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3 **NOT FOR PUBLICATION**

4 **UNITED STATES BANKRUPTCY COURT**  
5 **EASTERN DISTRICT OF CALIFORNIA**  
6

7 In re: ) Case No. 06-22225-D-7  
8 BETSEY WARREN LEBBOS, )  
9 Debtor. )  
10 \_\_\_\_\_ )  
11 LINDA SCHUETTE, )  
12 Plaintiff, ) Adv. Pro. No. 07-2006-D  
13 v. ) Docket Control No. MPD-9  
14 BETSEY WARREN LEBBOS, )  
15 et al., )  
16 Defendants. )  
17 \_\_\_\_\_ )

18 **This memorandum decision is not approved for publication and may**  
19 **not be cited except when relevant under the doctrine of law of**  
20 **the case or the rules of claim preclusion or Issue preclusion.**

21 **MEMORANDUM DECISION ON APPLICATION**  
22 **FOR A STAY OF REGISTRATION OF ORDER**

23 On January 7, 2009, the defendant herein, Betsey Warren  
24 Lebbos, filed an Application for Stay Of Registration of Order  
25 ("the Application") in this adversary proceeding. For the  
26 reasons set forth below, the court will deny the Application.

27 On May 13, 2008, the plaintiff herein, Linda Schuette, filed  
28 a motion for order directing the clerk to register judgment  
obtained against defendant Lebbos and others. Lebbos filed  
written opposition to the motion. Following a hearing on

1 June 18, 2008, the court issued a memorandum of decision and  
2 granted the motion. Consistent with the memorandum decision the  
3 court then entered an order directing the clerk to register  
4 judgment on July 17, 2008 (the "Order").

5 The Application requests the court stay the Order pending  
6 appeal.

7 The court has considered the defendant's arguments, and is  
8 not persuaded (1) that the defendant is likely to succeed on the  
9 merits of their appeals, and (2) that the absence of a stay  
10 creates the possibility of irreparable injury to the defendant.  
11 Similarly, the defendant has not shown the existence of serious  
12 questions going to the merits of their appeals, and have failed  
13 to show that a balancing of the hardships tips in their favor.  
14 See Tribal Village of Akutan v. Hodel, 859 F.2d 662, 663 (9th  
15 Cir. 1988); Cadance Design Sys. v. Avant! Corp., 125 F.3d 824,  
16 826 (9th Cir. 1997).

17 Accordingly, the court will deny the Application.

18 Dated: January 20, 2009

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ROBERT S. BARDWIL  
20 United States Bankruptcy Judge  
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