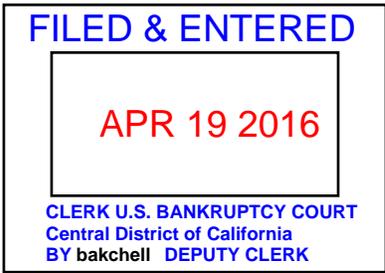


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NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
KENNETH PEREZ,

Debtor.

Case No. 2:16-bk-12506-RK
Chapter 7

**ORDER REQUIRING DEBTOR TO
CORRECT PROBLEMS IN HIS MOTION
TO CONVERT CASE UNDER 11 U.S.C. §§
706(A) OR 1112(A) WITHIN 30 DAYS BY
MAY 19, 2016, OR THE MOTION WILL BE
STRICKEN AND DENIED WITHOUT
PREJUDICE**

Pending before the court is the motion of Debtor Kenneth Perez to convert this bankruptcy case under 11 U.S.C. §§ 706(a) or 1112(a) ("Motion"), ECF 11, seeking to convert this case under Chapter 7 of the Bankruptcy Code, 11 U.S.C., to a case under Chapter 13 of the Bankruptcy Code. Debtor is representing himself in this case.

The court has reviewed Debtor's Motion, ECF 11, the Notice of Debtor's Motion to Convert Case Under § 706(a), ECF 12, the Notice of Motion for Order Without A Hearing, ECF 13, and the Declaration That No Party Requested A Hearing On Motion, ECF 14.

The court notes that the Motion is missing page 2 and is unsigned. While the Notice of Motion for the Motion is signed by Debtor, the Motion itself is not signed, and this does not comply with Rule 9011(a) of the Federal Rules of Bankruptcy Procedure. Rule

1 9011(a) states that every written motion shall be signed by at least one attorney of record
2 in the attorney's individual name or the party if not represented by an attorney. Rule
3 9011(a) further provides that, "An unsigned paper shall be stricken unless omission of the
4 signature is corrected promptly after being called to the attention of the attorney or party."
5 Additionally, although Debtor used court-mandated form F 1017- 1.1.MOTION.
6 DEBTOR.CONVERT as required by Local Bankruptcy Rule 9009-1(b)(2)("LBR"), Debtor
7 did not attach page 2 of the Motion. Page 2 has the signature block for the Motion which
8 was missing. Debtor as a self-represented party must comply with Rule 9011(a) requiring
9 that he sign every written motion filed with the court just like an attorney representing a
10 party, and because Debtor as a self-represented party failed to sign the Motion, the Motion
11 does not comply with Rule 9011(a) and should be stricken and denied without prejudice
12 unless this problem is corrected.

13 Additionally, under Local Bankruptcy Rule 1017-1(a)(4), a motion requesting a
14 conversion of a case under 11 U.S.C. § 706(a) "may be granted only after notice of
15 opportunity to request a hearing to the trustee, attorney for the trustee (if any), United
16 States trustee, and parties in interest, as provided in LBR 9013-1(o)." While Debtor served
17 a Notice of Motion with the opportunity for interested parties to object and filed his
18 Declaration That No Party Requested A Hearing On Motion pursuant to LBF 9013-1(o),
19 this Declaration was filed without "[a] copy of the motion, notice, and proof of service of the
20 notice and motion." Under Local Bankruptcy Rule 9013-1(o)(3)(A), "[a] copy of the motion,
21 notice, and proof of service of the notice and motion" must be attached to the Declaration
22 That No Party Requested A Hearing On Motion Debtor did not attach a copy of the
23 Motion, notice, and proof of service of the notice and motion to the Declaration That No
24 Party Requested A Hearing On Motion as required by Local Bankruptcy Rule 9013-
25 1(o)(3)(A).

26 For the reasons stated above, the court orders that Debtor correct the problems in
27 his Motion identified in this order, or the Motion will be stricken and denied without
28 prejudice. The following is what Debtor needs to do:

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1. On or before May 19, 2016, 30 days from now, Debtor must file a corrected Motion with page 2 signed by him, and he must serve copies of the corrected Motion on all creditors, the United States Trustee and the Chapter 7 Trustee.
2. After the 14-day period for objections to the Motion under Local Bankruptcy Rule 9013-1(o)(4) from the date of service of the corrected Motion has passed, Debtor must file a new Declaration That No Party Requested A Hearing On Motion with “[a] copy of the motion, notice, and proof of service of the notice and motion” attached to the Declaration as required by Local Bankruptcy Rule 9013-1(o)(3)(A).
3. If Debtor fails to correct these problems on a timely basis as identified in this order, the Motion to Convert will be stricken and denied without prejudice by further order of the court.

IT IS SO ORDERED.

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Date: April 19, 2016



Robert Kwan
United States Bankruptcy Judge