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ORDER NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re
MINA MONTEJANO,
Debtor.

Case No. 2:13-bk-38630-RK
Chapter 7

**ORDER DENYING EMERGENCY
MOTION FOR AN INJUNCTION
ENJOINING CREDITOR'S INTENDED
FORECLOSURE SALE ON 6/9/2015**

Pending before the court is the "Emergency Motion of Debtor for an Injunction Enjoining Creditors Intended 6/9/2015 Foreclosure Sale in Violation of the Automatic Stay Pursuant to Bankruptcy Rule 362(a)5" ("Motion"). ECF 250. By the Motion, Debtor requests an injunction issued on an emergency basis to prevent a foreclosure sale of property located at 323 S. Avenue 20, Los Angeles, CA 90031 on grounds that the creditor, Spring Hill Realty Partners IV, LLC, by and through CWCapital Asset Management, LLC, has not obtained relief from the automatic stay. See Local

1 Bankruptcy Rule 9075-1. The Motion was signed by Adam Apollonio, of the law firm of
2 A.O.E. Law & Associates, as attorneys for Debtor.

3 Having reviewed the Motion, the court makes the following observations and rules
4 on the Motion. The court first observes that the Motion overlooks, either intentionally or
5 negligently, the fact that by order entered on August 21, 2014, the court granted
6 CWC Capital Asset Management LLC, solely in its capacity as Special Servicer for Spring
7 Hill Realty Partners IV, LLC relief from the automatic stay under 11 U.S.C. §362(d)(1) to
8 pursue non-bankruptcy remedies with respect to this property. ECF 176. In the Motion,
9 Debtor has failed to provide any legal justification for the court to disregard its now final
10 and non-appealable order granting stay relief to this creditor.

11 Moreover, the court notes that Debtor affirmatively stated in her declaration under
12 penalty of perjury that “Creditor Spring Hill has not obtained relief from the automatic stay
13 for my real property located at 323 S. Ave 20, Los Angeles, CA,” but as discussed above,
14 this is not true. *Declaration of Mina Montejano*, ECF 250, ¶10. In failing to make any
15 reference to the fact that the court has already granted the creditor relief from stay as
16 reflected on the court’s docket for this case, Debtor and her counsel in the Motion have
17 apparently made misrepresentations in disregard of the record and are admonished not
18 to make representations to the court indifferent to the truth. See Fed. R. Bankr. P. 9011.

19 For the foregoing reasons, the Motion is DENIED.

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23 Date: June 8, 2015



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25 Robert Kwan
26 United States Bankruptcy Judge
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