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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re

THE DISCIPLINARY PROCEEDING OF
BRUCE M. GREENFIELD.

Case No.: 2:11-mp-00179-TD

**ORDER DENYING MOTION
TO VACATE DEFAULT**

This three-judge disciplinary panel (Panel) was appointed to hear and consider disciplinary charges against attorney Bruce M. Greenfield (Greenfield) filed by other judges of this court and the United States trustee's office. After due notice, and after granting two continuances of the Panel's scheduled hearing dates as requested by Greenfield, the Panel finally notified Greenfield that further delays would not be entertained by the Panel. A hearing was scheduled for March 19, 2012. On March 1, 2012, Greenfield was notified of the deadline for filing a written response or submitting defensive evidence to the Panel. Greenfield then submitted a series of further requests

1 for continuances, each of which the Panel considered and rejected in writing. The
2 Panel conducted the hearing on March 19, 2012 and later issued a 25-page
3 Memorandum and Order entered on June 27, 2012. Copies were served at that time on
4 Greenfield at three addresses that Greenfield was known to use based on his filings
5 with the court and with the State Bar of California.
6

7 By his Motion to Vacate Default (Motion) filed November 19, 2012, five months
8 after the Panel issued and served on Greenfield its Memorandum and Order, Greenfield
9 now asks the Panel to vacate that order, based upon his claim of excusable neglect
10 pursuant to Rule 60 (FRBP 9024). Greenfield requests "another opportunity to file a
11 Response to the Complaint." Allegedly, Greenfield was "previously not able [to file a
12 timely Response] due to Respondent's medical condition/illness – which required
13 surgery."
14

15 While the court regrets any medical condition Greenfield may have suffered, the
16 Panel concludes that Greenfield's request is neither persuasive nor credible under the
17 circumstances, which include the following sequence of events:
18

19 The court's disciplinary proceeding against Greenfield was initiated on August
20 29, 2011, by a Statement of Cause filed by Judge Victoria Kaufman. A Notice was
21 mailed September 29, 2011, advising Greenfield of the appointment of this Panel to
22 hear this disciplinary proceeding pursuant to the Fourth Amended General Order 96-05
23 (General Order). A copy of the General Order was attached to the Notice.
24

25 Supplemental evidence against Greenfield was filed by other judges and the United
26 States trustee's office.

27 A second Notice was mailed on October 24, 2011, advising Greenfield of a
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1 hearing to be held on December 12, 2011. On November 15, 2011, Greenfield mailed a
2 Notice to the Panel of his recent personal chapter 13 bankruptcy filing and requested a
3 continuance of the December 12 disciplinary hearing claiming, but without proving, that
4 (1) prior notice was not received and (2) requesting time to prepare his opposition. By
5 Notice from the court entered November 30, 2011, the Panel continued the hearing to
6 February 13, 2012.
7

8 On January 27, 2012, Greenfield requested a continuance of the February 13
9 hearing date. On February 7, 2012, while that request was pending, Greenfield — who
10 was in default of the court's filing deadline for any written response to the disciplinary
11 charges and evidence — filed another request for a continuance "to allow significant
12 time for filing a response" On February 9, 2012, the Panel issued a Notice of
13 Continued Hearing thereby granting Greenfield's January 27 and February 7 requests
14 and continuing the hearing to March 19, 2012, while also advising Greenfield: "No
15 further continuances or delay tactics will be accepted."
16

17
18 By a letter dated February 10, 2012, Greenfield reported medical conditions to
19 the Panel, including (1) a serious ear problem and (2) stress caused by the deadlines
20 he faced to timely prepare a response for what Greenfield then believed was a February
21 13, 2012 hearing date. Greenfield may have believed that the hearing was still
22 scheduled for February 13, 2012, because he may not have received the court's
23 February 9, 2012 Notice referred to above. If so, Greenfield's response to the
24 Statement of Charges was late; his response would have been due under the court's
25 General Order on February 6, 2012, seven days before a February 13, 2013 hearing
26 date.
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1 On February 21, 2012, Greenfield requested another continuance because the
2 new March 19, 2012 hearing date (with a March 12, 2012 briefing deadline, as provided
3 in the General Order) placed him under an undue burden to timely file responses based
4 on alleged confusion in his mailing address that was used by the court.¹ The Panel
5 however, sent notices to mailing addresses reported by Greenfield. The Panel denied
6 Greenfield's request on March 1, 2012. In its order, the Panel reminded Greenfield of
7 his right to file a written reply to the charges seeking disciplinary action seven days prior
8 to the scheduled hearing, as provided in the court's General Order.
9

10 The following day, March 2, 2012, Greenfield advised the Panel that on February
11 24, 2012, the California State Bar had placed him on inactive status. Greenfield then
12 requested a 90-day continuance of the Panel's disciplinary hearing to enable him to
13 participate "in defense of the allegations [pending against him here] while not on
14 inactive status [with the state bar]." On March 5, 2012, the Panel notified Greenfield
15 that his fourth request for a continuance was denied and that the current deadlines
16 would remain in effect.
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19 On March 7, 2012, Greenfield wrote the Panel a short, eight-line "Reply to the
20 Notice of Appearance" advising that "it appears there is no useful purpose for either
21 [Greenfield] or the [Panel] to participate at the hearing [on March 19]" (docket number
22 25). The Panel replied on March 9, 2012, with its Order Confirming that the Panel
23 intended to proceed with the March 19, 2012 hearing.
24

25 ¹ Greenfield complained several times in these disciplinary proceedings about non-receipt by him of court
26 notices and orders. The Panel made every effort to serve Greenfield at any, and indeed, every address
27 he furnished to the Panel and to the California State Bar. It is an attorney's responsibility to notify the
28 court in writing of any change in mailing address. The Panel also takes judicial notice that the United
States Postal Service (USPS) requires any person seeking forwarding of his or her mail to file a mail
forwarding form with the USPS. The Panel is not aware that any copy of the Panel's June 27, 2012
Memorandum and Order was returned to the court as undeliverable by the USPS.

1 On March 9, 2012, Greenfield filed a proposed Stipulation in which he urged an
2 interim suspension "pending requested [90-day] continuance of the March 19
3 disciplinary hearing." The same day, two Panel orders were entered and served in
4 response to Greenfield's proposed Stipulation: (1) an order rejecting Greenfield's
5 proposed "Stipulation" (docket number 27) and (2) an order confirming that the Panel
6 intended to proceed with the March 19, 2012 hearing (docket number 28).
7

8 After February 10, 2012, and through March 19, 2012, Greenfield never again
9 mentioned ear problems or that his hearing issues had not been resolved.

10 The hearing went forward as scheduled on March 19, 2012. The United States
11 trustee's representatives appeared and presented their case. Greenfield did not appear
12 or otherwise communicate with the Panel. The Panel took under advisement the
13 evidence and the charges filed by judges and the United States trustee's office and, on
14 June 27, 2012, entered and served Greenfield with its 25-page Memorandum and Order
15 re Disciplinary Proceeding of Bruce M. Greenfield. The Memorandum and Order was
16 served on Greenfield at the three addresses used by Greenfield, including the 1524
17 Thornhill Avenue and 91361 ZIP Code address that Greenfield employed as his return
18 address on his Motion now under consideration. It is also Greenfield's street address
19 and ZIP Code as stated in the letter dated March 22, 2012, signed by Robert J. Adair,
20 M.D., and attached to Greenfield's Motion to Vacate Default.²
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24 It is the conclusion of the Panel that Greenfield's Motion was not made "within a
25 reasonable time," as required by the provisions of Federal Rule of Civil Procedure 60(b)
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27 ² The Panel notes that the copy of the June 27 Memorandum and Order addressed to Greenfield at his
28 residence inadvertently omitted the word "Village" from the address that was otherwise complete. That is,
it ended: "Westlake, CA 91361." Nevertheless, no copy of the June 27 Memorandum and Order was
returned to the court as undeliverable by the USPS.

1 and (c) and does not meet the standards required by FRBP 9024. Greenfield was
2 promptly, amply and properly served with the Panel's June 27, 2012 Memorandum and
3 Order. Yet, he delayed in filing his Motion until November 19, 2012, more than four
4 months after June 27. After taking into account (1) the need for supervision and review
5 of attorney conduct in this court, (2) the variety of reasons asserted by Greenfield to
6 seek delay, (3) the ample opportunity allowed for Greenfield to file a timely response,
7 (4) the need for finality in matters involving attorney conduct, or in this case, misconduct
8 as reviewed and found by the Panel in its Memorandum and Order, and finally (5) the
9 prejudice to an orderly, fair disposition of the charges lodged against Greenfield, the
10 Panel issued its Memorandum and Order. See Pioneer Inv. Serv. Co. v. Brunswick
11 Assoc. Ltd. P'ship, 507 U.S. 380, 395 (1993); Ashford v. Steuart, 657 F.2d 1053, 1055
12 (9th Cir. 1981).

15 The evidence and record persuade the Panel that Greenfield's Motion is without
16 merit for the following reasons:

18 1. Greenfield's Motion is just the latest in series of delaying tactics, as
19 revealed in the foregoing procedural history. This history and the records of the court
20 do not support a finding of excusable neglect. Rather, it supports a finding of
21 obstinance or willful disregard by Greenfield of the court's General Order and the
22 Panel's implementing orders. Stated otherwise, Greenfield is not acting in good faith.

24 2. Greenfield reported his medical condition to the court on February 10,
25 2012, after his third request was denied by the Panel. Then, for a variety of reasons, he
26 made several further requests to delay the March 19, 2012 hearing, none of which
27 mentioned medical issues. Greenfield filed four additional requests before the Panel's
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1 March 12, 2012 deadline for Greenfield's substantive response to the charges. Each
2 sought continuances of the response deadline, first, on February 21, 2012, then on
3 March 2, 2012, March 8, 2012, and March 9, 2012. Each of these four requests was
4 rejected by the Panel in writing. The Panel concludes that the primary reason for
5 Greenfield's requests was his hope for endless (or at least extensive) extensions of the
6 deadline for him to file any response to the pending charges. This pattern undermines,
7 in the Panel's view, any plausible claim that ear problems motivated Greenfield's
8 attempts to delay the March 19, 2012 hearing. Such medical issues as Greenfield may
9 have had were not pursued by Greenfield after February 10, 2012. The evidence does
10 not establish reasonable cause for Greenfield's claim of excusable neglect.
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13 3. Dr. Adair's March 22, 2012 letter, dated three days after the March 19,
14 2012 hearing — which was not seen by the Panel until Greenfield's Motion was filed on
15 November 19, 2012 — states that because of Greenfield's "symptoms" and his inability
16 to drive he was unable to attend court. Eight months later, Greenfield has filed no
17 corroborating evidence that he actually had surgery to deal with medical issues he
18 reported on February 10, 2012, "on or about March 19, 2012," or at any other relevant
19 time. Rather, eight months after the long-scheduled hearing date, and, indeed, one
20 year after Greenfield's first written acknowledgement that he was (or should have been)
21 aware of these disciplinary proceedings and the applicable procedures of the court's
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1 General Order,³ Greenfield seeks further time to do that which he had several months to
2 accomplish.⁴

3 4. Greenfield disregarded several opportunities available to him, during more
4 than five months — from September 29, 2011 until March 12, 2012 — to file any
5 evidence or substantive response he wished to present as a meritorious defense to the
6 pending charges. Even in his Motion, Greenfield offers no substantive response to the
7 disciplinary charges.
8

9 5. The record outlined above does not in the Panel's opinion warrant
10 granting Greenfield's Motion. Rather, it reveals an unmistakable pattern of seemingly
11 endless denial, avoidance, and delaying tactics based upon spurious and ill-supported
12 cause. It appears that Greenfield's tactics were designed to generate an endless string
13 of delays to shield Greenfield from the need to file a written response to serious charges
14 filed and served more than a year before in this disciplinary proceeding.
15

16 6. Greenfield still has offered no substantive response to the charges or any
17 evidence to demonstrate that he has a meritorious defense to the evidence reviewed by
18 the Panel, as discussed in its June 27, 2012 Memorandum and Order.
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20 7. The Panel believes that the charges were properly evaluated after due
21 notice and reasonable and ample opportunity for Greenfield to present a meritorious
22 defense prior to the March 19 hearing. He did not do so. His neglect or failure to
23 provide such a defense in these circumstances is not excusable.
24

25
26 ³ The General Order provides that an attorney may file a motion for rehearing, clarification, or more
27 detailed findings within 14 days after entry of the Discipline Order. It further provides that the Discipline
28 Order "will become final 14 days after entry or, if a motion for rehearing is filed, 14 days after entry of an
order denying the motion for rehearing." G.O. 5:9-16.

⁴ Greenfield's Motion must be denied for lack of notice and opportunity to object, as required by LBR
9013-1(o)(1). It is also denied for lack of a plausible claim of neglect, reasonable or not.

1 Greenfield's Motion to Vacate is denied.

2 IT IS SO ORDERED.

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5 Dated: 12/19/12

6 _____
7 Thomas B. Donovan, Presiding
8 United States Bankruptcy Judge

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11 Dated: 12/19/12

12 _____
13 Erithe A. Smith
14 United States Bankruptcy Judge

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16 

17 Dated: 12/19/12

18 _____
19 Sandra R. Klein
20 United States Bankruptcy Judge

NOTICE OF ENTERED ORDER AND SERVICE LIST

Notice is given by the court that a judgment or order entitled (*specify*):) **ORDER DENYING MOTION TO VACATE DEFAULT** was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner stated below:

1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF) – Pursuant to controlling General Orders and LBRs, the foregoing document was served on the following persons by the court via NEF and hyperlink to the judgment or order. As of December 19, 2012, the following persons are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email addresses stated below.

Katherine Bunker on behalf of U.S. Trustee Office of the United States Trustee
kate.bunker@usdoj.gov

Ron Maroko on behalf of U.S. Trustee United States Trustee (LA)
ron.maroko@usdoj.gov

United States Trustee (LA)
ustregion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY THE COURT VIA UNITED STATES MAIL: A copy of this notice and a true copy of this judgment or order was sent by United States mail, first class, postage prepaid, to the following persons and/or entities at the addresses indicated below:

Bruce M. Greenfield
1524 Thornhill Avenue
Westlake Village, CA 91361

Bruce Greenfield
520 Sepulveda Blvd, Ste 404
Bel Air, CA 90049-0077

Bruce Greenfield
520 S Sepulveda Blvd, #405
Bel Air, CA 90049

Case No. 08-O-10074
Attn: Jayne Kim, Acting Chief Trial Counsel
The State Bar Court of California
1149 South Hill Street
Los Angeles, CA 90015-2299

Service information continued on attached page

3. TO BE SERVED BY THE LODGING PARTY: Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by United States mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following persons and/or entities at the addresses, facsimile transmission numbers, and/or email addresses stated below:

Service information continued on attached page

By Inter-Office Mail:

Honorable Alan M. Ahart
United States Bankruptcy Court
Central District of California
21041 Burbank Boulevard, Suite 342
Woodland Hills, CA 91367

Honorable Theodor C. Albert
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5085
Santa Ana, CA 92701-4593

Honorable William Altenberger
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1634
Los Angeles, CA 90012

Honorable Neil W. Bason
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1552
Los Angeles, CA 90012

Honorable Catherine E. Bauer
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5165
Santa Ana, CA 92701-4593

Honorable Sheri Bluebond
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1482
Los Angeles, CA 90012

Honorable Julia W. Brand
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1382
Los Angeles, CA 90012

Honorable Peter H. Carroll, Chief Judge
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1460
Los Angeles, CA 90012

Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130
Santa Ana, CA 92701-4593

Honorable Thomas B. Donovan
United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
255 E. Temple Street, Suite 1352
Los Angeles, CA 90012

Honorable Mark D. Houle
United States Bankruptcy Court
Central District of California
3420 Twelfth Street, Suite 365 / Courtroom 303
Riverside, CA 92501-3819

Honorable Wayne Johnson
United States Bankruptcy Court
Central District of California
3420 Twelfth Street, Suite 345
Riverside, CA 92501-3819

Honorable Meredith A. Jury
United States Bankruptcy Court
Central District of California
3420 Twelfth Street, Suite 325
Riverside, CA 92501-3819

Honorable Victoria S. Kaufman
United States Bankruptcy Court
Central District of California
21041 Burbank Boulevard, Suite 354
Woodland Hills, CA 91367

Honorable Sandra R. Klein
United States Bankruptcy Court
Central District of California
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Los Angeles, CA 90012

Honorable Robert Kwan
United States Bankruptcy Court
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Los Angeles, CA 90012

Honorable Geraldine Mund
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Honorable Maureen A. Tighe
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Honorable Charles E. Rendlen III
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