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3 UNITED STATES BANKRUPTCY COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5 SACRAMENTO DIVISION  
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8 In re: )  
9 ) Case No. 04-29046-B-13J  
10 JARITA GIVENS, )  
11 Debtor. ) Docket Control No. CYB-4  
12 ) Date: September 6, 2006  
Time: 9:30 a.m.

13 On or after the calendar set forth above, the court issued  
14 the following ruling. The official record of the ruling is  
appended to the minutes of the hearing.

15 Because the ruling constitutes a "reasoned explanation" of  
16 the court's decision under the E-Government Act of 2002 (the  
"Act"), a copy of the ruling is hereby posted on the court's  
17 Internet site, [www.caeb.uscourts.gov](http://www.caeb.uscourts.gov), in a text-searchable  
18 format, as required by the Act. However, this posting does not  
constitute the official record, which is always the ruling  
appended to the minutes of the hearing.

19 **DISPOSITION AFTER ORAL ARGUMENT**

20 Oral argument would not assist the court in rendering a decision  
21 in this matter.

22 The motion is denied, without prejudice, pursuant to LBR 9014-  
23 1(1). The applicant failed to address the applicable legal standard  
24 for relief sought (LBR 9014-1(d)(5)) and failed to use a proper Docket  
25 Control Number (LBR 9014-1(c)). DC No. CYB-4 was previously used for  
26 a motion to confirm a plan.

27 The "no-look" compensation under the Guidelines is neither a  
28 minimum fee nor a down-payment on hourly compensation. The "no-look"

1 fee, whatever counsel agrees it will be (up to the maximum), covers  
2 all work required in a typical chapter 13 case. Additional fees are  
3 warranted only where counsel has performed work that is beyond the  
4 requirements of a typical chapter 13 case. Here, applicant has not  
5 explained why or how the amount of work she has done in this case  
6 exceeds that required in a "typical" chapter 13 case so that  
7 additional compensation is justified. In re Pedersen, 229 B.R. 445  
8 (Bankr. E.D. Cal. 1999) (J. McManus). Simply attaching time sheets to  
9 the motion does not provide the required explanation.

10 The motion also contains inconsistencies that must be addressed  
11 in any future motion for this relief. This is a \$2,500 Guidelines  
12 case. The motion states the applicant received a \$900 retainer, but  
13 the Rights and Responsibilities states she received an \$800 retainer  
14 (Dkt. No. 12). The originally-proposed plan also states the applicant  
15 received \$800 prior to the filing of the petition. (Dkt. No. 11).  
16 The Statement Pursuant to Rule 2016(B) states that the applicant  
17 received a \$900 retainer. (Dkt. No. 10). All three documents were  
18 filed the same day, September 17, 2004. This motion also inexplicably  
19 states that even though the applicant received a pre-petition retainer  
20 (the correct amount of which is in question), the trustee has paid her  
21 the full Guidelines amount of \$2,500 through the plan. (Dkt. No. 105,  
22 pg. 1, lines 24-25).

23 The court will issue a minute order.