

1 James A. Dumas (SBN 76284)
2 Christian T. Kim (SBN 231017)
3 DUMAS & KIM, APC
4 3435 Wilshire Boulevard, Suite 990
5 Los Angeles, California 90010
6 Phone: 213-368-5000
7 Fax: 213-368-5009

8 Attorneys for Plaintiff and Chapter 7 Trustee,
9 Carolyn A. Dye



10 **NOT FOR PUBLICATION**
11 **CHANGES MADE BY COURT**
12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **LOS ANGELES DIVISION**

15 In re:

16 KATHLEEN KELLOGG-TAXE,
17 Debtor.

18 CAROLYN A. DYE, Chapter 7 Trustee,
19 Plaintiff,

20 v.

21 KELLSPIN, INC., a Nevada corporation, MORRISION
22 MANAGEMENT, S.A., a Panamanian company, OMNI
23 GROUP, INC., a Washington corporation, EURAMEX
24 SERVICES, LTD., a Nevada corporation, NEPTUNE
25 GROUP, INC., a California corporation, G.J. SIEGAL
26 & ASSOCIATES, INC., a Nevada corporation,
27 MARION DAVIS, as trustee for the R.T. ASSET
28 TRUST, RICHARD CHANG, an individual, SARAH S.
BERGES AS TRUSTEE FOR THE KINSANG
TRADING TRUST, I.O.A., THE JEFFREY R. STARK
AND MARGARET PEGANO STARK FAMILY
TRUST, BANK OF AMERICA, N.A., DAVID S.
HALPER, an individual, FIVE STAR GLOBAL
RESOURCES, LLC, a Nevada limited liability
company, WORKMEN'S MID-ATLANTIC GROUP,
LLC, a Wyoming limited liability company, and DOES
1 through 50, inclusive,

Defendants.

Case No.: 2:12-bk-51208-RK

[Chapter 7 (Converted from Chapter 11)]

Adv. Case No.: 2:13-ap-01781-RK

**ORDER REJECTING TRUSTEE'S
PROPOSED ORDER VACATING
JUDGMENT AUTHORIZING SALE OF
DWELLING**

1 Pending before the court is a proposed order submitted by the Chapter 7 Trustee, Carolyn A.
2 Dye, through her counsel, James A. Dumas and Christian T. Kim, of the law firm of Dumas & Kim,
3 APC, stating “The trustee, Carolyn A. Dye, having filed an Acknowledgment of Full Satisfaction of
4 this Court’s Judgment for Sanctions entered on December 19, 2014, this Court’s Judgment for Order
5 Authorizing Sale of Dwelling entered on October 17, 2017 is hereby vacated.”

6 The submission of this proposed order is a request for an order which is required by Federal
7 Rule of Bankruptcy Procedure 9013 and Local Bankruptcy Rule 9013-1 to be sought by a written
8 motion. However, no written motion has been filed, which indicates with particularity the grounds
9 therefor or gives notice to the parties affected by the request, including judgment debtor, Ronald
10 Taxe, who has appealed the judgment entered on October 17, 2017 to the Bankruptcy Appellate Panel
11 of the Ninth Circuit. The court is not sure whether it has jurisdiction or legal authority, such as
12 Federal Rule of Civil Procedure 60, to vacate the judgment now on appeal, particularly since vacating
13 the judgment might moot out the appeal.

14 Accordingly, the court rejects the proposed order submitted by the Trustee for lack of
15 compliance with Federal Rule of Bankruptcy Procedure 9013 and Local Bankruptcy Rule 9013-1,
16 and to the extent that the submission of such proposed order as a request for an order may be
17 construed as a motion under Federal Rule of Bankruptcy Procedure 9013 and Local Bankruptcy Rule
18 9013-1, such motion is denied without prejudice.

19 **IT IS SO ORDERED.** ###

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24 Date: December 29, 2017



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26 Robert Kwan
27 United States Bankruptcy Judge
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