

FILED & ENTERED

MAR 29 2018

CLERK U.S. BANKRUPTCY COURT  
Central District of California  
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**NOT FOR PUBLICATION**

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

In re:

GARY MOLL,

Debtor.

Case No. 2:15-bk-28128-RK

CHAPTER 7

Adv. No. 2:16-ap-01057-RK

**ORDER DENYING MOTION OF ILYSE  
KLAVIR, ATTORNEY FOR DEFENDANT  
GARY MOLL, FOR ORDER RELEASING  
LIEN, REQUIRING PLAINTIFF TO PAY  
LEGAL FEES AND COSTS AND  
DISMISSING ADVERSARY PROCEEDING**

GARY SALZMAN,

Plaintiff,

v.

GARY E. MOLL and ASSOCIATES,  
GARY E. MOLL,

Defendants.

Date: March 27, 2018

Time: 2:30 p.m.

Courtroom: 1675

This adversary proceeding came on for hearing on March 27, 2018 before the undersigned United States Bankruptcy Judge on the Motion of Ilyse Klavir, Attorney for Defendant Gary Moll, for Status Conference re: Death of Moll and Request for Order to

1 Remove Lien on Prepetition Asset (Docket No. 50) filed on February 15, 2018. Ilyse  
2 Klavir appeared for herself. Plaintiff Gary Salzman, who is self-represented, appeared  
3 for himself.

4 According to Ms. Klavir, her client, Defendant Gary Moll, died, and his family  
5 asked her to file the instant motion in this adversary proceeding to remove the  
6 prejudgment attachment lien of Plaintiff on Defendant's home which passes by  
7 operation of law to Defendant's widow as community property. By this motion, Ms.  
8 Klavir as "Attorney for the Debtor/Defendant Gary Moll" seeks an order releasing  
9 Plaintiff's prejudgment attachment lien, an award of damages and legal fees and costs  
10 against Plaintiff for "clouding title" of the property from the prejudgment attachment lien  
11 and for dismissal of the adversary proceeding. Motion at 2-3. However, Ms. Klavir  
12 lacks authority to represent Defendant or his family as counsel for Defendant because  
13 under agency principles, his death terminated the attorney's authority under California  
14 law. California Civil Code § 2356(a)(2); *Swartfager v. Wells*, 53 Cal.App.2d 522, 527-  
15 528 (1942)(citation omitted), *cited in* Tuft and Peck, *Rutter Group California Practice*  
16 *Guide: Professional Responsibility*, § 10:192 (online ed. September 2017 update).  
17 Because Ms. Klavir's authority to act as Defendant's attorney terminated on his death  
18 and she has not otherwise shown that she has authority to act, she lacks standing to  
19 seek relief on his behalf, and therefore, her motion should be denied for lack of  
20 standing.

21  
22 Accordingly, the motion of Ilyse Klavir is denied.

23 IT IS SO ORDERED. ###

24  
25 Date: March 29, 2018



26 Robert Kwan  
27 United States Bankruptcy Judge  
28