

FILED & ENTERED

MAR 11 2013

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

Louie Phillip Mojarro
Pamela Sue Mojarro

Debtors.

Case No.: 2:12-bk-43331-TD

CHAPTER 7

**MEMORANDUM OF DECISION RE: MARY
ESTRADA MOTION FOR RELIEF FROM
STAY PURSUANT TO 11 U.S.C. § 362**

Date: January 10, 2013

Time: 10:00 a.m.

Courtroom: 1345

Mary Estrada brought her motion for relief from the automatic stay pursuant to 11 U.S.C. § 362. The motion was argued at a hearing on January 10. The court announced its tentative decision to deny the motion at the hearing for reasons as stated on the record. At the conclusion of the hearing, the court stated that it would allow further briefing which has now been filed by both sides and has been reviewed by the court.

The court now concludes that its tentative ruling should become final and that Estrada's motion for relief brought under § 362 must be denied.

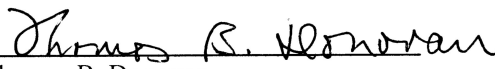
1 After the motion was filed, but before the January 10 hearing, the chapter 7
2 trustee entered his "no asset report" on the court's docket, and the debtors were issued
3 a discharge of their prepetition unsecured debts. Therefore, the Estrada motion is
4 moot.

5 Meanwhile, as noted in debtors' bankruptcy papers, Estrada prepetition had sued
6 the debtors in the Los Angeles Superior Court. That suit remains pending, subject to
7 the "discharge injunction" of 11 U.S.C. § 524(a). As Estrada has argued, some rights
8 asserted by Estrada in the state court suit may remain viable.

9 It is up to Estrada to consider its options and pursue them in state court as may
10 be allowable under § 524(a) in light of the debtors' discharge issued in their bankruptcy
11 case. No further relief from this court would seem to be allowable on Estrada's pending
12 motion under § 362.

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14 IT IS SO ORDERED.

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25 Date: March 11, 2013


Thomas B. Donovan
United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*):) **MEMORANDUM OF DECISION** was entered on the date indicated as AEntered@ on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) – Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of (*date*)3/4/13, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

David A Gill (TR)
mlr@dgd.com, dgill@ecf.epiqsystems.com;DanningGill@Gmail.com

Nina Z Javan on behalf of Creditor CarMax Auto Finance
njavan@pralc.com, cmartin@pralc.com

Daniel I Singer on behalf of Creditor U.S. Bank National Association
bankruptcy@zievelaw.com

United States Trustee (LA)
ustregion16.la.ecf@usdoj.gov

Robert G Uriarte on behalf of Debtor Louie Mojarro
robert@uriarte-wood.com

☐ Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES 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 persons and/or entities at the addresses indicated below:

Attorney for Creditor Mary Estrada
Steven P Byrne
Byrne & Associates
139 E Olive Ave, Ste 100
Monrovia, CA 91016

Debtors
Louie Phillip Mojarro, Jr
Pamela Sue Mojarro
1328 E McWood St
West Covina, CA 91790

☐ Service information continued on attached page

3. 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 United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

☐ Service information continued on attached page