

FILED & ENTERED

FEB 17 2015

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

LYDIA J. SANTANA,

Debtor(s).

Case No. 2:14-bk-30432-VZ

Chapter 7

**ORDER VACATING ORDER IMPOSING
SANCTIONS AGAINST COUNSEL FOR
LATE OPPOSITION AND TAKING
HEARING ON RECONSIDERATION
OFF CALENDAR**

Hearing:

Date: February 24, 2015

Time: 11:00 a.m.

Place: Courtroom 1675

Pending before the court is the Order Imposing Sanctions against Counsel for Debtor for Late Opposition to Motion for Relief from Stay ("Order Imposing Sanctions"). ECF 16. The court had imposed sanctions against counsel for debtor, Daniel King, because counsel did not offer adequate explanation as to his failure to file a timely opposition to the motion, to file an application for leave to file a late opposition, or to request a continuance of the hearing as the opposition was filed 10 days late and only four days before hearing without leave of court.

1 Seeking reconsideration of the court's sanctions order, counsel for debtor has
2 since filed a declaration (ECF 18) explaining his attempts to contact counsel for movant
3 and to request a continuance of the hearing. While the declaration explains counsel's
4 failure to file a timely opposition or request a continuance and the court believes that
5 under Local Bankruptcy Rule 9013-1, counsel still should have either filed a timely
6 opposition, or an application for leave to file a late opposition and/ or a request for
7 continuance based on the debtor's motion to convert the case to Chapter 13, the court
8 determines that the need for sanctions is obviated because counsel for debtor and
9 counsel for movant have resolved the stay relief motion consensually, which eliminated
10 the need for a second hearing on the motion, which was the basis for the court to
11 sanction counsel for debtor to compensate movant for having its counsel to appear at a
12 second hearing. Since there will be no second hearing on the motion necessitated by
13 counsel for debtor's filing a late opposition, the court determines that sanctions are not
14 warranted under these changed circumstances.

15 Accordingly, IT IS HEREBY ORDERED that the Order Imposing Sanctions against
16 Counsel is vacated and the hearing on the reconsideration of the Order currently set for
17 February 24, 2015 at 11:00 a.m., is taken off calendar. No appearances are required on
18 February 24, 2015.

19 IT IS SO ORDERED.

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24 Date: February 17, 2015



Robert Kwan
United States Bankruptcy Judge