

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Ronald H. Sargis

Bankruptcy Judge

Sacramento, California

September 24, 2013 at 1:30 p.m.

- 
1. [13-27835-E-13](#) JEFFREY/MONICA JACKSON ORDER TO SHOW CAUSE RE: MOTION  
RHS-1 Ronald W. Holland TO VALUE COLLATERAL OF  
SPECIALIZED LOAN SERVICING, LLC  
8-20-13 [[46](#)]

**Notice Provided:** The Order to Show Cause was served by the Clerk of the Court through the Bankruptcy Noticing Center on Debtor, Attorney for Debtor, Chapter 13 Trustee, Office of the U.S. Trustee, Specialized Loan Servicing, LLC, Attorney for Specialized Servicing, LLC, U.S. Bank, N.A., and Buckley Madole, P.C., on August 22, 2013. 33 days notice of the hearing was provided.

**BACKGROUND**

On July 11, 2013, the Debtors filed a motion titled "Motion to Value Collateral of Specialized Loan Servicing, LLC." Motion, Dckt. 20. While the title appears to relate only to a valuation of collateral, the substance of the Motion is to value the secured claim of Specialized Loan Servicing, LLC pursuant to 11 U.S.C. § 105(a). The valuation of the creditor's claim is critical to the Debtors properly exercising their rights under the Bankruptcy Code. The valuation pursuant to 11 U.S.C. § 506(a) is necessary to determine the proper amount of the secured claim to be paid through the bankruptcy plan. Upon completion of the plan and the payment of the amount of the secured claim as determined pursuant to 11 U.S.C. § 506(a) the lien is void and the Debtors have the right to have the lien released or deed of trust reconveyed. See *In re Frazier*, 448 B.R. 803 (Bankr. ED Cal. 2011), *affd.*, 469 B.R. 803 (ED Cal. 2012) (discussion of "lien striping" in Chapter 13 case); and *Martin v. CitiFinancial Services, Inc. (In re Martin)*, Adv. No. 12-2596, 2013 LEXIS 1622 (Bankr. E.D. CA 2013).

The Debtors have named Specialized Loan Servicing, LLC as a creditor with a secured claim because on July 19, 2013, Specialized Loan Servicing, LLC filed a proof of claim. Proof of Claim No. 4-1. This Proof of Claim is signed by John W. Lackey, who is identified as the "Auth Agent for SLS LLC." The court interprets "SLS LLC" to be an abbreviation for Specialized Loan Servicing, LLC. Under penalty of perjury Mr. Lackey states that he is the authorized agent for the creditor asserting the claim.

On the first page of Proof of Claim No. 4-1, John Lackey states under penalty of perjury the name of the creditor to be "Specialized Loan Servicing, LLC." The term creditor is defined to be,

(10) The term "creditor" means--

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(A) entity that has a claim against the debtor that arose at the time of or before the order for relief concerning the debtor;

(B) entity that has a claim against the estate of a kind specified in section 348(d), 502(f), 502(g), 502(h) or 502(I) of this title; or

(C) entity that has a community claim.

11 U.S.C. § 101(10).

A claim is defined by the Bankruptcy Code to be,  
(5) The term "claim" means-

(A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or

(B) right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

11 U.S.C. § 101(5).

For the court to make any determinations concerning the claim and rights of the creditor thereunder, the court must obtain proper in personam jurisdiction over the creditor. In the context of a motion to value a secured claim, this occurs by the debtor serving the creditor with the motion and supporting pleadings. Service in the bankruptcy court is governed by Federal Rule of Bankruptcy Procedure 7004. See Fed. R. Bankr. P. 9014. Service may be made by First Class Mail for most parties. For an individual, it is to be mailed to the individual's dwelling house, usual place of abode, or where the individual regularly conducts a business or profession. Fed. R. Bankr. P. 7004(b)(1). For a corporation, partnership, or other unincorporated association, by mailing the pleadings to the attention of an officer, managing or general agent, or any other agent authorized to receive service. Fed. R. Bankr. P. 7004(b)(3).

Congress enacted the provisions of Federal Rule of Bankruptcy Procedure 7004(h) which created a special service requirement for federally insured financial institutions. If service is to be made by mail, the pleadings must be sent by Certified Mail and addressed to an officer of the federally insured financial institution. *Hamlett v. Amsouth Bank*, 322 F.3d 342, 347 (4th Cir. 2003) (Agent for service of process not an "officer" of a federally insured financial institution.)

### **Identity of Actual Creditor**

Though Mr. Lackey states under penalty of perjury that Specialized Loan Servicing, LLC is the "creditor," the attachments to the Proof of Claim belie that statement. The attachment is the Mortgage Proof of Claim Attachment (Form B 10) and states that the actual creditor is U.S. Bank National Association, as Trustee, relating to Home Equity Mortgage Trust Series 2007-2, Home Equity Mortgage Pass-Through Certificates, Series 2007-2" ("U.S. Bank, National Association, Trustee"). Specialized Loan Servicing, LLC is not identified as the creditor on this attachment. None of the attached documents make any reference to Specialized Loan Servicing, LLC being the "creditor," as that term is defined by the Bankruptcy Code. There is attached to the Proof of Claim a document titled "Assignment of Deed of Trust" (which does not bear a real property recording stamp) which states that the deed of trust has been assigned to U.S. Bank, National Association, Trustee.

From these attachments to the Proof of Claim, it appears that the actual creditor, and party who must be served pursuant to Federal Rule of Bankruptcy Procedure 7004(h) is U.S. Bank, National Association.

### **Misidentification of Creditor**

In other cases, Specialized Loan Servicing, LLC has held itself out to be a loan servicer (akin to a debt collector) to perform the tasks of collecting the payments due on notes owned by others. Additionally, the servicing company will communicate with the borrowers concerning payments. However, Specialized Loan Servicing, LLC (and other loan servicing companies appearing in this court) have not held themselves out to be (1) the owners of the note upon which the claim is based, (2) the person entitled to enforce, and litigate, rights and interests under the note upon which the claim is based, or (3) the agent for service of process for the creditor who owns the note upon which the claim is based.

The Debtors, rising to this misrepresentation, named Specialized Loan Servicing, LLC as having a secured claim to be valued in this case. If the court had also relied upon this misidentification, it would have issued an order valuing the "secured claim" of Specialized Loan Servicing, LLC (which does not exist) at \$0.00, and the secured claim of the true creditor, U.S. Bank, National Association, Trustee, would remain for the full amount of \$87,519.92 to encumber the property.

The court is concerned that after these Debtors completed the Plan and made all payments required thereunder for the secured claim as determined pursuant to 11 U.S.C. § 506(a), U.S. Bank, National Association, a debt buyer or portfolio investors who subsequently obtained the note, and Specialized Loan Servicing, LLC would have a nasty surprise for the Debtors. U.S. Bank, National Association, Trustee/debt purchaser would assert that there is no order determining the claim rights of U.S. Bank, National Association, Trustee, and the Bank has been denied its Due Process rights with respect to any such order. Specialized Loan Servicing, LLC was merely loan servicer, was never the creditor, and is not the agent for U.S. Bank, National Association, Trustee, for service or to litigate the rights of the Bank. U.S. Bank, National Association, Trustee, the debt purchaser, and Specialized Loan Servicing, LLC might be even so bold to blame Debtors' counsel for accepting Mr. Lackey's statement under penalty of perjury that Specialized Loan Servicing, LLC was the

creditor in light of the attachment documents show that such statement is false.

On the one hand, this might be aberration where Mr. Lackey was distracted and made a simple human error, or one in which Specialized Loan Servicing, LLC has failed to provide employees or agents with the proper education for filling out proof of claim forms. However, it may also be the tip of an iceberg whereby U.S. Bank, National Association; Specialized Loan Servicing, LLC; and Buckley Madole, P.C. have in place an intentional scheme to mislead debtor counsel and the court as to the identify of the creditor. This would be part of a plan to thwart attempts to have U.S. Bank, National Association, Trustee, be subject to adjudication of its claim in this court.

A search on the Internet identified Buckley Madole, P.C. having a website and the following description of the law firm.

About Buckley Madole, P.C.

Buckley Madole, P.C. represents creditors in foreclosure, bankruptcy and related litigation matters. We emphasize quality, compliance and risk management.

The firm provides national bankruptcy representation for all 50 states in association with a network of over 150 other law firms who perform services as local counsel. Buckley Madole also provides direct legal representation on a state-wide basis throughout Texas, California, Nevada, Arizona, New Jersey and New York. The firm will be expanding its geographic footprint into Pennsylvania, Georgia, Louisiana and Florida in 2013/2014.

Buckley Madole delivers quality legal services with an emphasis on demonstrable subject matter expertise, domain knowledge and the highest levels of compliance and professional responsibility.

<http://buckleymadole.com/about-us>. If this is a statement made by the law firm, then it seems unlikely that it, and its employees, would not understand who is the creditor in the case and the significance of misrepresenting on the proof of claim the identify of the creditor. John Lackey is identified on this website as being an associate with Buckley Madole, having been admitted to the Texas State Bar in 2012.

A Proof of Claim has been filed which appears to misstate under penalty of perjury the identity of the creditor. The misstatement of the creditor's identity would have been the proximate cause of misleading the Debtors and this court entering an order valuing a secured claim pursuant to 11 U.S.C. § 506(a) of a person who is not a creditor of the Debtors. The entry of such an order not being an adjudication of the rights of U.S. Bank, National Association, Trustee, the Debtors would then be misled into performing for five years under a Chapter 13 Plan, which plan terms and valuation would then be disavowed by U.S. Bank, National Association, Trustee, or a transferee of the Bank, for a lack of in personam jurisdiction and lack of Due Process.

**ORDER TO APPEAR AND ORDER TO SHOW CAUSE**

The court having a concern that this misstatement under penalty of perjury in the Proof of Claim may well represent a coordinated plan between a sophisticated creditor, sophisticated loan servicing company, and sophisticated counsel, the court ordered that a senior manager of Specialized Loan Servicing, LLC, with personal knowledge of the policies and procedures of Specialized Loan Servicing, LLC for filing proofs of claim with the United States Bankruptcy Courts; Counsel for Specialized Loan Servicing, LLC; A management shareholder of Buckley Madole, P.C., with personal knowledge of the Buckley Madole, P.C. policies and procedures for filing proofs of claim in the United States Bankruptcy Courts; A senior management representative of U.S. Bank National Association, as Trustee, relating to Home Equity Mortgage Trust Series 2007-2, Home Equity Mortgage Pass-Through Certificates, Series 2007-2" ("U.S. Bank, National Association, Trustee"), with personal knowledge of the policies and procedures of U.S. Bank, National Association, Trustee, for having Specialized Loan Servicing, LLC file proofs of claim for U.S. Bank, National Association, Trustee; and Counsel for U.S. Bank National Association, Trustee, to appear and show cause as to why the court should not conduct an evidentiary hearing concerning the Proof of Claim filed by Specialized Loan Servicing, LLC, representing themselves as a creditor in this case and the accuracy of the information provided in the Proof of Claim.

The court shall also consider what corrective sanctions may be appropriate to correct this conduct of Specialized Loan Servicing, LLC, in misrepresenting that it is a "creditor" in the bankruptcy case, and the entry of an order requiring Specialized Loan Servicing, LLC, to only place the name of the actual creditor on the Proof of Claim form.

Responsive pleadings were ordered to be filed by Specialized Loan Servicing, LLC and Buckley Madole, and may, but not required, be filed by U.S. Bank, National Association, Trustee, in compliance with Local Rule 9014-1 at least fourteen (14) days before the date of the hearing set forth in this order, which addresses this Order to Show Cause, including specifically addressing the following:

- A. The basis upon which Specialized Loan Servicing, LLC asserts that it is a creditor in this bankruptcy case.
- B. Properly authenticated documentation of any assignments or transfers of rights to Specialized Loan Servicing, LLC upon which it bases a claim as a creditor in this bankruptcy case.
- C. Properly authenticated documentation that it is the agent for service of process or the real party in interest to adjudicate any rights of U.S. Bank, N.A., Trustee, with respect to any claim in this bankruptcy case.
- D. The reason for Specialized Loan Servicing, LLC stating that it is a creditor in this bankruptcy case.
- E. During the period April 1, 2013 through July 31, 2013, a list of all bankruptcy cases, identified by (1) debtor's name, (2) court, (3) case number, (4) whether a secured or unsecured

claim, and (4) proof of claim number for all proofs of claim filed which identify Specialized Loan Servicing, LLC as the creditor on the first page of the Proof of Claim form.

## **RESPONSE**

U.S. Bank National Association, as Trustee, relating to Home Equity Mortgage Series 2007-2, Home Equity Mortgage Pass-Through Certificates, Series 2007-2 ("US Bank, Trustee"), Specialized Loan Servicing, LLC ("SLS") and Buckley Madole, P.C. ("BMPC"), (collectively "Respondents") filed a response to the Order to Show Cause on September 10, 2013. Dckt. 59.

Respondents states that this court should not conduct an evidentiary hearing or impose sanctions for several reasons.

First, Respondents state Proof of Claim No. 4-1 did name US Bank, Trustee in three of the four places on the claim form.

Second, Respondents also argue the one place in Proof of Claim No. 4-1 where SLS name appeared was used as shorthand for US Bank, Trustee and was a result that the full name exceeded the available character limit of the required form.

Third, Respondent states Debtors were not misled by Claim 4-1 as to the identity the creditor but were using the servicer's name as shorthand for the creditor's name. Respondents argue this is evidenced by the proof of claim filed in Debtor's prior bankruptcy case (Proof of Claim 2-1 in Case No. 11-28324) which names US Bank, Trustee as creditor in "Name of Creditor" Box, and Debtor named US Bank, Trustee in the final motion to value collateral.

Fourth, Respondent argues that the Proof of Claim taken as a whole does not make it appear that SLS is the creditor, rather it names U.S. Bank National Association, as Trustee, relating to Home Equity Mortgage Series 2007-2, Home Equity Mortgage Pass-Through Certificates, Series 2007-2 as creditor and displays the relevant assignment.

Lastly, the Respondent argues that the effectiveness of the court's jurisdiction over US Bank, Trustee is established, not defeated by SLS's appearance.

## **DISCUSSION**

The Response basically asserts the position that the Proof of Claim contains conflicting information and the Debtor and Court should "know" what conflicting information is correct. Filing pleadings is not an opportunity to make conflicting statements of fact and then the party choose the one which is most convenient or advantageous. Both U.S. Bank, N.A. and Specialized Loan Servicing make the argument that the Debtor and Debtor's counsel were not "mislead" but merely used the name Specialized Loan Servicing, LLC as a "shorthand" for U.S. Bank, N.A., Trustee.

This Response is belied by the fact that the Debtor and attorney were misled, naming Specialized Loan Servicing, LLC as the creditor. For the court to accept the U.S. Bank, N.A. and Specialized Loan Servicing argument, it

appears that the court would have to determine that Specialized Loan Servicing, LLC is merely a dba for U.S. Bank, N.A. Therefore, U.S. Bank, N.A. is admitting and publically stating that it is bound by all equity relief and money judgments naming, and all contractual obligation of, Specialized Loan Servicing, LLC.

John Lackey provides his declaration stating that his office could not properly disclose the creditor information on the Proof of Claim form under penalty of perjury because the electronic form does not contain enough characters to input the true and correct name of the creditor,

"U.S. Bank National Association, as Trustee, relating to Home Equity Mortgage Trust Series 2007-2, Home Equity Mortgage Pass-Through Certificates, Series 2007-2"

This configuration of the Creditor's name requires 160 characters. The court's on-line proof of claim form is limited to 75 Characters. Therefore, U.S. Bank, N.A. Trustee, Specialized Loan Servicing, LLC, and John Lackey conclude that the only thing that U.S. Bank, N.A. Trustee, Specialized Loan Servicing, and John Lackey could have done was state under penalty of perjury that Specialized Loan Servicing, LLC was the creditor with a claim in this case. This is faulty logic and poor justification for making false statements under penalty of perjury, which is indicative of persons not acting in good faith.

Rather than falsely stating under penalty of perjury that Specialized Loan Servicing, LLC was the creditor, actually misleading the Debtor and Debtor's Counsel in this case, a more reasonable, rational, good faith act could have included the following for correctly identifying the creditor.

- US Bank NA, Trustee, Home Equity Mortgage Trust Series 2007-2:see attached [75 Characters]
- US Bank NA, Trustee, (see attached for complete identification of Trust) [72 Characters]
- SLS, LLC filing as agent for US Bank NA, Trustee (see attached) [63 characters]
- SLS, LLC, agent filing for US Bank NA, Trustee (see attached) [61 characters]

What is obvious to the court is that if U.S. Bank, N.A., Trustee, Specialized Loan Servicing, LLC, and Buckley Madole, P.C. put a fraction of the effort into accurately identifying the creditor as to the effort they put into a justification for misidentifying the creditor under penalty of perjury, it could easily have been done.

Rather than, as several other servicing companies have done, coming forward and recognizing the error, U.S. Bank, N.A., Specialized Loan Servicing, LLC, and Buckley Madole, P.C. have ignored the misidentification and have attempted to justify why they want to continue doing it going forward. These three very sophisticated parties, a federally insured bank, nationwide loan servicing company, and law firm, attempt to blame the Debtor and Debtor's counsel for misidentification of the creditor, stating,

Considering all relevant factors, Debtors were not misled by Claim 4-1 as to the identity the creditor but were apparently, as Debtors often do, using the servicer's name as shorthand for the creditor's name.

Response 2:9-11, Dckt. 59. There was no "shorthand" being used, but the Debtor was identifying the creditor as stated under penalty of perjury on the Proof of Claim form. The court does not accept the contention that because the proof of claim was filed shortly after the motion was filed as evidence that there was no misrepresentation by virtue of the proof of claim. First, it may well be evidence of a pervasive misrepresentation by these parties in communicating with consumers and their attorneys. Secondly, the filing of the Proof of Claim incorrectly states under penalty of perjury the creditor.

This Response appears to not only warrant an evidentiary hearing before this court, but referral of this matter to the U.S. Trustee to consider the scope of the misidentification of creditors by U.S. Bank, N.A.; Specialized Loan Servicing, LLC; and Buckley Madole, P.C.

This court has addressed on previous occasions the requirement that Debtors (as well as all persons) correctly identify the person against whom relief is sought. The court is unaware of any creditor or financial institution who has stated, "debtors can just say, value the claim of "Any Bank which may now or in the future assert a claim," serve that pleading on someone not permitted by Federal Rule of Bankruptcy Procedure (c)(3) or (h), and that any orders, sanctions, monetary awards will be effective against any and all person not named in the motion or not properly served as required by the Federal Rule of Civil Procedure or Federal Rule of Bankruptcy Procedure.

The court reviewed the "List of Proof of Claims identifying SLS as the Creditor" provided as Exhibit 6, Dckt. 61, and found several orders in Chapter 13 cases in which "claims" of Specialized Loan Servicing, LLC have been valued.

1. Case No. 12-12202-A, Issac and Terry Perez, Dckt. 32 (naming US Bank NA and Specialized Loan Servicing, LLC).

The bankruptcy case was filed on March 14, 2013. On May 24, 2013, a proof of claim identifying the creditor as "Specialized Loan Servicing, LLC [see attached]" was filed. Proof of Claim No. 26-1. The attachment to the Proof of Claim lists "Residential Funding Mortgage Securities II, Inc.

On July 2, 2013, the Debtors filed an objection to the claim of Specialized Loan Servicing, LLC. That motion was denied without prejudice due to service having been made on John W. Lackey as the agent for Specialized Loan Servicing. 12-12202 Dckts. 57, 64. A new objection to claim of Specialized Loan Servicing was filed and served on Specialized Loan Servicing, LLC. Id. Dckts. 67, 73. The Objection does not name the entity who is the actual creditor, nor is it served on the actual creditor.

2. Case No. 12-91178-D, Judith Glennon, Dckt. 24.

Specialized Loan Servicing, LLC filed Proof of Claim 10-1 on July 23, 2013. The creditor is stated to be "Specialized Loan Servicing, LLC." The Proof of Claim is signed by John W. Lackey, or Buckley Madole, P.C. There are

not other documents attached to the Proof of Claim. The claim is stated to be for "Money Loaned."

On June 11, 2012, the Debtor filed a motion to value the secured claim of Specialized Loan Servicing, LLC. 12-91178 Dckt. The court entered an order valuing the secured claim of Specialized Loan Servicing, LLC to be \$0.00. *Id.* Dckt. 24. No one other than Specialized Loan Servicing, LLC is named in the Motion or the Order.

The Debtor's confirmed Chapter 13 Plan provides for Class 2 treatment for the \$0.00 valued secured claim of Specialized Loan Servicing, LLC. Plan and Confirmation Order, *Id.* Dckts. 11, 25.

3. Case No. 13-20069-B, Earnestine Black, Dckt. 29;

On April 26, 2013, Specialized Loan Servicing, LLC filed Proof of Claim No. 12-1 naming itself as the creditor. The basis of the claim is "Money Loaned." John W. Lackey, or Buckley Madloe, P.C., signed the Proof of Claim as the agent of Specialized Loan Servicing, LLC. The attachment to the Proof of Claim lists E\*Trade Bank, fsb, as the creditor.

On February 12, 2013, the Debtor filed a motion to value the secured claim of Specialized Loan Servicing, LLC. 13-20069 Dckt. 15. No other related creditor is referenced in the motion. The court granted the motion and determined the secured claim of Specialized Loan Servicing, LLC to have a value of \$0.00. Order, *Id.* Dckt. 29.

4. Case No. 13-26083-B, Gregorio Lona and Eulalia Rodriguez, Dckt. 46.

On June 19, 2013, Specialized Loan Servicing, LLC filed Proof of Claim No. 4 listing itself as the creditor. The Proof of Claim is signed by John W. Lackey, of Buckley Madole, P.C., and the agent for Specialized Loan Servicing, LLC. The attachment to the Proof of Claim lists the creditor as Wilmington Trust, National Association, as Successor Indenture Trustee to Citibank, N.A., as Indenture Trustee of SACO I Trust 2006-12, Mortgage Backed Notes, Series 2006-12.

On June 17, 2013, the Debtor filed a motion to value the secured claim of Specialized Loan Servicing, LLC. 13-26083 Dckt. 25. Only Specialized Loan Servicing, LLC is identified in the motion as the party against whom relief is requested. ON August 1, 2013, the court granted the motion and determined that the secured claim of Specialized Loan Servicing, LLC had a value of \$0.00. Order, *Id.* Dckt. 46.

The confirmed Chapter 13 Plan provides for Class 2 plan treatment for the \$0.00 secured claim of Specialized Loan Servicing, LLC. Motion and Order, *Id.* Dckts. 30, 48.

In just the four examples above, there is nothing in the record showing that Specialized Loan Servicing, LLC came forward to notify the court that some confusion existed and that it was not asserting a claim in the bankruptcy case. It should be also noted that the procedure used by Specialized Loan Servicing,

LLC causes the official claims docket of the court to identify Specialized Loan Servicing, LLC as the creditor.

The court is concerned that these orders are misidentifying the creditors for purposes of § 506(a) motion. Obtaining an order valuing the "claim" of a loan servicing company does not value the claim of the creditor. No motion has been filed seeking to value the claim of the actual creditor, no service has been attempted on the actual creditor, and no effort made to afford the actual creditor any due process rights. Any order issued by the court would be void as to the actual creditor. After performing under a plan for 3 to 5 years, the debtor would then have a rude awakening that their still remains a creditor, having a debt secured by a third deed of trust (in this case) which has never been valued and for no lien-strip may be possible.

The court also requests that the U.S. Trustee, Chapter 13 Trustee, and any party in interest advise the court of whether a discovery schedule should be set for any proper party in interest to provide the court with a response and evidence to consider at the evidentiary hearing.

2.    [11-44878-E-7](#)    VLADIMIR/SNEZHANNA                   DISCOVERY CONFERENCE RE:  
      [12-2573](#)           SEMCHENKO                                 COMPLAINT  
      U.S. TRUSTEE V. BRYANT             9-14-12 [[1](#)]

**No Tentative Ruling.**

3.    [13-90284-E-7](#)    SAWYERS HEATING AND AIR                MOTION FOR AN ORDER EXCUSING  
      RHS-1           CONDITIONING, INC.                    GREG KOOYMAN AND BARRY LOGAN  
                      Pro Se                                 FROM APPEARING AT ORDER TO SHOW  
  CAUSE HEARING  
  9-20-13 [[46](#)]

**DISMISSED 8-8-13**

**No Tentative Ruling.**

On September 20, 2013, Heating & Cooling Supply, LLC, moved the court for an order excusing its Director of Credit, Greg Kooyman, and Manager, Barry Logan, from appearing at the Order to Show Cause Hearing currently set for September 26, 2013 at 10:30 a.m. The ex parte application states the motion will be made on the grounds that there exists good cause to grant an order for the requested relief in that Mr. Kooyman and Mr. Logan have no personal knowledge as to the facts or circumstances that led to the setting of the Order to Show Cause hearing.