

FILED & ENTERED

MAY 20 2011

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY fortier DEPUTY CLERK

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12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **LOS ANGELES DIVISION**

16 In re:

17 Gene Douglas Balas and Carlos A. Morales,
18 Debtors.

Case No.: 2:11-bk-17831-TD

Chapter 13

**ORDER CONTINUING HEARING
ON THE UNITED STATES
TRUSTEE'S MOTION TO DISMISS
AND SETTING DEADLINE FOR
ANY PLEADINGS OR OTHER
FILINGS**

Date: May 17, 2011
Time: 2:00 p.m.
Place: Courtroom 1345
Roybal Federal Building
255 East Temple Street
Los Angeles, California 90012

1 On May 17, 2011, a hearing was scheduled on the *United States Trustee's Motion to*
2 *Dismiss Pursuant to 11 U.S.C. § 1307(c), or For Related Relief* [Docket No. 28], filed April
3 15, 2011, and the *United States Trustee's Objection to Confirmation of Plan; and*
4 *Declaration of Hatty Yip in Support Thereof* [Docket No. 26], filed April 15, 2011 (together,
5 the "Motion to Dismiss"), to which the Debtors had timely responded with their *Opposition*
6 *to the U.S. Trustee's Motion to Dismiss and Response to the U.S. Trustee's Confirmation*
7 *Objection; Memorandum of Points and Authorities; Declaration of Gene Douglas Balas;*
8 *Declaration of Carlos A. Morales* [Docket No. 35], filed April 27, 2011 (the "Opposition").
9 All creditors and parties in interest were notified that the Motion to Dismiss would be heard
10 on this date. *See Notice to Creditors* [Docket No. 39], dated May 4, 2011 (providing notice
11 that "the hearing on the U.S. Trustee's motion to dismiss [has] been rescheduled to May 17,
12 2011 at 2:00 p.m., before the Honorable Thomas B. Donovan, Bankruptcy Judge, Courtroom
13 1345, Roybal Building, 255 E. Temple Street, Los Angeles, CA 90012.").

14 The following individuals personally appeared at the hearing: Peter C. Anderson,
15 United States Trustee; Jill M. Sturtevant, Assistant United States Trustee; Kathy A. Dockery,
16 Chapter 13 Trustee; Angela N. Gill, Staff Attorney at the Office of the Chapter 13 Trustee;
17 Gene Douglas Balas and Carlos A. Morales, the Debtors; David M. Stern and Robert J.
18 Pfister, Special Counsel for the Debtors; and Peter M. Lively and Ilya B. Volk, Counsel for
19 the Debtors. The Court was prepared to hear the Motion to Dismiss and the Opposition, and
20 the Debtors were ready to proceed. The Court was informed at the outset of the hearing,
21 however, that the House Bipartisan Legal Advisory Group had asked the United States
22 Trustee to request a seven (7) day continuance of the hearing. The Debtors consented to a
23 brief continuance.

24 Upon consideration of the preceding, and based on the reasons and with the
25 limitations set forth on the record, IT HEREBY IS ORDERED THAT:

- 26 1. The hearing on the Motion to Dismiss is continued to June 13, 2011, at
27 2 o'clock p.m.
- 28 2. Any agency or instrumentality of the United States Government that wishes to

1 be heard on the merits of the Motion to Dismiss or the Opposition must file its merits brief
2 on or before May 31, 2011. This deadline also applies to any further briefing that the Office
3 of the United States Trustee wishes to file.

4 3. The Debtors shall have until June 7, 2011 to reply to any such merits brief.

5 4. The Debtors' proposed plan of reorganization may be confirmed on the June
6 23, 2011, 10 o'clock a.m. consent calendar provided that the Debtors' plan payments are
7 current and no changed financial circumstance renders the plan infeasible. The confirmation
8 hearing may be continued further if the Court has not ruled on the Motion to Dismiss.

9
10 ***Order Approved as to Form:***

11 By the United States Trustee:

12 _____
/s/ Peter C. Anderson

13 By the Chapter 13 Trustee:

14 _____
/s/ Kathy A. Dockery

15 By the Debtors:

16 _____
/s/ Robert J. Pfister

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21
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23 DATED: May 20, 2011

24 *Thomas R. Honohan*

United States Bankruptcy Judge

In re: Gene Douglas Balas and Carlos A. Morales <div style="text-align: right;">Debtor(s).</div>	CHAPTER 13 CASE NUMBER 2:11-bk-17831-TD
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NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on a CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1999 Avenue of the Stars, Thirty-Ninth Floor
Los Angeles, CA 90067

A true and correct copy of the foregoing document described as ORDER CONTINUING HEARING ON THE UNITED STATES TRUSTEE'S MOTION TO DISMISS AND SETTING DEADLINE FOR ANY PLEADINGS OR OTHER FILINGS will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d), and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On May 20, 2011 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address indicated below:

N/A Service Information continued on attached page.

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL (indicate method for each person or entity served): On May 20, 2011 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follow. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

N/A Service Information continued on attached page.

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on May 20, 2011 I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Thomas B. Donovan
U.S. Bankruptcy Court
Roybal Federal Building
255 E. Temple Street, Suite 1352
Los Angeles, CA 90012-3332

Peter Anderson
United States Trustee (LA)
725 S. Figueroa Street, 26th Floor
Los Angeles, CA 90017-5524

Kathy A. Dockery
700 S. Flower Street, Suite 1950
Los Angeles, CA 90017-4212

Service Information continued on attached page.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

<u>May 20, 2011</u>	<u>Robert J. Pfister</u>	<u>/s/ Robert J. Pfister</u>
Date	Type Name	Signature

NOTE TO USERS OF THIS FORM:

1. Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
2. The title of the judgment or order and all service information must be filled in by the party lodging the order.
3. **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
4. **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled ORDER CONTINUING HEARING ON THE UNITED STATES TRUSTEE'S MOTION TO DISMISS AND SETTING DEADLINE FOR ANY PLEADINGS OR OTHER FILINGS was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of May 18, 2011, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below:

SEE ATTACHED SERVICE LIST

Service Information continued on attached page.

II. SERVED BY THE COURT VIA U.S. MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

N/A

Service Information continued on attached page.

III. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s) and/or email address(es) indicated below:

SEE ATTACHED SERVICE LIST

Service Information continued on attached page.

In re: Gene Douglas Balas and Carlos A. Morales	Debtor(s).	CHAPTER 13 CASE NUMBER 2:11-bk-17831-TD
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SERVICE VIA NOTICE OF ELECTRONIC FILING

Kathy A. Dockery (TR) efilings@CH13LA.com
M. Jonathan Hayes jhayes@polarisnet.net
On behalf of Interested Party Courtesy NEF
Peter M. Lively PeterMLively2000@yahoo.com
On behalf of Debtor Gene Balas
Robert J. Pfister rpfister@ktbslaw.com
On behalf of Debtor Gene Balas
United States Trustee (LA) Ustpregion16.la.ecf@usdoj.gov

SERVICE BY U.S. MAIL

Bank of America P.O. Box 15026 Wilmington, DE 19850-5026	Chevron Credit Bank P.O. Box 5010 Concord, CA 94524-0010	Franchise Tax Board Bankruptcy Section MS A340 P.O. Box 2952 Sacramento, CA 95812-2952
Capital One Bank P.O. Box 30285 Salt Lake City, UT 84130-0285	Candica L.L.C. c/o Weinstein and Riley, PS 2001 Western Avenue, Suite 400 Seattle, WA 98121	HSBC Card Services c/o NCO Financial Systems P.O. Box 15372 Wilmington, DE 19850-5372
Internal Revenue Service Centralized Insolvency Operation P.O. Box 7346 Philadelphia, PA 19101-7346	Park La Brea 6200 W. Third Street Los Angeles, CA 90036-3157	Carlos A. Morales 5702 Lindenhurst Avenue Los Angeles, CA 90036-3275
Los Angeles Division 255 E. Temple Street Los Angeles, CA 90012-3332	BMW Financial Services c/o Vital Recovery Services, Inc. P.O. Box 923748 Norcross, GA 30010-3748	Cedars-Sinai P.O. Box 60109 Los Angeles, CA 90060-0109
Citibank P.O. Box 26892 San Francisco, CA 94126-0892	FIA Card Services aka Bank of America c/o Becket and Lee LLP P.O. Box 3001 Malvern, PA 19355-0701	HSBC Bank Nevada, N.A. By PRA Receivables Management, LLC P.O. Box 12907 Norfolk, VA 23541-0907
HSBC Card Services Hunt & Henriques 151 Bernal Road, Suite 8 San Jose, CA 95119-1491	Internal Revenue Service Centralized Insolvency Operations P.O. Box 7346 Philadelphia, PA 19101-7346	Sallie Mae P.O. Box 9533 Wilkes-Barre, PA 18773-9533
Acura Financial Services P.O. Box 600001 City of Industry, CA 91716	BMW Financial Services P.O. Box 3608 Dublin, OH 43016-0306	Chase P.O. Box 15298 Wilmington, DE 19850-5298

Consultants for Pathology
4607 Lakeview Canyon Rd., Ste. 598
Westlake Village, CA 91361-4028

Franchise Tax Board
Attn: Bankruptcy
P.O. Box 2952
Sacramento, CA 95812-2952

HSBC Card Services
c/o Hunt & Henriques
151 Bernal Road, Suite 8
San Jose, CA 95119-1306

HSBC Card Services
P.O. Box 81622
Salinas, CA 93912-1622

MD Periodontics
A. Moshrefi, DDS MS & N.
Daneshmand
9735 Wilshire Blvd., Suite 211
Beverly Hills, CA 90212-2102

Sallie Mae Inc. on behalf of USA Funds
Attn: Bankruptcy Litigation Unit E3149
P.O. Box 9430
Wilkes-Barre, PA 18773-9430

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Kathy A. Dockery (TR)
700 S. Flower Street, Suite 1950
Los Angeles, CA 90017-4212

BMW Financial Service
P.O. Box 3608
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