

3 UNITED STATES BANKRUPTCY COURT  
4 EASTERN DISTRICT OF CALIFORNIA  
5

6 In re: ) Case No. 06-22225-D-7  
7 BETSEY WARREN LEBBOS, ) Docket Control No. BWL-11  
8 )  
9 Debtor. )  
\_\_\_\_\_ )

10 This memorandum decision is not approved for publication and may  
11 not be cited except when relevant under the doctrine of law of  
12 the case or the rules of claim preclusion or issue preclusion.

13 **MEMORANDUM DECISION DENYING APPLICATION FOR STAY**  
**OF PROCEEDINGS PENDING TWELVE APPEALS BY THREE PARTIES**

14 On November 21, 2007, Betsey Warren Lebbos ("the Debtor")  
15 filed an Application for A Stay of Proceedings Pending Twelve  
16 Appeals by Three Parties ("the Application") in this bankruptcy  
17 case. On the same day, she filed similar applications in the two  
18 adversary proceedings presently pending in this bankruptcy case,  
19 Schuette v. Lebbos, Adv. No. 07-2006, and Alonso v. Lebbos, Adv.  
20 No. 06-2314. Each of the applications refers to certain appeals  
21 from earlier orders of this court presently pending in the Ninth  
22 Circuit Bankruptcy Appellate Panel and the Ninth Circuit Court of  
23 Appeals.

24 The Debtor has appealed from orders denying her motions to  
25 terminate the appointment of the trustee in this case and her  
26 counsel, to dismiss this case, to transfer the venue of this  
27 case, and to disqualify the undersigned as the bankruptcy judge  
28 in this case. As a defendant in Schuette v. Lebbos, the Debtor

1 has appealed from orders denying her motions to disqualify the  
2 undersigned, to dismiss the adversary proceeding, and to transfer  
3 venue. Her co-defendants in that adversary proceeding, Jason  
4 Gold and Thomas Carter, have appealed from orders denying their  
5 motions to disqualify the undersigned, to dismiss the proceeding,  
6 and to transfer venue. Finally, as the defendant in Alonso v.  
7 Lebbos, the Debtor has appealed from orders denying her motions  
8 to disqualify the undersigned, to transfer venue, and for summary  
9 judgment.

10 The Bankruptcy Appellate Panel has issued rulings in five of  
11 these appeals; it appears the Debtor has appealed the Panel's  
12 rulings to the Ninth Circuit Court of Appeals. Other appeals  
13 remain pending in the Bankruptcy Appellate Panel, and the Debtor  
14 makes reference in the Application to "three pending appeals  
15 which are going to be transferred to the District Court."  
16 Application at 5:2-10.

17 The Application is brought pursuant to Federal Rules of  
18 Bankruptcy Procedure 7062 and 8005. It is not entirely clear  
19 that the Debtor is requesting a stay of enforcement of the  
20 particular orders on appeal. From the Application, it appears  
21 more likely that she seeks a stay of the proceedings as a whole;  
22 that is, a stay of all proceedings in the bankruptcy case and in  
23 the two adversary proceedings.<sup>1</sup>

24 Either way, the court concludes that the Debtor's arguments  
25 have previously been presented in great detail, not only in the

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27 1. Pursuant to Fed. R. Bankr. P. 8005, a bankruptcy judge may  
28 suspend or allow the continuation of other proceedings in the case  
during the pendency of an appeal from a particular order.

1 substantive motions themselves, but in prior motions for a stay  
2 pending appeal, that the court has carefully considered and  
3 sometimes reconsidered those arguments, together with the  
4 evidence presented by the Debtor, and that nothing in the present  
5 Application persuades the court (1) that the Debtor is likely to  
6 succeed on the merits of her appeals or her contemplated motion  
7 to dismiss this case and (2) that the absence of a stay creates  
8 the possibility of irreparable injury to her. Similarly, she has  
9 not shown the existence of serious questions going to the merits  
10 of her appeals or her intended motion, and has failed to show  
11 that a balancing of the hardships tips in her favor. See Tribal  
12 Village of Akutan v. Hodel, 859 F.2d 662, 663 (9th Cir. 1988);  
13 Cadance Design Sys. v. Avant! Corp., 125 F.3d 824, 826 (9th Cir.  
14 1997).

15 Accordingly, the court will deny the Application.

16 Dated: November 30, 2007

17 /s/  
ROBERT S. BARDWIL  
18 United States Bankruptcy Judge  
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