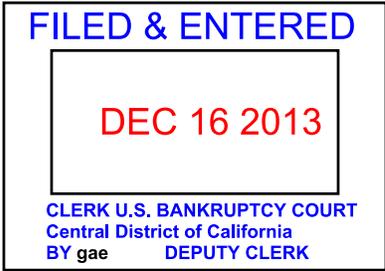


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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re
KYO HUA MA and KUEICHIU TSU
MA,
Debtors.
PETER PING HO,
Plaintiff,
vs.
KYO HUA MA and KUEICHIU TSU
MA, et al.
Defendants.

Case No. 2:13-bk-26453-RK
Chapter 7
Adv. No. 2:13-ap-01829-RK

**ORDER DENYING MOTION FOR
DEFAULT JUDGMENT**

HEARING:
DATE: November 19, 2013
TIME: 2:30 p.m.
PLACE: Courtroom 1675
Roybal Federal Bldg
255 East Temple Street
Los Angeles, CA 90012

At the above captioned date at time, Plaintiff's Motion for Default Judgment came on for hearing. Although appearances at the hearing were required, Counsel for Plaintiff failed to appear at the hearing "to permit informed discussion and argument of the motion" as contemplated under Local Bankruptcy Rule 9013-1(j), and his failure to appear at the hearing was not excused.

Having reviewed the pleadings, the court hereby rules that the Motion is DENIED because: (1) movant did not submit a judge's copy with each separate exhibit tabbed as required by Local Bankruptcy Rule 5005-2(d); (2) movant has not shown that he is

1 entitled to judgment on grounds that there was no licensed contractor on the project as
2 argued because the Ninth Circuit's opinion in *In re Sabban*, 600 F.3d 1219 (9th Cir. 2009)
3 appears to be contrary to plaintiff's argument; (3) movant has not shown a prima facie
4 case for relief under 11 U.S.C. 523(a)(2)(A) by offering sufficient evidence to support the
5 existence of each element of the claim, *In re Sabban*, 600 F.3d at 1222; see also, *Lu v.*
6 *Liu (In re Liu)*, 282 B.R. 904, 907-908 (Bankr. C.D. Cal. 2002); and (4) counsel for
7 movant failed to appear at the hearing on the motion as required by Local Bankruptcy
8 Rule 9013-1(j), which failure to appear was unexcused, and counsel's unexcused failure
9 may be deemed consent to a ruling upon the motion adverse to that counsel's position
10 under this rule.

11 IT IS SO ORDERED.

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23 Date: December 16, 2013



24 _____
25 Robert Kwan
26 United States Bankruptcy Judge
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