

FILED & ENTERED

AUG 19 2016

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY tatum DEPUTY CLERK

NOT FOR PUBLICATION

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

In re:

ANGEL R. MALDONADO-ROBINSON,
Debtor.

Case No. 2:14-bk-22962-RK

Chapter 7

Adv. No. 2:14-ap-01660-RK

JOSEPHINE JEANE S. ROBINSON,
Plaintiff,

vs.

ANGEL R. MALDONADO-ROBINSON,
Defendant.

**ORDER CONDITIONALLY CONTINUING
HEARING ON DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT ON THE
COURT'S OWN MOTION AT
PLAINTIFF'S REQUEST**

Pending before the court is the motion for summary judgment ("Summary Judgment Motion") filed in the above-captioned adversary proceeding by Defendant Angel R. Maldonado-Robinson ("Defendant"), by and through her counsel of record, Robert E. Brode. ECF 53, filed on July 7, 2016. Defendant's Summary Judgment Motion was noticed for hearing on August 23, 2016 at 3:30 p.m.

On July 21, 2016, Plaintiff Josephine Jeane S. Robinson ("Plaintiff"), who is self-represented, filed a "Motion for Continuance" of the hearing on the Summary Judgment Motion. ECF 59. The Motion for Continuance requests that the hearing on the Summary Judgment Motion be continued to permit Plaintiff to "prepare" for and "obtain documents

1 pertaining to the proceeding.” Although the Motion for Continuance, was filed with the
2 court, the Motion for Continuance, however, was unsigned in violation of Federal Rule of
3 Bankruptcy Procedure 9011(a), and moreover, there was no proof of service of the
4 Motion for Continuance showing that Plaintiff served the Motion for Continuance on
5 Defendant and her counsel with the Motion for Continuance as required by Local
6 Bankruptcy Rule 9013-1(m).

7 Although the court further notes that on August 4, 2016 Plaintiff filed an opposition
8 to the Summary Judgment Motion, ECF 63, the court also notes its recently entered
9 “Memorandum Decision and Order Granting In Part And Denying In Part Plaintiff’s Motion
10 To Compel Defendant To Further Respond To Plaintiff’s Request For Production Of
11 Documents And Request For Sanctions” (“Discovery Order”), ECF 62, entered on August
12 4, 2016, requiring Defendant to produce certain documents to Plaintiff by September 1,
13 2016 on which Plaintiff may rely to oppose Defendant’s Summary Judgment Motion.
14 Since Defendant has until September 1, 2016 to produce in discovery the documents
15 requested by Plaintiff compelled by the court, not all of these documents may not have
16 been produced yet and may be needed by Plaintiff in order to adequately respond to
17 Defendant’s summary judgment motion. Thus, cause is shown for Plaintiff’s assertion in
18 her Motion to Continue, filed on July 21, 2016, that she needs time to respond to
19 Defendant’s summary judgment motion pursuant to Rule 56(d)(2) of the Federal Rules of
20 Civil Procedure, applicable to this adversary proceeding pursuant to Rule 7056 of the
21 Federal Rules of Bankruptcy Procedure, that the nonmoving party shows by affidavit or
22 declaration that for specified reasons that the party cannot present facts essential to
23 justify the party’s opposition, the court may allow time for that party to obtain affidavits or
24 declaration to take discovery.

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1 In light of the court's recently entered Discovery Order, the court determines that it
2 is appropriate to continue, on its own motion, the hearing on Defendant's Summary
3 Judgment Motion and orders as follows:

- 4 1. The hearing on Defendant's Summary Judgment Motion set for August 23,
5 2016 at 3:30 p.m. is continued to October 4, 2016 at 3:30 p.m. before the
6 undersigned United States Bankruptcy Judge in Courtroom 1675, Roybal
7 Federal Building, 255 East Temple Street, Los Angeles, California 90012;
- 8 2. The court conditions the continuance of the hearing on Defendant's
9 summary judgment motion as requested by Plaintiff on Plaintiff's
10 compliance with Federal Rule of Civil Procedure 56(d)(2) that on or before
11 September 27, 2016, Plaintiff must file and serve: (1) a signed signature
12 page for her Motion for Continuance; and (2) a declaration under penalty of
13 perjury stating her reasons for requesting the continuance as requested in
14 her July 21, 2016 Motion for Continuance.
- 15 3. Plaintiff's deadline to oppose Defendant's Summary Judgment Motion is
16 extended through and including September 13, 2016 and Plaintiff's
17 opposition should comply with Local Bankruptcy Rule 7056-1(c);
- 18 4. Defendant's reply deadline is extended through and including September
19 20, 2016;
- 20 5. The parties, including Plaintiff and Defendant, are required to submit
21 Judge's copies of their pleadings **with tabbed exhibits** in compliance with
22 Local Bankruptcy Rule 5005-2(d); and

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1 6. No appearances are required at the August 23, 2016 hearing.

2 **IT IS SO ORDERED.**

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23 Date: August 19, 2016



24 Robert Kwan
25 United States Bankruptcy Judge
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