

UNITED STATES BANKRUPTCY COURT
Eastern District of California

Honorable Ronald H. Sargis
Chief Bankruptcy Judge
Sacramento, California

May 30, 2019 at 11:00 a.m.

1. [14-20006-E-13](#) RYAN/MEGAN ROSTRON MOTION TO SUBSTITUTE ATTORNEY
4-5-19 [106]

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Not Provided. No Proof of Service was filed presenting evidence that the Substitution and Notice were served on any party in interest.

The Motion to Substitute was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

The Motion to Substitute is ~~granted~~.

The debtors, Ryan Duke Rostron and Megan Anne Rostron ("Debtor"), filed this Motion seeking to substitute themselves in as counsel in the place of Sagaria Law, P.C.

No evidence is filed with the Substitution, and no grounds are stated in the Motion. The Substitution merely states that Debtor "hereby substitute themselves in the place and stead of Sagaria Law, P.C." Dckt. 106.

The Substitution is signed by Debtor and Elliot W. Gale, esq. While Debtor has freely consented to the termination of employment of Sagaria Law, P.C (CAL. R. PROF'L. CONDUCT 1.16(b)(6)), counsel has not provided an explanation for why the case would not be harmed in passing the baton from knowledgeable legal counsel to Debtor to proceed in *Pro Se*.

Furthermore, no explanation has been provided as to what amounts have been paid to Sagaria Law, P.C. based on services that are no longer being rendered.

Status of Case

This case was commenced on January 1, 2014. Currently a Modified Chapter 13 Plan is being performed by the Debtor. Order, Dckt. 102. The term of the Plan is 60 months. Dckt. 94.

\$4,000.00 in fees was paid to Sagaria Law, P.C. prior to the commencement of this case, with no fees to be paid through the Chapter 13 Plan, for all services provided in this case covered by the “no-look” fee.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Substitution of Attorney filed by Ryan Duke Rostron and Megan Anne Rostron (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Substitution of Attorney is ~~granted, and Debtor is permitted to proceed in *Pro Se* in this case.~~

~~The court makes no determination at the is time as to what portion, if any, of the fixed fee in this case has not been earned due to this substitution and the ordered disgorgement thereof.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Chapter 13 Trustee, and Office of the United States Trustee on May 6, 2019. By the court's calculation, 24 days' notice was provided. 14 days' notice is required.

The Motion to Substitute was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

The Motion to Substitute is ~~granted~~.

The debtors, George Albert Mason and Elsa Mason ("Debtor"), filed this Motion seeking to substitute themselves in as counsel in the place of Sagaria Law, P.C.

No evidence is filed with the Substitution, and no grounds are stated in the Motion. The Substitution merely states that Debtor "hereby substitute themselves in the place and stead of Sagaria Law, P.C." Dckt. 56.

The Substitution is signed by Debtor and Elliot W. Gale, esq. While Debtor has freely consented to the termination of employment of Sagaria Law, P.C (CAL. R. PROF'L CONDUCT 1.16(b)(6)), counsel has not provided an explanation for why the case would not be harmed in passing the baton from knowledgeable legal counsel to Debtor to proceed in *Pro Se*.

Furthermore, no explanation has been provided as to what amounts have been paid to Sagaria Law, P.C. based on services that are no longer being rendered.

Status of Case

This case was commenced on February 6, 2015. Currently an Amended Chapter 13 Plan is being performed by the Debtor. Order, Dckt. 53. The term of the Plan is 60 months. Dckt. 42.

\$1,500.00 in fees was paid to Sagaria Law, P.C. prior to the commencement of this case, with \$2,500 in fees to be paid through the Chapter 13 Plan, for all services provided in this case covered by the “no-look” fee.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Substitution of Attorney filed by George Albert Mason and Elsa Mason (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Substitution of Attorney is ~~granted, and Debtor is permitted to proceed in *Pro Se* in this case.~~

~~The court makes no determination at the is time as to what portion, if any, of the fixed fee in this case has not been earned due to this substitution and the ordered disgorgement thereof.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Chapter 13 Trustee, and Office of the United States Trustee on May 6, 2019. By the court's calculation, 24 days' notice was provided. 14 days' notice is required.

The Motion to Substitute was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

The Motion to Substitute is ~~granted~~.

The debtor, Jeanne Marie McCullough ("Debtor"), filed this Motion seeking to substitute herself in as counsel in the place of Sagaria Law, P.C.

No evidence is filed with the Substitution, and no grounds are stated in the Motion. The Substitution merely states that Debtor "hereby substitutes herself in the place and stead of Sagaria Law, P.C." Dckt. 50.

The Substitution is signed by Debtor and Elliot W. Gale, esq. While Debtor has freely consented to the termination of employment of Sagaria Law, P.C (CAL. R. PROF'L. CONDUCT 1.16(b)(6)), counsel has not provided an explanation for why the case would not be harmed in passing the baton from knowledgeable legal counsel to Debtor to proceed in *Pro Se*.

Furthermore, no explanation has been provided as to what amounts have been paid to Sagaria Law, P.C. based on services that are no longer being rendered.

Status of Case

This case was commenced on October 6, 2015. Currently a Modified d Chapter 13 Plan is being performed by the Debtor. Order, Dckt. 48. The term of the Plan is 60 months. Dckt. 28.

\$1,200.00 in fees was paid to Sagaria Law, P.C. prior to the commencement of this case, with \$2,800 in fees to be paid through the Chapter 13 Plan, for all services provided in this case covered by the “no-look” fee.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Substitution of Attorney filed by Jeanne Marie McCullough (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Substitution of Attorney is ~~granted, and Debtor is permitted to proceed in *Pro Se* in this case.~~

~~The court makes no determination at the is time as to what portion, if any, of the fixed fee in this case has not been earned due to this substitution and the ordered disgorgement thereof.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Below is the court’s tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Chapter 13 Trustee, and Office of the United States Trustee on May 6, 2019. By the court’s calculation, 24 days’ notice was provided. 14 days’ notice is required.

The Motion to Substitute was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

The Motion to Substitute is ~~granted~~.

The debtors, Romulo Jimenez and Antoinette Arlene Jimenez (“Debtor”), filed this Motion seeking to substitute themselves in as counsel in the place of Sagaria Law, P.C.

No evidence is filed with the Substitution, and no grounds are stated in the Motion. The Substitution merely states that Debtor “hereby substitute themselves in the place and stead of Sagaria Law, P.C.” Dckt. 58.

The Substitution is signed by Debtor and Elliot W. Gale, esq. While Debtor has freely consented to the termination of employment of Sagaria Law, P.C (CAL. R. PROF’L. CONDUCT 1.16(b)(6)), counsel has not provided an explanation for why the case would not be harmed in passing the baton from knowledgeable legal counsel to Debtor to proceed in *Pro Se*.

Furthermore, no explanation has been provided as to what amounts have been paid to Sagaria Law, P.C. based on services that are no longer being rendered.

Status of Case

This case was commenced on December 2, 2016. Currently an Amended Chapter 13 Plan is being performed by the Debtor. Order, Dckt. 49. The term of the Plan is 60 months. Dckt. 42.

\$1,600.00 in fees was paid to Sagaria Law, P.C. prior to the commencement of this case, with \$2,400 in fees to be paid through the Chapter 13 Plan, for all services provided in this case covered by the “no-look” fee.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Substitution of Attorney filed by Romulo Jimenez and Antoinette Arlene Jimenez (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Substitution of Attorney is ~~granted, and Debtor is permitted to proceed in *Pro Se* in this case.~~

~~The court makes no determination at the is time as to what portion, if any, of the fixed fee in this case has not been earned due to this substitution and the ordered disgorgement thereof.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court's resolution of the matter.

Below is the court's tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Chapter 13 Trustee, and Office of the United States Trustee on May 6, 2019. By the court's calculation, 24 days' notice was provided. 14 days' notice is required.

The Motion to Substitute was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

The Motion to Substitute is ~~granted.~~

The debtors, Michael Dennis Burk and Teresa Mary Burk("Debtor"), filed this Motion seeking to substitute themselves in as counsel in the place of Sagaria Law, P.C.

No evidence is filed with the Substitution, and no grounds are stated in the Motion. The Substitution merely states that Debtor "hereby substitute themselves in the place and stead of Sagaria Law, P.C." Dckt. 90.

The Substitution is signed by Debtor and Elliot W. Gale, esq. While Debtor has freely consented to the termination of employment of Sagaria Law, P.C (CAL. R. PROF'L CONDUCT 1.16(b)(6)), counsel has not provided an explanation for why the case would not be harmed in passing the baton from knowledgeable legal counsel to Debtor to proceed in *Pro Se*.

Furthermore, no explanation has been provided as to what amounts have been paid to Sagaria Law, P.C. based on services that are no longer being rendered.

Status of Case

This case was commenced on February 28, 2014. Currently a First Modified Chapter 13 Plan is being performed by the Debtor. Order, Dckt. 51. The term of the Plan is 60 months. Dckt. 41.

\$2,019.00 in fees was paid to Sagaria Law, P.C. prior to the commencement of this case, with \$1,981.00 in fees to be paid through the Chapter 13 Plan, for all services provided in this case covered by the “no-look” fee.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Substitution of Attorney filed by Michael Dennis Burk and Teresa Mary Burk (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Substitution of Attorney is ~~granted, and Debtor is permitted to proceed in Pro Se in this case.~~

~~The court makes no determination at the is time as to what portion, if any, of the fixed fee in this case has not been earned due to this substitution and the ordered disgorgement thereof.~~

Tentative Ruling: Oral argument may be presented by the parties at the scheduled hearing, where the parties shall address the issues identified in this tentative ruling and such other issues as are necessary and appropriate to the court’s resolution of the matter.

Below is the court’s tentative ruling, rendered on the assumption that there will be no opposition to the motion. If there is opposition presented, the court will consider the opposition and whether further hearing is proper pursuant to Local Bankruptcy Rule 9014-1(f)(2)(C).

Local Rule 9014-1(f)(2) Motion—Hearing Required.

Sufficient Notice Provided. The Proof of Service states that the Motion and supporting pleadings were served on Debtor, Chapter 13 Trustee, and Office of the United States Trustee on May 6, 2019. By the court’s calculation, 24 days’ notice was provided. 14 days’ notice is required.

The Motion to Substitute was properly set for hearing on the notice required by Local Bankruptcy Rule 9014-1(f)(2). Debtor, creditors, the Chapter 13 Trustee, the U.S. Trustee, and any other parties in interest were not required to file a written response or opposition to the motion. If any of these potential respondents appear at the hearing and offer opposition to the motion, the court will set a briefing schedule and a final hearing, unless there is no need to develop the record further. If no opposition is offered at the hearing, the court will take up the merits of the motion. At the hearing, -----

The Motion to Substitute is ~~granted~~.

The debtor, Sansonia Carol Wright (“Debtor”), filed this Motion seeking to substitute herself in as counsel in the place of Sagaria Law, P.C.

No evidence is filed with the Substitution, and no grounds are stated in the Motion. The Substitution merely states that Debtor “hereby substitutes herself in the place and stead of Sagaria Law, P.C.” Dckt. 34.

The Substitution is signed by Debtor and Elliot W. Gale, esq. While Debtor has freely consented to the termination of employment of Sagaria Law, P.C (CAL. R. PROF’L. CONDUCT 1.16(b)(6)), counsel has not provided an explanation for why the case would not be harmed in passing the baton from knowledgeable legal counsel to Debtor to proceed in *Pro Se*.

Furthermore, no explanation has been provided as to what amounts have been paid to Sagaria Law, P.C. based on services that are no longer being rendered.

Status of Case

This case was commenced on April 30, 2015. Currently a Chapter 13 Plan is being performed by the Debtor. Order, Dckt. 23. The term of the Plan is 60 months. Dckt. 6.

\$1,295.00 in fees was paid to Sagaria Law, P.C. prior to the commencement of this case, with \$2,705.00 in fees to be paid through the Chapter 13 Plan, for all services provided in this case covered by the “no-look” fee.

At the hearing, ~~XXXXXXXXXXXXXXXXXX~~.

The court shall issue a minute order substantially in the following form holding that:

Findings of Fact and Conclusions of Law are stated in the Civil Minutes for the hearing.

The Substitution of Attorney filed by Sansonia Carol Wright (“Debtor”) having been presented to the court, and upon review of the pleadings, evidence, arguments of counsel, and good cause appearing,

IT IS ORDERED that the Substitution of Attorney is ~~granted, and Debtor is permitted to proceed in *Pro Se* in this case.~~

~~The court makes no determination at the is time as to what portion, if any, of the fixed fee in this case has not been earned due to this substitution and the ordered disgorgement thereof.~~