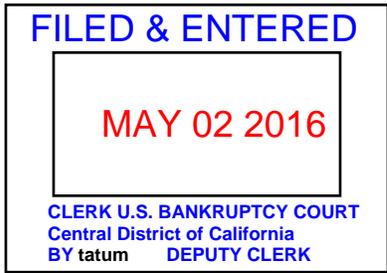


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ORDER NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
ARMANDO PERALTA,
Debtor.
DAVID M. GOODRICH,
Chapter 7 Trustee,
Plaintiff,
vs.
ARMANDO PERALTA,
Defendant.

Case No. 2:15-bk-14617-RK
Chapter 7
Adv. No. 2:15-ap-01253-RK

**ORDER GRANTING PLAINTIFF'S
MOTION FOR DEFAULT
JUDGMENT**

HEARING:
DATE: February 23, 2016
TIME: 1:30 p.m.
PLACE: Courtroom 1675
255 East Temple Street
Los Angeles, CA 90012

Pending before the court in the above-captioned adversary proceeding is the motion of plaintiff David Goodrich, Chapter 7 Trustee in this Chapter 7 bankruptcy case ("Plaintiff"), for default judgment on his claims under 11 U.S.C. §§ 727(a)(2)(A) and (a)(4)(A) against Defendant Armando Peralta ("Defendant"), the debtor in this bankruptcy case. ECF 15. Plaintiff is represented by Michael G. Spector of the Law Offices of

1 Michael G. Spector. Defendant, who represents himself, and whose default has been
2 entered by the Clerk of Court in this adversary proceeding, ECF 10, did not file any
3 response to the motion for default judgment.

4 On May 13, 2015, Plaintiff commenced this adversary proceeding by filing a
5 complaint objecting to Defendant's discharge pursuant to 11 U.S.C. §§ 727(a)(2)(A) and
6 (a)(4)(A). ECF 1. Defendant did not file a response to the complaint by the June 15,
7 2016 deadline, as set forth in the summons. ECF 2. On July 2, 2015, Plaintiff filed a
8 request for the Clerk of Court to enter default under Local Bankruptcy Rule 7055-1(a),
9 ECF 8, and on July 6, 2015, default was entered against Defendant, ECF 10. On August
10 3, 2015, Defendant filed an answer to Plaintiff's complaint, ECF 12, which was after the
11 June 15, 2016 deadline to file a response to the complaint. On November 16, 2015,
12 Plaintiff filed the motion for default judgment and noticed it for hearing on December 8,
13 2015. ECF 15 and 17. Defendant appeared at the December 8, 2015 hearing and even
14 though Defendant had filed an answer, Defendant stated on the record that he moved to
15 a new address, different from the address listed on Defendant's petition documents.
16 Audio File of Mr. Peralta at Hearing on the Motion for Default Judgment, December 8,
17 2015, at 2:50-2:51 p.m. At the December 8, 2015 hearing, the court ordered Defendant
18 to file a motion to set aside the default judgment by December 29, 2015, explained that
19 Defendant needed to file a change of address with the court, and continued the hearing
20 on the motion for default judgment to January 19, 2016.

21 By the January 19, 2016 hearing, Defendant neither filed a motion to set aside the
22 default judgment, nor a change of address as required by Local Bankruptcy Rule 1002-1.
23 Defendant appeared at the January 19, 2016 hearing and the court continued the hearing
24 to February 23, 2016 in order to allow Defendant to further seek legal assistance from
25 Public Counsel or elsewhere.

26 On February 1, 2016, Defendant filed a declaration listing the debts that Defendant
27 believed he owed as of his petition date of March 26, 2015. ECF 22. By the February
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1 23, 2016 hearing, again, Defendant had neither filed a motion to set aside the default
2 judgment, nor a change of address. Both Defendant and Michael G. Spector, counsel for
3 Plaintiff, appeared at the February 23, 2016 hearing, where the court heard argument
4 from the parties and then took the matter under submission.

5 Having read and considered the motion for default judgment, the oral argument of
6 the parties, and the record otherwise before the court, the court rules as follows:

- 7 1. The court determines that based on the evidence in support of the motion,
8 Plaintiff has established a prima facie showing for relief under its claims under
9 11 U.S.C. §§ 727(a)(2)(A) and (a)(4)(A) and that the motion for default
10 judgment should be granted for the reasons stated in the moving papers.
- 11 2. The motion for default judgment, ECF 15, is granted.
- 12 3. Counsel for Plaintiff is ordered to submit a proposed form of judgment within 30
13 days of entry of this order.

14 IT IS SO ORDERED.

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23 Date: May 2, 2016



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Robert Kwan
United States Bankruptcy Judge