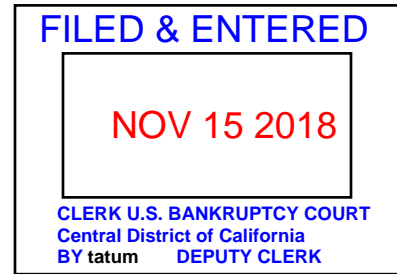


1 Miles D. Grant, Esq. (SBN 89766)
2 Alexander J. Kessler, Esq. (SBN 278240)
3 **GRANT & KESSLER, APC**
4 1331 India Street
5 San Diego, CA 92101
6 Tel: 619-233-7078; Fax: 619-233-7036

7 Attorneys for Plaintiff Oggi's Pizza and Brewing Company



8 **CHANGES MADE BY COURT**

9
10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA LOS ANGELES DIVISION**

12
13 In re: Adv. Proc. No. 17-ap-01455-RK
14 PAUL BODEAU **ORDER ON DEBTOR'S MOTION TO**
15 SANDRA BODEAU **COMPEL PRODUCTION OF**
DOCUMENTS AND/OR PRIVILEGE LOG
16 Debtors. Date: September 4, 2018
Time: 2:30 p.m.
Room: 1675
17 OGGI'S PIZZA AND BREWING
COMPANY,
18 Plaintiff,
19 v.
20 PAUL BODEAU, SANDRA BODEAU, et al.
21 Defendants.
22

23 On September 4, 2018, the Court heard argument on Sandra Bodeau's (Debtors) Motion to
24 Compel Oggi's Pizza and Brewing Company (Plaintiffs) to provide further responses to Debtor's
25 First Set of Requests for Production. After considering the papers filed in support of and in
26 opposition to the Motion, and good cause appearing therefore,
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THE COURT HEREBY ORDERS:

The Court’s tentative ruling, a copy of which is attached as Exhibit 1, is confirmed.
Additionally, the \$1,625 in sanctions mentioned in the tentative ruling are awarded against Debtor’s
counsel, Louis H. Altman and Haberbush & Associates, LLP, and not against Debtor personally.

Sanctions shall be paid within 14 days of the date of entry of this order to Plaintiff’s
counsel, Grant & Kessler, APC, 1331 India Street, San Diego, CA 92101.

###

Date: November 15, 2018



Robert Kwan
United States Bankruptcy Judge

Exhibit 1

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Tuesday, September 4, 2018

Hearing Room 1675

2:30 PM

2:17-17761 Paul Bodeau

Chapter 11

Adv#: 2:17-01455 Oggi's Pizza and Brewing Company v. Bodeau et al

#18.00 Hearing re: Motion to compel production of documents and/or privilege log

Docket 16

Tentative Ruling:

Deny defendants' motion to compel production of documents and/or privilege log for the reasons stated by plaintiff in its opposition. The motion is untimely, and it is a violation of the pretrial scheduling order to file the motion well after the discovery cutoff date. The motion could have been filed and heard way before the cutoff date. Award sanctions against defendants in favor of plaintiff of \$1,625 representing 5 hours of attorney time at counsel's billing rate of \$325 per hour as reasonable attorneys' fees for preparing the opposition to the untimely motion pursuant to FRCP 37(a)(5)(B). Defendants' untimely motion is not substantially justified because it should have been filed to be heard before the discovery cutoff date. However, the court does not award fees for the work before the discovery cutoff date because arguably the need for the work could have been substantially justified by a proper motion to compel if timely filed. Appearances are required on 9/4/18, but counsel may appear by telephone.

Party Information

Debtor(s):

Paul Bodeau

Represented By

Lane K Bogard

David R Haberbush

Vanessa M Haberbush

Louis H Altman

Defendant(s):

Paul Bodeau

Represented By

Vanessa M Haberbush

Louis H Altman

Sandra Bodeau

Represented By