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FILED & ENTERED

MAY 16 2016

CLERK U.S. BANKRUPTCY COURT
Central District of California
By  DEPUTY CLERK

Attorney for Debtors,

RICARDO HERNANDEZ VILCHIS & RAFAELA BARRERA VILCHIS

NOT FOR PUBLICATION

CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION

In re:

**RICARDO HERNANDEZ VILCHIS AND
RAFAELA BARRERA VILCHIS,**

Debtor(s).

) Case No.: 2:13-bk-27853-RK

) Chapter 7

) **ORDER CONDITIONALLY
REOPENING DEBTORS'
BANKRUPTCY CASE UPON THEIR
"MOTION TO VACTE [sic]
DISCHARGE"**

) **[No Hearing Required]**

Pending before the court is Debtors Ricardo Hernandez Vilchis and Rafaela Barrera Vilchis's ("Debtors") "Motion to Vacte [sic] Discharge." ECF 14. The motion was signed and filed by their attorney, Daniel King, of The Genesis Law Group,

Having reviewed and considered the Motion to Vacte [sic] Discharge, the court finds that based on reading the content of this Motion, the court determines that it is evident that Debtors really intended to bring a motion to reopen their closed Chapter 7 bankruptcy case pursuant to 11 U.S.C. § 350(b), Rule 5010 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 5010-1 in order to file four motions to avoid certain judgment liens recorded against their real property, despite their erroneously titled motion, "Motion to Vacte [sic] Discharge." It appears that Debtors are either victims of bad "cutting and pasting" and/or poor proofreading by their counsel, Mr. King. Moreover, although the court determines that Debtors' moving papers may assert proper cause for granting their motion to reopen, they have failed to support their motion to reopen with a "declaration establishing a reason or cause' to reopen"

1 their case as required by Local Bankruptcy Rule 5010-1(a). Thus, it also appears that Debtors
2 are also victims of their counsel, Mr. King, failing to read Local Bankruptcy Rule 5010-1
3 carefully, but the court will find that this technical defect in their moving papers may be
4 promptly remedied to effectuate Debtors' compliance with the Local Bankruptcy Rules for their
5 motion to reopen if they with the assistance of their counsel, Mr. King, immediately file the
6 supporting declaration required by Local Bankruptcy Rule 5010-1(a), or otherwise, the court will
7 have to vacate this order conditionally granting this order reopening the case for non-compliance
8 with the Local Bankruptcy Rules

9 Good cause appearing therefor, IT IS HEREBY ORDERED that:

- 10 1. Debtors' motion to reopen is GRANTED pursuant to 11 U.S.C. § 350(b), Rule 5010
11 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 5010-1,
12 subject to the condition that Debtors file the required supporting declaration required
13 under Local Bankruptcy Rule 5010-1(a) within 30 days of the entry of this order;
14 2. Debtors' above-entitled case is ordered reopened;
15 3. A trustee shall not be appointed in this case absent further order from the court;
16 4. If Debtors do not file the supporting declaration for their motion to reopen as required
17 by Local Bankruptcy Rule 5010-1 and this order within 30 days of the date of entry of
18 this order, this order will be vacated, and Debtors' case will be ordered immediately
19 closed; and
20 5. Debtors must also file the motions to avoid judgment liens within 30 days from the
21 date of entry of this order, or this case will be immediately closed.
22 6. **Debtors' counsel, Daniel King, is admonished to always proofread his pleadings
before he files them with the court and to read the Local Bankruptcy Rules
carefully before he files his next pleading with this court.**

23 IT IS SO ORDERED.

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24 Date: May 16, 2016



25 Robert Kwan
26 United States Bankruptcy Judge
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