$1,050, for four one and one-half page notices of continued hearing, all of which were purely boilerplate and all of which were identical except for the name of the motion being continued.

Finally, the court has not examined the time sheets in sufficient detail to determine whether there have been any charges resulting from unnecessary duplication of effort as between the Applicant's firm and that of its co-counsel. The court is likely to make a more detailed examination on future fee applications, and certainly on the Applicant's final fee application, and to require further information. Where, for example, counsel from both firms have billed for appearances at the same hearings, the court will likely expect them to state why appearances by both were

necessary. Mr. Lapping, of the Applicant's co-counsel's firm, has stated that he and the Applicant would operate in this case similar to a law firm with senior and junior attorneys handling a case, "with the expectation that duplication will be avoided, but coordination will be required." However, even in cases where a single firm is employed, the court would not necessarily expect both senior and junior attorneys to appear at the same hearings and bill for both attorneys' time. In short, the Applicant is again cautioned the court will be examining the time records on subsequent fee applications and certainly on the final fee application to determine whether the joint representation has resulted in a greater expense to the estate than would have been incurred if the debtor had employed a single law firm.

The court will hear the matter.

18.	15-28060-D-11	ACADEMY OF PERSONALIZED	CONTINUED MOTION FOR
	RAL-6	LEARNING, INC.	COMPENSATION BY THE LAW OFFICE
			OF TRODELLA & LAPPING, LLP FOR
			RICHARD A. LAPPING, DEBTOR'S
			ATTORNEY(S)
			3-23-16 [256]

Tentative ruling:

This is the motion of Richard A. Lapping and Trodella & Lapping LLP (the "Applicant") for a first interim allowance of compensation for services as the debtor's bankruptcy counsel in this case. The court intends to grant the motion in part and allow costs plus 75% of the fees requested, on an interim basis, without prejudice to the Applicant's right to seek allowance of all the fees in a final fee application. The court issues this tentative ruling to alert the Applicant to certain concerns the court has with some of the charges for particular services.

First, the Applicant has billed at attorney rates for services that are purely secretarial or clerical in nature, which are not compensable. See *Sousa v. Miguel*, 32 F.3d 1370, 1374 (9th Cir. 1994). For example, the Applicant has billed at \$475 per hour for services such as organizing proofs of service and other documents for filing and service, preparing proofs of service, arranging telephonic appearances, and filing and serving papers. These types of services are not compensable whether they are performed by a secretary or an attorney. Applicant should not charge for these types of services in future applications.

Second, some of the Applicant's time entries appear excessive or inappropriate. For example, counsel billed 1.5 hours, \$712.50, for drafting, organizing, filing, and serving two notices of continued hearing made necessary solely by service defects in the original mailing. Counsel should not bill the estate for time that was necessary for his own mistakes. Counsel billed 13.9 hours, \$6,602.50, for a motion to enforce the automatic stay. That included 1.8 hours, \$855, for a routine one-page notice of hearing and a one and one-half page application to shorten time, which appears excessive.

The court is also concerned some of the Applicant's services appear to have been made necessary solely by mistakes made by its co-counsel. The United States Trustee objected to the debtor's application to employ Abdallah Law Group, P.C. ("ALG") on the ground it had accepted the debtor's personal check for its retainer, and in so doing, had received a \$50,000 unauthorized post-petition payment. In addition, the United States Trustee objected because, having been paid post-petition for its pre-petition services, ALG was a creditor as of the petition date, and

therefore, not a disinterested person qualified to represent the debtor. Rather than having ALG address those issues, the Applicant here billed for 2.7 hours of time, at \$475 per hour, for a total of \$1,282.50, for reviewing the United States Trustee's objection and preparing the response. It almost certainly would have appeared overreaching for ALG to bill for those services, and the court questions why it was any more appropriate for the Applicant to perform and bill for them.

Similarly, the court issued tentative rulings to deny the debtor's applications to employ an accountant and special counsel on the basis that the declarants had made insufficient disclosure about their connections with the debtor. The Applicant billed 2.1 hours, \$997.50, for assisting the debtor's accountant and 1.9 hours, \$902.50, for assisting special counsel with the appropriate disclosures and drafting supplemental declarations that contained largely factual recitations, not legal in nature.

Finally, the court has not examined the time sheets in sufficient detail to determine the extent of any charges resulting from unnecessary duplication of effort as between the Applicant's firm and that of its co-counsel. The court does note, however, that the Applicant billed 1.4 hours, \$665, for revising his declaration supporting employment to address the allocation of his firm's services with those of his co-counsel and for emailing the client regarding the division of labor. The court notes also that counsel from both firms have frequently appeared at the same hearings, and counsel from the Applicant's firm has traveled from San Francisco, at \$475 per hour, to do so. In future applications, the court may expect counsel to state why appearances by both were necessary and why an in-person appearance by San Francisco counsel was necessary. In short, the Applicant is again cautioned the court will be examining the time records on subsequent fee applications and certainly on the final fee application to determine whether the joint representation has resulted in a greater expense to the estate than would have been incurred if the debtor had employed a single law firm.

The court will hear the matter.

19.	14-20064-D-7	GLENN GREGO	CONTINUED MOTION FOR SUMMARY
	15-2042	WR-35	JUDGMENT
	GREGO V. PACIFIC WESTERN BANK		8-7-15 [82]

Final ruling:

This adversary proceeding was dismissed on April 26, 2016. As a result the motion for summary judgment will be denied by minute order as moot. No appearance is necessary.

Tentative ruling:

This is the debtors' objection to the claim of the Internal Revenue Service (the "IRS"), Claim No. 1, as amended by claim filed April 15, 2015. The IRS has filed opposition. For the following reasons, the objection will be overruled.¹

"A proof of claim executed and filed in accordance with [the Bankruptcy Rules] shall constitute prima facie evidence of the validity and amount of the claim." Fed. R. Bankr. P. 3001(f). "Upon objection, [a] proof of claim provides 'some evidence as to its validity and amount' and is 'strong enough to carry over a mere formal objection without more.'" Lundell v. Anchor Constr. Specialists, Inc., 223 F.3d 1035, 1039 (9th Cir. 2000) (citation omitted). "To defeat the claim, the objector must come forward with sufficient evidence and 'show facts tending to defeat the claim by probative force equal to that of the allegations of the proof[] of claim [itself].'" Id. (citation omitted, emphasis added).

The debtors make three arguments. First, they contend the claim "alleges that the tax returns for these years [2009 - 2013] were not filed, and provides estimated figures for these returns" (Debtors' Obj., DN 273, at 2:12-13), whereas "Debtors . . . assert that this Claim is specifically controverted by the IRS Account transcripts showing that Debtors filed their 2009, 2010, 2011, 2012 and 2014 returns." Id. at 2:13-15. This conclusion is simply wrong. The proof of claim indicates the debtors' Forms WT-FICA and FUTA for all the quarters beginning with the third quarter of 2008 through the fourth quarter of 2014 were not filed, whereas the account transcripts filed by the debtors are for various Forms 1040 only. The proof of claim does not indicate any of the debtors' Forms 1040 were not filed, only the Forms WT-FICA and FUTA. The debtors do not contend their Forms WT-FICA and FUTA were filed.² Thus, the account transcripts do not controvert the proof of claim.

Next, the debtors assert the account transcripts show their liability for the years 2009 through 2014 is \$1,112,006.43 at most. This figure is much lower than the amount shown on the proof of claim as attributable to amounts other than the \$3,200 in estimated taxes for the unfiled WT-FICA and FUTA returns. That total is \$4,769,242.37. According to the IRS, there are essentially two reasons for the discrepancy. First, a Revenue Officer Advisor with the IRS testifies that the claim "includes \$3,096,000 for determined but unassessed penalties imposed under 26 U.S.C. § 6701 for aiding and assisting in the understatement of a tax liability (3,096 returns at \$1,000 per return)." Werstler Decl., DN 280, at 2:9-11. According to the IRS's opposition, debtor Sarad Chand prepared tax returns for others and was charged under 26 U.S.C. § 7206(2), which makes it a felony to aid in the preparation of false or fraudulent tax returns. The IRS has determined that 3,096 of the returns Mr. Chand prepared "warranted imposition of the Section 6701 penalty." IRS's Resp., DN 279, at 3:21-22. The IRS continues: "These penalties remain 'estimates' because they cannot be assessed at this juncture without violating the automatic stay. Because Debtors have not attached transcripts for these penalties, however, does not preclude them as proper claims." Id. at 3:22-24.

The court agrees. The court would not expect to see the debtor's liability for this type of penalty in transcripts of a debtor's income tax liability. Thus, the

fact that this liability does not appear in the transcripts submitted by the debtors is not determinative, and the debtors have otherwise submitted no evidence that this portion of the claim is not valid. On the other hand, it appears this portion of the claim has not been found to be due and owing by way of a final and binding determination, and the court intends to lift the automatic stay to allow the parties to proceed to a final determination.³ The debtors' bankruptcy case has been pending for 22 months, and the automatic stay has been in place as to actions against the debtors for all that time. (The trustee's time to object to the debtors' discharge is presently set to expire on June 3, 2016. Thus, a discharge has not been granted or denied, and the automatic stay remains in place pursuant to § 362(c)(2)(C)). Absent some persuasive argument to the contrary, the court will sua sponte lift the stay to permit the parties to proceed to a final determination of the amount owing to the IRS on account of the § 6701 penalties (and the amounts owing to the IRS for any other reason), collection to be stayed until this case is closed or dismissed, the debtors' discharge is entered or denied, or until further order of this court.

As the IRS points out, the second discrepancy between the IRS account transcripts and the IRS's proof of claim is that the transcripts do not include joint debtor Usha Chand's income tax liability for tax year 2010. The transcripts for tax years 2009, 2011, 2012, 2013, and 2014 show the debtors as having filed as "married filing jointly"; the transcripts are addressed to both debtors, "Sarad & Usha D. Chand." In contrast, the transcript for tax year 2010 shows the debtors as having filed "married filing separately"; the transcript is addressed to debtor Sarad Chand only. The transcripts submitted by the debtors do not include a transcript of Usha Chand's liability for 2010, which, according to the testimony of the IRS's Revenue Officer Advisor, amounts to \$595,070.53. Unlike the account transcripts submitted by the debtors, the IRS's proof of claim includes this liability, at a total of \$542,774.25. (The figure is higher now, apparently on account of ongoing interest accruing since the date of the debtors' petition, 22 months ago.) The bottom line is that the account transcripts submitted by the debtors do not tell the whole story. They include (1) only income tax liability and not liability for the § 6701 penalties; and (2) for tax year 2010, only Sarad Chand's liability and not that of Usha Chand.

Finally, the debtors "object to this claim as it asserts multiple liens filed in multiple counties and asserting separate liens against debtors individually," whereas "debtors filed joint returns as reflected in the Account Transcripts." Debtors' Obj., DN 273, at 2:26-28 (emphasis in original). Attached to the IRS's proof of claim are copies of three different Federal Tax Lien Documents, as filed in three different counties, as is not unexpected in situations where the IRS, or any other creditor, wants to "cover its bases"; that is, to record notice of its lien in any county where the debtor may own real property. It does not suggest the IRS is asserting a right to a triple recovery based on the recordings in three different counties. The IRS asserts three different secured claims, based on (1) debtor Sarad Chand's income tax liability for tax year 2009, \$372,906.14 as listed on the Federal Tax Lien Document (\$373,916.83 as listed on the proof of claim); (2) debtor Sarad Chand's income tax liability for tax year 2010, \$665,218.80 as listed on the Federal Tax Lien Document (\$542,774.25 as listed on the proof of claim); and (3) joint debtor Usha Chand's income tax liability for tax year 2010, \$547,246.81 as listed on the Federal Tax Lien Document (\$542,774.25 as listed on the proof of claim).⁴ The debtors have failed to demonstrate that these secured claims, as evidenced by the multiple Federal Tax Lien Documents asserting separate liens against the debtors individually, are not valid claims. As discussed above, the debtors apparently filed separately for tax year 2010.

For the reasons stated, the debtors' objection will be overruled. In addition, the court intends to lift the automatic stay to allow the parties to proceed to final determinations of any and all amounts due and owing by the debtors to the IRS. The court will hear the matter.

- 1 As a preliminary matter, where the debt underlying a claim will not or may not be discharged, the debtor has standing to object to the claim. Wellman v. Ziino (In re Wellman), 2007 Bankr. LEXIS 4291, *5 n.5 (9th Cir. BAP 2007); Vandevort v. Creditor's Adjustment Bureau, Inc. (In re Vandevort), 2007 Bankr. LEXIS 4919, *12 n.9 (9th Cir. BAP 2007). In this case, the deadline for the trustee to object to the debtors' discharge has been extended to June 3, 2016. Thus, as of this date, the debtors have standing to object to claims.
- 2 As an aside, the dollar amount of the portion of the claim attributable to the "Not Filed" Forms WT-FICA and FUTA is virtually minuscule, when compared with the amount of the claim as a whole. The total taxes claimed on account of the unfiled WT-FICA and FUTA forms is \$3,200.
- 3 The court may lift the stay sua sponte. Estate of Kempton v. Clark (In re Clark), 2014 Bankr. LEXIS 4633, *24-25 (9th Cir. BAP 2014); In re Bellucci, 119 B.R. 763, 779 (Bankr. E.D. Cal. 1990).
- 4 The court cannot determine why the figures for both debtors' 2010 liabilities decreased between the time the Federal Tax Lien Documents were prepared, in January of 2014, and the date the debtors' petition was filed (the "as of" date of the proof of claim), July 15, 2014. In addition, it seems far too coincidental that the debtor's and joint debtor's liabilities for 2010 would be exactly the same, \$542,774.25, when that total is made up of completely different tax, penalty, and interest amounts, as shown on the proof of claim:

	Tax	Penalty	Interest	Total
Debtor	\$168,183.10	\$340,242.48	\$34,348.67	\$542,774.25
Joint Debtor	\$221,620.72	\$291,715.79	\$29,437.74	\$542,774.25

In any event, however, it is the debtors' burden to "show facts tending to defeat the claim by probative force equal to that of the allegations of the proof[] of claim [itself]" (Lundell, 223 F.3d at 1039); because they have failed to submit any evidence tending to refute the IRS's claim, the debtors have failed to meet that burden.

21. 15-29971-D-7 ELIZABETH SULLIVAN MOTION FOR RELIEF FROM
EAT-1 AUTOMATIC STAY
DEUTSCHE BANK NATIONAL TRUST 4-12-16 [45]
COMPANY VS.

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 debtor received her discharge on May 9, 2016 and, as a result, the stay is no longer in effect as to the debtor (see 11 U.S.C. § 362(c)(3)). Accordingly, the motion will be denied as to the debtor 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.

22. 12-27473-D-7 MICHAEL P. ALLEN GENERAL MOTION FOR COMPENSATION FOR
ASF-2 CONTRACTORS, INC. GABRIELSON AND COMPANY,
ACCOUNTANT(S)
4-17-16 [48]

Final ruling:

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.

23. 12-27473-D-7 MICHAEL P. ALLEN GENERAL MOTION FOR COMPENSATION BY THE
HCS-3 CONTRACTORS, INC. LAW OFFICE OF
HERUM/CRABTREE/SUNTAG FOR DANA
A. SUNTAG, TRUSTEE'S
ATTORNEY(S)
4-20-16 [56]

Final ruling:

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.

24. 14-31685-D-7 CATHERINE PALPAL-LATOC MOTION FOR COMPENSATION FOR
ASF-2 GABRIELSON & COMPANY,
ACCOUNTANT(S)
4-8-16 [176]

Final ruling:

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.

25. 16-22194-D-11 DAVID FOYIL

STATUS CONFERENCE RE: VOLUNTARY
PETITION
4-6-16 [1]

Tentative ruling:

This is the initial status conference in this chapter 11 case. The court does not ordinarily issue tentative rulings for status conferences; however, the court has preliminary concerns in this matter. First, the debtor served the Order to (1) File Status Report; and (2) Attend Status Conference (the "Order") six days late. Second, the debtor was required by the Order to serve the Status Report on, among others, (1) the holders of the 20 largest unsecured claims, excluding insiders; and (2) all parties to executory contracts and unexpired leases. However, the debtor failed to serve Albert and Eva Fisher, listed on his Schedule E/F as holding one of the three largest unsecured claims (except those listed in amounts unknown), and failed to serve David and Hannah Hooker, listed on the debtor's Schedule G. It may be that Albert and Eva Fisher are insiders and were not served for that reason. However, regardless of the Order, the debtor was required to list on his master address list all parties included or to be included on his Schedules D, E/F, G, yet neither Albert and Eva Fisher nor David and Hannah Hooker are listed on the master address list in this case. The court recognizes that the paralegal who has signed proofs of service in this case is named Hannah Hooker; however, that is not a reason to exclude these parties from the master address list.

The debtor is a bankruptcy attorney; thus, the court should be able to expect full compliance with applicable rules. Further, the court has pointed out these same issues to the debtor in rulings on status conferences in two prior cases, yet the same issues have been ignored here. The court will hear the matter.

26. 16-20595-D-7 SUSIE VERNON
AP-1
CITIMORTGAGE, INC. VS.

MOTION FOR RELIEF FROM
AUTOMATIC STAY
4-6-16 [29]

Final ruling:

This matter is resolved without oral argument. This is Citimortgage, Inc.'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.

27. 15-20600-D-11 SAEED ZARAKANI
MHK-12

MOTION TO USE CASH COLLATERAL
4-22-16 [274]

28. 16-22725-D-11 PETER/CATHLEEN VERBOOM CONTINUED MOTION TO USE CASH
WWB-1 COLLATERAL
4-29-16 [27]
29. 10-50339-D-7 ELEFThERIOS/PATRICIA MOTION FOR ORDER SURCHARGING
HSM-1 EFSTRATIS COLLATERAL OF ALLEGED
LIENHOLDERS
4-27-16 [346]
30. 16-22556-D-7 MGBEOJULIKWE OFFIAH AND MOTION FOR DETERMINATION OF
UST-1 WINIFRED OKEEM WHETHER APPOINTMENT OF A
PATIENT CARE OMBUDSMAN UNDER 11
U.S.C. 333 IS REQUIRED
5-3-16 [9]
31. 15-29890-D-7 GRAIL SEMICONDUCTOR MOTION BY HOWARD S. NEVINS TO
HSM-1 WITHDRAW AS ATTORNEY
4-26-16 [253]

35. 15-29890-D-7 GRAIL SEMICONDUCTOR
DNL-4

MOTION TO USE CASH COLLATERAL
O.S.T.
5-12-16 [284]

Tentative ruling:

This is the trustee's motion to authorize her to use estate funds to pay up to \$50,000 for expenses related to filing a lawsuit in Hong Kong and for an undertaking to obtain provisional relief before a Hong Kong court. The motion is being heard pursuant to an order shortening time, pursuant to which the trustee was required, as a condition of having the motion heard on this date, to accomplish service by May 12, 2016. The problem is that "attached mailing matrix" referred to in the proof of service, DN 290, is not attached. The trustee should provide a corrected proof of service at the hearing.

The court will hear the matter.