

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Chief Bankruptcy Judge

Sacramento, California

September 7, 2016, at 2:30 p.m.

1. [16-23712](#)-E-13 **MIKE HAMMER**

**HAMMER V. HAWAII ELECTRIC
LIGHT COMPANY**

**CONTINUED STATUS CONFERENCE RE:
[16-2117](#) COMPLAINT
6-8-16 [\[1\]](#)**

Plaintiff's Atty: Pro Se

Defendant's Atty: unknown

Adv. Filed: 6/8/16

Answer: none

Nature of Action:

Injunctive relief - imposition of stay

Subordination of claim or interest

Declaratory judgment

Notes:

Continued from 8/10/16, Plaintiff-Debtor failed to appear.

SEPTEMBER 7, 2016 STATUS CONFERENCE

The Plaintiff-Debtor has not filed a response to the court's Order to Show Cause in his bankruptcy case relating to the issuance of a prefiling review order. No certificate of service has been filed in this Adversary Proceeding. No Status Report or Discovery Schedule has been filled by Plaintiff-Debtor.

The court shall now issue an Order that this Adversary Proceeding will be dismissed unless a certificate of service, Status Conference Report, and proposed Discovery Schedules, or other response to the Order demonstrative that Plaintiff-Debtor is diligently prosecuting this Adversary Proceeding.

AUGUST 10, 2016 STATUS CONFERENCE

The Plaintiff-Debtor failed to appear at the Status Conference. No Status Conference Report was filed and no discovery plan provided. The court is issuing an Order to Show Cause why a prefiling review order is not entered by the court in Plaintiff-Debtor's bankruptcy case based on the incomplete filings in that and multiple prior bankruptcy cases filed by, or using the same tax ID number as Plaintiff-Debtor.

September 7, 2016, at 2:30 p.m.

- Page 1 of 12 -

The court shall issue an Order of Dismissal and to Show Cause why this Complaint should not be dismissed due to Plaintiff-Debtor's failure to prosecute this Adversary Proceeding.

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.

Mike Hammer, the Plaintiff Debtor, has not filed a Certificate of Service, Status Report, or proposed Discovery Schedule in this Adversary Proceeding. Upon review of the Complaint, the pleadings in this Adversary Proceeding, the non-attendance of Plaintiff at the scheduled Status Conference, and good cause appearing;

IT IS ORDERED that the Status Conference is continued to 2:30 p.m. on October 12, 2016.

IT IS FURTHER ORDERED that this Adversary Proceeding shall be dismissed without prejudice if Plaintiff-Debtor has not filed a Certificate of Service documenting proper service of the Complaint, summons, and other initial documents on the defendants; or in the alternative a statement, documented by credible, properly admissible evidence, documenting that Plaintiff-Debtor is diligently prosecuting this Adversary Proceeding on or before September 22, 2016.

IT IS FURTHER ORDERED that if Plaintiff-Debtor fails to timely file the Certificate of Service, Status Report, and proposed Discovery Schedule, or in the alternative a statement, documented by credible, properly admissible evidence, documenting that Plaintiff-Debtor is diligently prosecuting this Adversary Proceeding, the court shall issue an order dismissing the Complaint and this Adversary Proceeding without prejudice, with no further notice or hearing.

2. [10-47727](#)-E-13 ROBIN JARRED
[16-2017](#)
JARRED V. PNC BANK, NATIONAL
ASSOCIATION
ADV. DISMISSED: 07/19/2016
ADV. CLOSED: 08/08/2016

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
2-2-16 [[1](#)]

Final Ruling: No appearance at the September 7, 2016 Status Conference is required.

The Complaint having been dismissed and the Adversary Proceeding having been closed, the Status Conference is removed from the Calendar.

3. [10-49127](#)-E-13 MICHAEL/AMY WALTZ
[16-2077](#)
WALTZ ET AL V. BANK OF
AMERICA, N.A.
ADV. DISMISSED: 07/19/2016
ADV. CLOSED: 08/08/2016

CONTINUED STATUS CONFERENCE RE:
COMPLAINT
4-14-16 [[1](#)]

The Complaint having been dismissed and the Adversary Proceeding having been closed, the Status Conference is removed from the Calendar.

Debtor's Atty: William F. McLaughlin

Notes:

Set by the court by order dated 8/12/16. Debtor to file and serve a status report regarding the status of this bankruptcy case and why a motion for entry of discharge has not been set for hearing.

[WFM-2] Application for Discharge filed 8/17/16 [Dckt 488]

SEPTEMBER 7, 2016 STATUS CONFERENCE

This Chapter 11 case was closed without entry of a discharge on February 15, 2013. Order for Final Decree and Closing Case, Dckt. 467. No discharge was entered for Debtor. The confirmed Amended Chapter 11 Plan provides for the following treatment of claims:

Class and Creditor	Plan Treatment	Ballot
Class 1A Wachovia Secured Claim	Amortized Over Thirty Years	No Vote
Class 1B U.S. Bank National Association	Amortized Over Forty Years (With Balloon Payment)	Yes Vote Stipulation to Treatment
JP Morgan Chase	Amortized Over Ten Years	No Vote
Class 2 A Small General Unsecured Claims (Claims Totaling \$4,330)	5% Dividend Paid on Effective Date	Rejected
Class 2 General Unsecured Claims	5% Dividend 40 Monthly Installments Starting September 2012 (Ending December 2015)	Rejected

Order Confirming Plan, Amended Plan Attached, Dckt. 451.

Motion for Entry of Discharge

On August 17, 2016, Ezequiel Diaz, the Plan Administrator/Debtor, filed a Motion requesting the entry of a discharge which states with particularity (Fed. R. Bankr. P. 9013) the following grounds:

- A. Plan Administrator/Debtor moves the court for an order granting discharge upon completion of plan payments.

Motion, Dckt. 488.

Plan Administrator/Debtor supports the Motion with a declaration which provides testimony beyond the grounds stated in the Motion upon which the relief is based. This testimony includes the following:

- A. Debtor has completed his course concerning personal financial management (11 U.S.C. § 1111) and has filed his Certificate of Completion. Dec. ¶ 1.
- B. Debtor is not obligated to pay a domestic support obligation. Dec. ¶ 2.
- C. The confirmed Chapter 11 Plan does not provide for the liquidation of all or substantially all of the property of the bankruptcy estate. Dec. ¶ 3.
- D. Debtor has remained in his “usual occupation” [not providing factual testimony of that occupation] after consummation of the Plan. Dec. ¶ 4.
- E. Debtor has completed all payments required under the Chapter 11 plan as specified in 11 U.S.C. § 1141(d)(5)(A). [Debtor does not demonstrate a basis for having knowledge of the specific provisions of the Bankruptcy Code and does not provide testimony as to facts upon which the court could make such a legal conclusion.] Dec. ¶ 5.
- F. Debtor provides his conclusion of law that “Because all payments under the plan have been completed, the provisions of 11 U.S.C. § 1141(d)(5)(B) are not applicable.” *Id.*
- G. Debtor does provide an accounting of the payments and recipients as Exhibit A in support of the Motion. *Id.*
- H. Debtor states his legal conclusion that he has not asserted an exemption in excess of the amounts permitted by 11 U.S.C. § 522(q)(1), and therefore he draws the further legal conclusion that 11 U.S.C. § [unidentified section number] (d)(5)(c)(1) is inapplicable. Dec. ¶ 6.
- I. Debtor states the legal conclusion that he is not the subject of any proceeding for a felony as described in “522(a)(1)(A) or liable for a debt of the kind described in section 522(1)(1)(B).” Dec. ¶ 7.
- J. Debtor testifies that he has not received a discharge in a Chapter 7, 11, or 12 case in the eight years prior to the commencement of the current case, nor has he received a discharge in a Chapter 13 case within six years of the commencement of the current case. Dec. ¶ 8.
- K. With the exception of “obtaining recordable forms of final orders avoiding liens valued at \$0 dollars or final orders determining the secured value of a lien at more than \$0 whose unsecured claims have been paid their distributive share pursuant to their treatment under the confirmed plan,...;” Debtor draws the legal conclusion that the bankruptcy estate has been fully administered within the meaning of 11 U.S.C. § 350 and 3022 of the Federal Rules of Bankruptcy Procedure. Dec. ¶ 9.
- L. Further, he testifies that all monthly operating reports have been filed and all payments

due to the U.S. Trustee paid. *Id.*

Declaration, Dckt. 490.

A review of the Docket discloses that an order valuing the secured claims of the Bank of America Home Loans, Wachovia Mortgage, Goldman Sachs Mortgage Company, Bank of America, N.A., Wachovia Mortgage, JPMorgan Chase Bank, N.A., and Franchise Tax Board has been entered by the court. Dckt. 115, 119, 212, 207, 210, 216, and 338.

Exhibit A, incorporated into Plan Administrator/Debtor's Declaration by reference, states that all of the general unsecured claims have been paid their full 5% dividend and that the payments on the Class 1 secured claims are current. Dckt. 491.

Certificate of Service

The Certificate of Service filed by Debtor does not have the "Exhibit A" listing all of the parties in interest served with the Motion for Entry of Discharge in this case. Dckt. 493. However, filed as a separate document is a copy of the mailing matrix in this case. It appears that this may be the list of persons served that is to be part of the Certificate of Service. (The Certificate of Service is one of the few pleadings that if a party were to attach the mailing matrix as an exhibit would have that exhibit filed as part of the Certificate itself and not a separate "exhibit document." This is because it is part of the Certificate of Service itself and not merely an exhibit filed in support of some other document." Counsel for the Plan Administrator can confirm this at the hearing on the Motion for Entry of Discharge.

Plan Administrator/Debtor Status Report

On August 31, 2016, the Plan Administrator/Debtor filed a Status Report. Dckt. 494. In it, the Plan Administrator/Debtor reports that on August 17, 2016, counsel for the Plan Administrator/Debtor filed a Motion for Entry of Discharge along with a Notice of Motion. Further, "that the twenty-first day within which to object or request a hearing runs on September 7, 2016."

The Notice filed by Plan Administrator/Debtor states,

"You are notified that, pursuant to Federal Rules of Bankruptcy Procedure 9019 and 2002, you are given twenty-one (21) days from the date of mailing of this notice to request a hearing on this Application. Otherwise, the Court may enter an order granting the Debtor's Motion for Entry of Discharge without further consideration."

Dckt. 489.

This Notice raises several issues for the court. First, it is not clear why parties in interest are being directed to Federal Rule of Bankruptcy Procedure 9019 which relates to compromises and arbitrations. The present Motion for Entry of Discharge does not relate to a settlement of a compromise or authorization to proceed with an arbitration.

Second, the Plan Administrator/Debtor does not direct the parties in interest or court to a basis under the Local Bankruptcy Rules for the Plan Administrator/Debtor electing to give a "Notice and Opportunity" to object to notice in this District for this Motion. As specified in Local Bankruptcy

Rule 9014-1(k),

(k) Opportunity for Hearing.

(1) When an Order Is Necessary or Desired. The notice of opportunity for hearing procedure, as defined in 11 U.S.C. § 102(1), may only be used as permitted in Local Bankruptcy Rule 3015-1(c) and (d) relating to confirmation of chapter 13 plans. In all other matters, if an order is necessary or is desired by the moving party, the motion shall be set for hearing pursuant to this Local Rule.

At the Status Conference, counsel for the Plan Administrator/Debtor reported,
XXXXXXXXXXXXXXXXXXXXXXX.

5. [16-22282-E-7](#) **GEORGE UPTON**
[16-2133](#)
U.S. TRUSTEE V. UPTON, III

STATUS CONFERENCE RE:
COMPLAINT
6-29-16 [1]

Plaintiff's Atty: Jason M. Blumberg
Defendant's Atty: Pro Se

Adv. Filed: 6/29/16
Answer: 8/1/16

Nature of Action:
Objection/revocation of discharge
Injunctive relief - other

Notes:
Plaintiff's Status Conference Statement and Proposed Discovery Plan filed 8/29/16 [Dckt 9]

SUMMARY OF COMPLAINT

Tracy Hope Davis, the U.S. Trustee for Region 17, ("Plaintiff") commenced this Adversary Proceeding requesting the issuance of an injunction barring the filing of another bankruptcy case by Debtor for a period of three years without first obtaining permission from the chief bankruptcy judge in the district in which Defendant-Debtor seeks to file such a case.

The Plaintiff further requests that the court deny entry of a discharge for Defendant-Debtor in his current bankruptcy case. The basis for such a claim for relief is stated to be Defendant-Debtor's failure to disclose the filing of his multiple prior cases on his bankruptcy petition. In light of the alleged facts, the Plaintiff asserts that "Defendant[-Debtor] knowingly and fraudulently made a false oath or account in connection with the Current Case."

In the Complaint, Plaintiff reviews the bankruptcy case filings by Defendant-Debtor and April Gianelli, the Plaintiff's "significant other" with whom he cohabitates.

The Defendant-Debtor's Prior Cases are:

- a. Case No. 13-27216-E-7. The Defendant filed this case on May 28, 2013. It was dismissed with prejudice on September 5, 2013. In addition, the Defendant was barred from further filings for a period of 180 days.
- b. Case No. 15-90083-E-7. The Defendant filed this case on January 30, 2015. It was dismissed on June 10, 2015, due to the Defendant's failure to appear at Section 341(a) Meeting of Creditors.
- c. Case No. 15-26355-B-7. The Defendant filed this case on August 11, 2015. It was closed on February 9, 2016, without a discharge due to the Defendant's failure to pay the required filing fee.
- d. Case No. 16-21004-A-7. The Defendant filed this case on February 23, 2016. It was dismissed on March 7, 2016 due to the Defendant's failure to timely file required documents.

The Prior Cases Filed by April Gianelli are identified as the following:

- a. Case No. 05-39406-A-7. This case was filed on October 14, 2005. Ms. Gianelli received a Chapter 7 discharge on March 2, 2006.
- b. Case No. 09-32653-D-13. This case was filed on June 19, 2009. It was dismissed on February 17, 2010.
- c. Case No. 10-26720-D-13. This case was filed on March 18, 2010. It was dismissed on July 14, 2010.
- d. Case No. 10-39164-D-7. This case was filed under Chapter 13 on July 21, 2010. It was converted to Chapter 7 on October 6, 2010. It was dismissed on January 7, 2011.
- e. Case No. 11-21143-D-13. This case was filed on January 14, 2011. It was dismissed on April 1, 2011.
- f. Case No. 11-36909-D-13. This case was filed on July 8, 2011. It was dismissed on September 16, 2011.
- g. Case No. 12-27743-A-7. This case was filed on April 23, 2012. It was dismissed on September 12, 2012.
- h. Case No. 12-37035-A-7. This case was filed on September 21, 2012. It was dismissed on January 8, 2013.
- I. Case No. 13-23345-B-7. This case was filed on March 13, 2013. It was dismissed on August 7, 2013. In the related Adversary Proceeding No. 13-02090, the Court entered a stipulated judgment that, among other things, barred Ms. Gianelli from filing for bankruptcy for a period of one year.

SUMMARY OF ANSWER

George Upton, III, (“Defendant-Debtor”) filed an Answer, in pro se, to the Complaint. Dckt. 8. In his Answer, the Defendant-Debtor responds to the allegations as follows:

- A. “I have filed prior cases and I have to say that I was going through some things during that period of time which interfered with me completing what I needed to complete in the cases.” Complaint ¶ 1.
- B. “Prior cases for April Gianelli. I don’t know why these keep 2 interfering with my case. April Gianelli had an attorney in 3 Sacramento that filed a majority of these cases so why she is being brought up, I have no idea and frankly I would like to have it stop.” See Endnote “A” for prior judicial interaction with the court concerning Ms. Gianelli’s relationship with and the Defendant-Debtor’s litigation conduct.
- C. “As for not listing the prior cases when I filed my bk case, that was not intentional. I am sorry that I should have had the money to I hire an attorney that would have filled out the paperwork in a proper manner but I didn’t and could not. I will file an amended petition to include the previous filings. This was not perjury it was just an honest mistake which can be corrected and will be corrected.”
- D. “There was a hearing for my filing fee in Sacramento and the same day I had my meeting of creditors in Modesto ca. I chose to go to the meeting of creditors and not go to the filing fee hearing because that was more important.”

Answer, Dckt. 8.

REQUIRED PLEADING OF CORE AND NON-CORE MATTERS, CONSENT OR NON-CONSENT TO NON-CORE MATTER

The basic pleading requirements of Federal Rule of Civil Procedure 8 for a complaint, including that the complaint “[m]ust contain: (1) a short and plain statement of the grounds for the court’s jurisdiction...,” apply to complaints in Adversary Proceedings. In addition to incorporating Rule 8, Federal Rule of Bankruptcy Procedure 7008 adds the additional pleading requirement concerning whether the matters in the complaint are core or non-core:

“Rule 8 F.R.Civ.P. applies in adversary proceedings. The allegation of jurisdiction required by Rule 8(a) shall also contain a reference to the name, number, and chapter of the case under the Code to which the adversary proceeding relates and to the district and division where the case under the Code is pending. In an adversary proceeding before a bankruptcy judge, **the complaint, counterclaim, cross-claim, or third-party complaint shall contain a statement that the proceeding is core or non-core and, if non-core, that the pleader does or does not consent to entry of final orders or judgment by the bankruptcy judge.**”

Fed. R. Bankr. P. 7008 (emphasis added).

For a responsive pleading, Federal Rule of Bankruptcy Procedure 12(b) applies in adversary proceedings. Fed. R. Bankr. P. 7012(b). The Bankruptcy Rules add a further responsive pleading requirement concerning whether the matters are core or non-core, as well as the consent or non-consent for non-core matters by the responding party:

“(b) Applicability of Rule 12(b)-(I) F.R.Civ.P. Rule 12(b)-(I) F.R.Civ.P. applies in adversary proceedings. A responsive pleading **shall admit or deny an allegation that the proceeding is core or non-core**. If the response is that the proceeding is **non-core**, it **shall include a statement that the party does or does not consent** to entry of final orders or judgment by the bankruptcy judge. In non-core proceedings final orders and judgments shall not be entered on the bankruptcy judge’s order except with the express consent of the parties.”

Fed. R. Bank. P. 7012(b) (emphasis added).

Here, Defendant-Debtor does not deny the allegations that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 157 and 1334; and that the claims in this Adversary Proceeding are core proceedings for which the bankruptcy judge issues all orders and final judgment. 11 U.S.C. § 157(b)(1) and E.D. Cal. Gen Order 182, 223.

FINAL BANKRUPTCY COURT JUDGMENT

Plaintiff alleges in the Complaint that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b)(2), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Complaint ¶¶ 3, 5, Dckt. 1. In his Answer, Defendant-Debtor George Upton, III, does not deny the allegations of jurisdiction and core proceedings. Answer, Dckt. 8. This issue of filing a bankruptcy petition under the Bankruptcy Code and the granting or denial of a discharge are core proceedings arising under the Bankruptcy Code.

ISSUANCE OF PRE-TRIAL SCHEDULING ORDER

The court shall issue a Pre-Trial Scheduling Order setting the following dates and deadlines:

- a. The Plaintiff alleges in the Complaint that jurisdiction for this Adversary Proceeding exists pursuant to 28 U.S.C. §§ 1334 and 157(b)(2), and that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Complaint ¶¶ 3, 5, Dckt. 1. In his Answer, Defendant-Debtor George Upton, III, does not deny the allegations of jurisdiction and core proceedings. Answer, Dckt. 8. This issue of filing a bankruptcy petition under the Bankruptcy Code and the granting or denial of a discharge are core proceedings arising under the Bankruptcy Code. **To the extent that any issues in the existing Complaint as of the Status Conference at which the Pre-Trial Conference Order was issued in this Adversary Proceeding are related to proceedings, the parties consented on the record to this bankruptcy court entering the final orders and judgment in this Adversary Proceeding as provided in 28 U.S.C. § 157(c)(2) for all claims and issues in this Adversary Proceeding referred to the bankruptcy court.**
- b. Initial Disclosures shall be made on or before September 21, 2016.
- c. Discovery closes, including the hearing of all discovery motions, on **December 15,**

2016.

- d. Dispositive Motions shall be heard before **January 31, 2017.**
- e. The Pre-Trial Conference in this Adversary Proceeding shall be conducted at **2:00 p.m. on February TBD, 2017.**

ENDNOTE A.

In his 2013 bankruptcy case, the court discussed the interrelated relationship between this Defendant-Debtor and Ms. Gianelli filing bankruptcy cases:

“Cause exists to dismiss this case. However, the court was unwilling to just dismiss the case in light of the prior repeated filings by April Dawn Gianelli, the Debtors significant other, the attempted filing of a petition in the name of the Debtor with a forged signature, the Debtors failure to file the basic pleadings (Schedules and Statement of Financial Affairs), and the possible improper filing of motions in this case. See Order Denying Motion to Transfer Venue Dismiss, Dckt. 53.” 13-27216; Civil Minutes, Dckt. 84.

In denying the ex parte motion to transfer venue of bankruptcy case 13-27216 to the Central District of California, Defendant-Debtor stating that he had moved to Palmdale, California (*Id.*; ex parte motion, dckt. 52); the court stated:

“Mr. Upton’s bankruptcy filing efforts have been the subject of significant litigation in this court. For the first attempted filing, Bankr. E.D. Cal case title Upton III, case no. 13-00207, George Upton III did not sign the petition, and it is questionable of whether he was aware of the

20 attempted filing of the case in his name. The court ordered that no bankruptcy case was commenced by George Upton, III in connection with case no. 13-00207.

The instant case was filed to frustrate a landlord from obtaining possession of real property pursuant to a state court judgment for possession of the rental property. Mr. Upton’s significant other, April Dawn Gianelli, had previously commenced a series of bankruptcy cases which were not prosecuted and appear to have been filed solely for the purpose of delaying the landlord from obtaining possession of the rental property. FN.1. In the present case the court entered its order for possession of the property at issue to the landlord and the annulment of the automatic stay pursuant to the stipulation of Mr. Upton. Order, Dckt. 39.

FN.1. Bankr. E.D. Cal. Cases Nos. 13-23345, filed as a Chapter 7 case, conversion to Chapter 13 denied, currently pending before the court), 12-37035 (Chapter 7, dismissed January 8, 2013), 12-27743 (Chapter 7, dismissed September 12, 2011), 11-36909 (Chapter 13, dismissed September 16, 2011), 11-21143 (Chapter 13, dismissed April I, 2011), 10-39164 (Chapter 7, dismissed January 7, 2011), 10- 26720 (Chapter 13, dismissed July 14, 2010), and 09-32653 (Chapter 13, dismissed February 17, 2010). The court entered a Judgment barring April Dawn

Gianelli from filing another bankruptcy case for a period of one year, and that her discharge is denied in case no. 13-23345 in Case No. 13-23345. Bankr. E.D. Cal. Adv. Proceeding No. 13-2090.

Mr. Upton appeared at the hearing in this case, professing an intention to prosecute this Chapter 7 case in good faith. He failed to timely file his Schedules and Statement of Financial Affairs, and was granted an extension by the court to June 25, 2013. Order, Dckt. 46. Though granted the extension of time, Mr. Upton has failed to file any Schedules or his Statement of Financial Affairs.

Instead, a pleading has been sent to the court in which Mr. Upton purportedly requests that his case be transferred to the Central District of California as he has “moved out of the jurisdiction.” A P.O. Box address in Palmdale, California, is provided for Mr. Upton. The Motion to change venue is suspicious in that though there is sufficient space at the bottom of this one page motion for a signature block for Mr. Upton, a signature is placed at the top of a second page. No date of “signing” is provided. It could well appear to be a signature from another pleading or one of a series of signatures given by Mr. Upton to another person, to be attached to any pleading that such third-party seeks to file with a court.

It is also interesting to note that in the margin at the bottom of page 1 of the motion to change venue is the following title, “DOCUMENT TITLE (e.g.,~ COMPLAINT FOR DAMAGES).ff Dckt. 52.” The same title is at the bottom of page 2 of the Motion.

In this bankruptcy case Mr. Upton has represented that he has resided at 157 W. Essex Street, Stockton, California for the 180-day period prior to the commencement of this bankruptcy case. On his Petition he lists a phone number with a 209 Area Code, which is consistent with an address in Stockton, California. Petition, Dckt. 1 at 3.

...

This Motion could also be viewed as a clumsy attempt at forum shopping, Ms. Gianelli having played out a string of bankruptcy cases which have resulted in a bar on her filing further cases and this court preventing her from acting as Mr. Upton’s non-lawyer “pro se attorney.” This court cannot condone such conduct and will not be a party to turn a blind eye to this abuse of the federal judicial system.”

13-27216; Order, Dckt. 53.
