



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

The Disciplinary Proceeding of
PHILIP E. KOEBEL.

Case No.: 2:15-mp-00111-ES

AMENDED MEMORANDUM OF DECISION¹

Date: January 20, 2016
Time: 10:30 a.m.
Place: Courtroom 1445
255 East Temple Street
Los Angeles, CA 90012

This disciplinary proceeding arises from the chapter 7 and chapter 13 cases of Ruben Gonzalez Cuevas ("Debtor"), case nos. 2:07-bk-18732-BB ("Chapter 7 Case") and 2:14-bk-32359-NB ("Chapter 13")

¹ Amended to remove errant language at p.24: 5-9.

1 Case").² Philip E. Koebel, Esq. ("Koebel") represented Debtor
2 during the Chapter 7 Case (with various periods of withdrawal) and
3 the Chapter 13 Case. In the Chapter 13 Case, the Honorable Neil W.
4 Bason sanctioned Koebel and referred Koebel to this disciplinary
5 panel ("Panel"), with a recommendation that Koebel be suspended from
6 practicing before the Bankruptcy Court for six months, with a
7 probationary period of an additional four and one-half years, and
8 that Koebel be referred to the California State Bar for additional
9 disciplinary proceedings. Koebel submitted briefs and offered
10 evidence to support his position.

11 The Panel held a hearing at the above-captioned time and place.
12 Giovanni Orantes appeared on behalf of Koebel, who was also present
13 and presented oral argument to the Panel. No other parties appeared
14 at the hearing. After the hearing, the Panel took the matter under
15 submission. We now render our Memorandum of Decision pursuant to
16 Fourth Amended General Order 96-05.

17 **I. BACKGROUND**

18 The following facts are taken from Judge Bason's Statement of
19 Cause, the "Memorandum Decision on (1) Dismissal with a Bar; and
20 (2) Sanctions Against Philip E. Koebel" in the Chapter 13 Case
21 (docket no. 89) ("Koebel Decision"), as supplemented by the
22 undisputed facts and our own findings on the record before us.

23 For some time prior to October 2007, Debtor resided at the
24 property located at 36 E. Mariposa Street, Altadena, California
25 91001 ("Property") with his mother until her death in 2005.

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27 ² Unless otherwise indicated, all "Code," "chapter" and "section" references are to the Bankruptcy Code, 11 U.S.C.
28 §§ 101-1330. "Rule" references are to the Federal Rules of Bankruptcy Procedure ("FRBP"), which make applicable
certain Federal Rules of Civil Procedure ("F.R.Civ.P."). "LBR" references are to the Local Bankruptcy Rules of the
United States Bankruptcy Court for the Central District of California ("LBR").

Debtor's sister, Ms. Graciela Dibble ("Dibble"), was appointed trustee of the Juliana Cuevas Living Trust ("Probate Trust") and pursued a series of actions in state court in the Probate Division of the San Mateo Superior Court ("Probate Court") and the Los Angeles Superior Court ("Superior Court") to establish that the Probate Trust was the legal owner of the Property and to evict Debtor. The Superior Court ultimately issued a writ of possession with an eviction date of October 4, 2007. (Koebel Decision, at p. 12:1-6.)

A. Proceedings Before Judge Bluebond and in State Court

On October 2, 2007, Debtor filed the Chapter 7 Case, which remains pending before the Honorable Sheri Bluebond. Debtor filed the Chapter 7 Case to delay the eviction while he sought to vacate orders entered by the Probate Court and the Superior Court. Debtor appears to have successfully vacated at least some of those orders on the grounds of insufficient notice to Debtor of Dibble's actions. (Chapter 13 Case, docket no. 46, at p. 20:11-17.)

On November 28, 2007, Judge Bluebond entered an order granting relief from the automatic stay ("Chapter 7 Stay Relief Order") to allow Dibble to continue her litigation with Debtor regarding ownership and possession of the Property. However, the Chapter 7 Stay Relief Order provided that Dibble "shall not be permitted to evict or eject debtor from the premises absent a further order from this Court granting relief from stay to do so." (Chapter 7 Stay Relief Order, Chapter 7 Case docket no. 21, at p. 2.)

After relief from stay was granted, the Chapter 7 Trustee initially deferred to Dibble as probate trustee to liquidate the Property for the benefit of the Probate Trust and the chapter 7

1 bankruptcy estate. (Koebel Decision, at p. 12:15-17.) However, in
2 December 2009, the Chapter 7 Trustee began proceedings to remove
3 Dibble as the probate trustee, based on her failure to evict Debtor
4 from the Property or collect rent from him, and her failure to
5 liquidate the Property. The Chapter 7 Trustee also sought the
6 appointment of a successor trustee to the Probate Trust, and to
7 surcharge Dibble's beneficiary interest in the Probate Trust for the
8 Property's loss of value due to her alleged mismanagement. (Chapter
9 13 Case, docket no. 46, at p. 21:3-9; 22:14-20.) In November 2012,
10 the Chapter 7 Trustee was successful in having Dibble removed and
11 having Stevan Chandler appointed as the successor trustee of the
12 Probate Trust ("Probate Trustee"). (Id., at p. 23:14-16.)

13 During the proceedings to remove Dibble as probate trustee,
14 Dibble testified that she had transferred title to the Property from
15 the Probate Trust to her own personal trust in 2009. (Id., at p.
16 23:17-19.) The Probate Trustee then began his efforts to transfer
17 title to the Property back to the Probate Trust. (Id., at pp.
18 23:27-24:9.)

19 Meanwhile, in the Chapter 7 Case, Debtor initiated a great deal
20 of litigation. Between June 2010 and January 2011, Debtor filed
21 three motions to dismiss the Chapter 7 Case (Chapter 7 Case, docket
22 nos. 54, 64, 76), each of which was opposed by the Chapter 7 Trustee
23 and ultimately denied by Judge Bluebond (Chapter 7 Case, docket nos.
24 65, 73, 86.) Debtor also filed a motion to convert the Chapter 7
25 Case to a case under chapter 13, similarly opposed by the Chapter 7
26 Trustee and denied by Judge Bluebond. (Chapter 7 Case, docket nos.
27 133, 139.) Debtor also objected to a claim filed by the Franchise
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1 Tax Board, which objection Judge Bluebond overruled. (Chapter 7
2 Case, docket nos. 149, 152.)

3 In addition to the foregoing, Debtor commenced an adversary
4 proceeding against the Chapter 7 Trustee, alleging breach of
5 fiduciary duty and seeking an order that Debtor's beneficiary
6 interest in the Probate Estate was not property of the bankruptcy
7 estate. The Chapter 7 Trustee filed a motion for summary judgment
8 that was granted. (Koebel Decision, at p. 13:12-16.) The resulting
9 judgment stated that Debtor's one-third beneficial interest in the
10 Probate Trust was property of the chapter 7 estate. (Judgment, adv.
11 no. 2:11-ap-02946-BB, docket no. 14 at p. 1:25-27.)

12 Afterwards, in 2012, the Chapter 7 Trustee objected to Debtor's
13 claimed homestead exemption on the grounds that Debtor only had an
14 interest in the probate estate, and not an interest in the Property
15 itself, and thus was ineligible to claim a homestead exemption in
16 the Property. (Chapter 7 Case, docket no. 118 at 4:21-5:28.) Judge
17 Bluebond sustained the Chapter 7 Trustee's objection and disallowed
18 Debtor's homestead exemption. (Chapter 7 Case, docket no. 129,
19 "Order Sustaining Objection to Exemption.")

20 In the state court proceedings, the Probate Trustee succeeded
21 in transferring title to the Property back into the Probate Trust.
22 The Probate Trustee then began efforts to market and sell the
23 Property. Among the efforts was an unlawful detainer action against
24 Debtor, in which a trial was set for January 16, 2015 ("UD Trial").
25 (Koebel Decision, at p. 13:21-26.)
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1 **B. Proceedings Before Judge Bason**

2 Despite the pending Chapter 7 Case, Debtor filed his Chapter 13
3 Case on December 1, 2014 ("Petition Date"), shortly before the UD
4 Trial.

5 On December 15, 2014, Debtor filed his schedules. (Chapter 13
6 Case, docket no. 7.) On his Schedule C, Debtor claimed a homestead
7 exemption in the Property under California Code of Civil Procedure
8 § 704.730(a)(3) in the amount of \$175,000, despite and in direct
9 contravention of Judge Bluebond's Order Sustaining Objection to
10 Exemption. (Id., at p. 7.) On his Schedule F, Debtor listed debts
11 in the total amount of \$21,334.40. (Id., at p. 14-17.) On his
12 Schedule G, Debtor also stated the following:

13 Order Granting Motion for Relief from the Automatic
14 Stay Under 11 USC 362 (Real Property) (Movant: Grace
15 Dibble, Trustee) stating "Movant shall not be
16 permitted to evict or eject debtor [Ruben Gonzalez
17 Cuevas] from the premises absent further order from
18 this Court granting relief from stay to do so."
19 Entered 11/28/2007 by Hon. US Bankruptcy Judge Sheri
20 Bluebond, in bankruptcy case 2:07-bk-18732-BB.
Notwithstanding the discharge entered on 05/30/2014,
the Debtor is informed and believes that his
possession of 36 E. Mariposa St., Altadena, CA 91001
is protected by Judge Bluebond's 11/28/2007 order.

21 (Id., at p. 18.) In addition, on his Schedules I and J, Debtor
22 listed monthly income of \$1,074.01 and monthly expenses of \$975.00,
23 leaving Debtor with a monthly net income of \$99.01. (Id., at
24 p. 25.)

25 Also on December 15, 2014, Debtor filed his chapter 13 plan
26 ("Plan"). (Chapter 13 Case, docket no. 8.) In his Plan, Debtor
27 proposed to make monthly payments of \$99.00 for a plan term of 60
28 months, which would pay a total of 8.00% to nonpriority unsecured

1 creditors. (Id., at p. 2.) The Plan also contains a notation that
2 the "Plan assumes \$195,000 from distribution of [the Probate
3 Trust]/[Chapter 7 Case] less \$175,000 Homestead." (Id.) The Plan
4 further provides that the Plan would pay "94% to unsecureds if the
5 distribution is \$195,000." (Id.) The "Plan Analysis" section
6 repeats the above provision that the proposed Plan "[a]ssumes
7 distribution from [Probate Trust]/[Chapter 7 Case] is \$195,000 less
8 \$175,000 for homestead exemption." (Id., at p. 7.) Furthermore,
9 under "Miscellaneous provisions," Debtor yet again states that the
10 "Plan assumes Debtor gets \$195,000 from distribution of [Probate
11 Trust]/[Chapter 7 Case]." (Id.)

12 On December 20, 2014, Debtor filed a motion in the Chapter 13
13 Case to continue the automatic stay under 11 U.S.C. § 362(c)(3) as
14 to the Property and all creditors (Chapter 13 Case, docket no. 9,
15 "Motion to Continue Stay"), with an application for shortened
16 notice. Judge Bason subsequently denied the application, holding
17 that the Motion to Continue Stay was unnecessary because § 362(c)(3)
18 only applies if a case is dismissed within the prior year and the
19 Chapter 7 Case had not been dismissed. (Id., docket no. 14.)
20 Moreover, Debtor's Motion to Continue Stay again asserted that
21 Debtor was entitled to a homestead exemption in the Property (id.,
22 docket no. 9, at p. 4).

23 On December 23, 2014, Judge Bason issued an Order to Show Cause
24 Re Dismissal (docket no. 16, "Dismissal OSC"), directing Debtor to
25 show cause why the Chapter 13 case should not be dismissed "because
26 the debtor is already a debtor in a different, pending bankruptcy
27 case [the Chapter 7 Case]." The Dismissal OSC further stated that:
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1 The Court is aware of authority that, in extremely
2 rare instances, there may be exceptions to the
3 general rule that it is not permissible for two
4 bankruptcy cases to be pending at the same time. See
5 Grimes v. United States (In re Grimes), 117 B.R. 531
(9th Cir. B.A.P. 1990). But the debtor has not
6 established that the current cases qualify for that
7 extremely limited exception.

8 (Dismissal OSC, docket no. 16, at p. 1:24-28.) Debtor filed a
9 timely response, arguing that successive bankruptcy cases were
10 permissible.

11 On January 12, 2015, Debtor withdrew his Motion to Continue
12 Stay. (Id., docket no. 27.)

13 On January 15, 2015, Judge Bason held a hearing on the
14 Dismissal OSC. Prior to the hearing, a tentative ruling was posted.
15 (Id., docket no. 34, Exh. A.) The tentative ruling included the
16 reasons why a two-year bar against Debtor being a debtor in another
17 bankruptcy was warranted:

18 The debtor's response to the OSC is correct (a) that
19 the filing of a second bankruptcy case while the
20 first is pending is not per se bad faith and (b) that
21 filing a chapter 13 case when a debtor is not
22 entitled to a discharge can, theoretically, be a
23 permissible method to attempt to pay debts over time
24 (thereby possibly benefitting creditors by paying
25 them more than they otherwise would receive, while
26 giving the debtor enough relief from dunning
27 creditors to maximize income, stabilize expenses, and
28 obtain a fresh start). Nevertheless, this court's
review of the docket in his pending chapter 7 case
[i.e., the matters described above in this memorandum
decision], as well as all of the matters set forth in
the [Probate] trustee's papers in response to the OSC
[as also described above], persuade this court that
the debtor has engaged in a pattern of repeated abuse
of the bankruptcy system and that his filing of this
chapter 13 bankruptcy case, after repeated attempts
to convert or dismiss the chapter 7 case before Judge
Bluebond, amply demonstrate bad faith and grounds for

1 a bar against filing another bankruptcy case. In
2 addition, given the length of time caused by the
3 various delaying tactics of the debtor and his
4 sister, this court concludes that a 180-day bar is
5 inadequate, and that a two year bar is appropriate
6 under 11 U.S.C. [§§] 105(a), 349(a), 1307(c) and,
7 alternatively, this court's inherent powers to manage
8 its own docket. See In re Glover, 537 Fed.Appx. 741
(9th Cir. 2013) (affirming dismissal with a five-year
bar to refiling under 11 U.S.C. [§] 105(a)); In re
Leavitt, 171 F.3d 1219 (9th Cir. 1999) (affirming
dismissal with prejudice based upon a finding of bad
faith).

9 (Id., docket no. 34, Exh. A, pp. 3-4.)

10 Along with the two-year bar described above, Judge Bason also
11 imposed a concurrent 180-day bar:

12 In addition, the court imposes a concurrent 180-day
13 bar under 11 U.S.C. § 109(g)(1) for the debtor's
14 willful attempt to evade Judge Bluebond's orders
15 denying his motions to convert or dismiss his chapter
16 7 case [Case No. 2:07-bk-18732-BB, dkt. 65, 73, 86
17 (dismissal denied "with prejudice") & 139 (conversion
18 denied "with prejudice")], and his willful failure to
19 appear in proper prosecution of this chapter 13 case,
20 including filing a chapter 13 plan (dkt. 8) that
21 completely ignores the realities of binding orders in
22 that case [Case No. 2:07-bk-18732-BB, dkt. 129 (the
Order Sustaining Objection to Exemption); Adv. No.
2:11-ap-02946-BB, dkt. 14 (judgment rejecting claims
regarding entitlement to house)] and the probate
proceedings [i.e., the impending eviction trial and
sale of the house, and the limited distribution that
the chapter 7 estate can expect from the probate
proceedings].

23 (Chapter 13 Case, docket no. 34, Ex. A, p. 4.)

24 On January 16, 2015, Judge Bason issued an order directing
25 Debtor to appear and show cause why he should not be sanctioned
26 (docket no. 32, "Sanctions OSC"). The Probate Trustee also filed a
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1 motion for sanctions against Debtor (Id., docket no. 75, "Sanctions
2 Motion").

3 After the January 15, 2015 hearing on the Dismissal OSC, Judge
4 Bason issued an order dismissing Debtor's Chapter 13 Case with a bar
5 against refiling (Id., docket no. 34, "Dismissal Order").

6 On January 30, 2015, Koebel filed a notice of appeal with the
7 Bankruptcy Appellate Panel of the Ninth Circuit ("BAP"), purporting
8 to appeal from both the Dismissal Order and the Sanctions OSC.

9 In the meantime, on March 4, 2015, Koebel responded to the
10 Sanctions OSC, stating his belief that Judge Bluebond's Chapter 7
11 Stay Relief Order enjoined the Probate Trustee from evicting Debtor
12 from the Property without further order from Judge Bluebond. (Id.,
13 docket no. 57, at pp. 4:26-5:3.) In his response to the Sanctions
14 OSC, Koebel also represented that he had filed in the Chapter 7 Case
15 a Motion for an Order to Show Cause Why the Trustee Should Not Be
16 Held in Contempt (Chapter 7 Case, docket no. 161), and that Judge
17 Bluebond had set a hearing on Koebel's motion for April 1, 2015.
18 (Id., at p. 5:3-6.) In this regard, Koebel argued:

19 Given Judge Bluebond's power simply [sic] to refuse to
20 issue the Order to Show Cause, the fact that Judge
21 Bluebond instead set the hearing on the OSC re
22 Contempt would indicate that there at least was
23 enough ambiguity of the effect of such Lift-Stay
24 Orders that counsel was justified under Federal Rule
25 of Bankruptcy Procedure 9011 to time the filing of
26 the Chapter 13 case when he did.

27 (Id., at p. 5:6-11.)

28 On March 31, 2015, the BAP issued an order dismissing Koebel's
appeal of the Sanctions OSC as interlocutory, without prejudice to a
timely appeal from any final sanctions order (docket no. 74). The
BAP also granted a limited remand of the appeal from the Dismissal

1 Order to seek relief from that order before Judge Bason (docket no.
2 86). In granting the limited remand, the BAP also granted Koebel
3 permission to file an amended brief on appeal within twenty-one (21)
4 days of entry of the bankruptcy court's order disposing of any
5 motion for relief from the Dismissal Order.

6 Upon remand, on June 15, 2015, Koebel filed a "Motion to
7 Correct Dismissal Order on Appeal" (docket no. 87, "Dismissal
8 Reconsideration Motion"). After several hearings on the Sanctions
9 OSC and the Sanctions Motion, Judge Bason took under submission the
10 Dismissal Reconsideration Motion, the Sanctions OSC, and the
11 Sanctions.

12 **C. Koebel Decision and Subsequent Appeal.**

13 On September 30, 2015, Judge Bason issued the above-mentioned
14 Koebel Decision. On October 13, 2015, Koebel filed a Notice of
15 Appeal of the Koebel Decision and associated orders. (Chapter 13
16 Case, docket no. 101.) This appeal is currently pending.

17 **II. JURISDICTION**

18 We have jurisdiction over this matter under 28 U.S.C.
19 §§ 157(b)(1), 157(b)(2)(A), and 1334(a). This panel has been duly
20 constituted and operates under applicable decisions in this Circuit
21 and pursuant to Fourth Amended General Order 96-05. See In re
22 Nguyen, 447 B.R. 268, 275 (9th Cir. B.A.P. 2011); In re Brooks-
23 Hamilton, 400 B.R. 238, 246 (9th Cir. B.A.P. 2009) (holding that
24 "Bankruptcy courts [] possess the inherent authority to suspend or
25 disbar attorneys, as implicitly recognized by Congress in enacting
26 § 105(a)" and encouraging use of disciplinary panels).

27 We also note that Koebel's appeal from the Koebel Decision and
28 associated orders is still pending. "The filing of a notice of

1 appeal is an event of jurisdictional significance – it confers
2 jurisdiction on the court of appeals and divests the district court
3 of its control over those aspects of the case involved in the
4 appeal.” Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58
5 (1982). “A pending appeal divests a bankruptcy court of
6 jurisdiction to vacate or modify an order which is on appeal.”
7 Marino v. Classic Auto Refinishing (In re Marino), 234 B.R. 767, 769
8 (9th Cir. B.A.P. 1999). Notwithstanding the pendency of an appeal,
9 a bankruptcy court retains jurisdiction to implement or enforce its
10 orders. Id. at 769.

11 In light of the foregoing, we find that we have jurisdiction
12 over this matter despite the pending appeal. Our task here is not
13 to alter or amend the Koebel Decision, but instead to review Judge
14 Bason’s referral of Koebel to the Panel and to determine if
15 discipline is appropriate.

16 III. GOVERNING LAW AND RULES

17 “In the federal system there is no uniform procedure for
18 disciplinary proceedings. The individual judicial districts are
19 free to define the rules to be followed and the grounds for
20 punishment.” Price v. Lehtinen (In re Lehtinen), 564 F.3d 1052,
21 1062 (9th Cir. 2009) (citation omitted). Federal courts generally
22 apply the ethics principles that have been developed both on a
23 national and a local level.

24 National rules include the standards articulated by the
25 American Bar Association. Those standards include: (1) whether the
26 duty violated was to a client, the public, the legal system, or the
27 profession; (2) whether the lawyer acted intentionally, knowingly,
28 or negligently; (3) whether the lawyer’s misconduct caused a serious

1 or potentially serious injury; and (4) whether aggravating factors
2 or mitigating circumstances exist. In re Brooks-Hamilton, 400 B.R.
3 at 252-53. We have considered all of these standards.

4 Other national sources of authority include Federal Rule of
5 Bankruptcy Procedure 9011 and the decisions interpreting that rule,
6 as well as decisions regarding the bankruptcy courts' civil contempt
7 power and related authority. See 11 U.S.C. § 105(a); 28 U.S.C.
8 § 1651 (All Writs Act); In re Lehtinen, 564 F.3d 1052 (civil
9 contempt powers in bankruptcy case).

10 On the local level, the United States District Court has
11 adopted specific rules regarding sanctions. See, e.g., Local Civil
12 Rule 83-3.1.3. Those local rules also make it explicit that
13 attorneys practicing before this Court must comply with the
14 applicable California Rules of Professional Conduct ("CA Rules").
15 See Local Bankr. Rule. 2090-2(a); Local Civil Rule 83-3.1.2.

16 Bankruptcy courts also have inherent power to sanction
17 attorneys. See Knupfer v. Lindblade (In re Dyer), 322 F.3d 1178,
18 1196 (9th Cir. 2003) ("bankruptcy courts, like district courts, also
19 possess [the] inherent power" to sanction "bad faith" or "willful
20 misconduct" because "the very creation of the court" establishes
21 such inherent power "unless Congress intentionally restricts those
22 powers," and Congress' intent is confirmed by § 105(a)).

23 Among the sanctions that may be imposed are suspension or
24 disbarment. See In re Lehtinen, 564 F.3d 1052 (citing civil
25 contempt power and, alternatively, inherent powers); In re Nguyen,
26 447 B.R. 268, 281 (citing In re Lehtinen and, inter alia, 11 U.S.C.
27 § 105(a) and Fed. R. Bankr. P. 9011); Peugeot v. U.S. Trustee (In re
28 Crayton), 192 B.R. 970, 976 (9th Cir. B.A.P. 1996) (citing similar

1 authority and 11 U.S.C. § 327); In re Computer Dynamics, Inc., 253
2 B.R. 693, 699 (E.D. Va. 2000) (citing civil contempt power).

3 **IV. DISCUSSION**

4 This disciplinary proceeding addresses whether Debtor's chapter
5 13 case was filed in good faith. As the record reflects, the
6 bankruptcy court found that the case was not filed in good faith
7 but, rather, the bankruptcy petition was filed for the purpose of
8 delaying the eviction of Debtor by the Chapter 7 Trustee, that the
9 chapter 13 plan was a sham, and that Koebel, as counsel for Debtor,
10 pursued this course without regard to the law or the facts of the
11 case. In his response, Koebel makes several arguments: (1) that his
12 filing of Debtor's Chapter 13 Case was based on a good faith
13 argument for an extension, modification, or reversal of existing
14 law; (2) that the filing of the chapter 13 case while the chapter 7
15 case was still pending was not per se bad faith; and (3) that the
16 chapter 13 plan was not a sham because Debtor had the income to make
17 plan payments and a need to discharge debt. We address Koebel's
18 arguments below.

19 **A. Debtor's Homestead Exemption**

20 First, Koebel argues that Law v. Siegel, 134 S.Ct. 1188 (2014),
21 published after Judge Bluebond's Order Denying Debtor's Exemption in
22 the Chapter 7 Case, requires a reversal of that order and the
23 reinstatement of Debtor's homestead exemption. (Koebel Response, at
24 pp. 3:12-5:14.) We disagree.

25 Until recently, in the Ninth Circuit, a bankruptcy court could
26 deny leave to amend or disallow a claimed exemption if an objecting
27 party could show that the debtor acted in bad faith or that
28 creditors were prejudiced. See Martinson v. Michael (In re

1 Michael), 163 F.3d 526, 529 (9th Cir. 1998) (adopting the test set
2 forth in Doan v. Hudgins (In re Doan), 672 F.2d 831 (11th
3 Cir.1982)); see also Tyner v. Nicholson (In re Nicholson), 435 B.R.
4 622, 630 (9th Cir. B.A.P. 2010). However, the Supreme Court's
5 decision in Law v. Siegel curtailed the ability of a bankruptcy
6 court to surcharge or deny a debtor's claimed exemptions using only
7 the court's equitable powers under § 105(a), where the exercise of
8 such equitable power exceeded statutory limits. Id. at 1195-97.
9 Accordingly, a court may not "refuse to honor the exemption absent a
10 valid statutory basis for doing so." Id. at 1196. The Supreme
11 Court "emphatically rebuffed the theory that the general, equitable
12 powers of the bankruptcy court somehow conferred a basis for
13 exemption denial based on a debtor's bad-faith conduct, resolving
14 that the 'Code admits no such power.'" In re Arellano, 517 B.R.
15 228, 231 (Bankr. S.D. Cal. 2014) (quoting Law v. Siegel, 134 S.Ct.
16 at 1196)).

17 In sum,

18 when a debtor properly asserts an exemption under
19 section 522, it must be allowed unless the
20 controlling law provides for disallowance. And this
21 is true whether the debtor asserts the exemption at
22 case initiation or at a later point before case
23 closure. **There is nothing in section 522 that**
24 **provides for the denial or disallowance of an**
25 **exemption based on a debtor's bad-faith conduct or**
26 **prejudice to third parties.** In short, the bankruptcy
27 court's equitable powers are now an insufficient
28 basis for exemption denial even if bad faith or
prejudice exists.

26 Id. at 232 (emphasis added).

27 Here, Koebel's reliance on Law v. Siegel is misplaced. In his
28 response brief, Koebel attempts to come within the ambit of Law v.

1 Siegel by asserting that Judge Bluebond "appeared to be sustaining
2 the objection [to Debtor's homestead exemption] punitively."
3 (Koebel Response, at p. 4:7-8.) According to Koebel, Judge Bluebond
4 had denied Debtor's motion to continue the hearing, even though the
5 Chapter 7 Trustee filed his non-opposition to Debtor's request.
6 (Chapter 7 Case, docket nos. 121, 125, 128.) However, Law v. Siegel
7 is inapplicable to the case at bar. Although Koebel states that
8 Judge Bluebond's denial of Debtor's motion to continue "appeared" to
9 be punitive, the Order Denying Debtor's Exemption does not indicate
10 that Debtor's homestead exemption was denied because of Debtor's bad
11 faith. (Chapter 7 Case, docket no. 129.) Moreover, the Chapter 7
12 Trustee had not objected to Debtor's homestead exemption on the
13 grounds of Debtor's bad faith. Instead, the only grounds for the
14 Trustee's objection was that under California law, Debtor had no
15 interest in the property in which he sought to claim the homestead
16 exemption under California Code of Civil Procedure ("CCP") §
17 704.730. (Id., docket no. 118, at p. 5:23-27.) Because the denial
18 was based on state law and not the Court's equitable powers, Law v.
19 Siegel does not apply to this case and Koebel's argument that he had
20 a good faith argument for filing the Chapter 13 case based on a
21 change in the law fails.

22 In his response brief, Koebel belatedly argues that Debtor
23 might be entitled to a homestead exemption. CCP § 704.910
24 specifically prohibits declared homestead exemptions in beneficial
25 interests:

26 "Dwelling" means any interest in real property
27 (whether present or future, vested or contingent,
28 legal or equitable) that is a "dwelling" as defined
in Section 704.710, but does not include a leasehold

1 estate with an unexpired term of less than two years
2 or the interest of the beneficiary of a trust.

3 Cal. Civ. Proc. Code § 704.910(c) (emphasis added).

4 Koebel correctly argues that the automatic homestead exemption
5 language in CCP § 704.730 contains no such prohibition against
6 claiming a homestead exemption in a beneficial interest.

7 Thus a debtor whose sole interest in a dwelling as a
8 beneficiary of a trust could not claim a declared
9 homestead exemption regarding that dwelling, but
10 could claim an automatic homestead exemption
11 regarding that dwelling, since "dwelling" as defined
12 in the automatic homestead article, California Code
13 of Civil Procedure § 704.710 (West 1987), does not
14 contain the restriction regarding beneficiaries of
15 trusts that the declared homestead exemption,
16 California Code of Civil Procedure § 704.910 (West
17 1987) contains.

18 In re Moffat, 107 B.R. 255, 259 n.7 (Bankr. C.D. Cal. 1989) aff'd,
19 119 B.R. 201 (9th Cir. B.A.P. 1990) aff'd, 959 F.2d 740 (9th Cir.
20 1992); see also Roberts v. Harris (In re Harris), 101 B.R. 210, 214
21 (Bankr. E.D. Cal. 1989) (" . . . regardless of the effect of
22 § 704.910(c), the Debtors' residence is nonetheless eligible for a
23 homestead exemption under C.C.P. § 704.710 et seq., which does not
24 contain a provision precluding the homesteading of an interest of a
25 beneficiary of a trust.").

26 Notwithstanding the foregoing, Koebel's argument still lacks
27 merit because Debtor no longer possessed a beneficial interest in
28 the Probate Trust. Judge Bluebond's judgment, entered on March 9,
2012 in adversary proceeding 2:11-ap-02946-BB ("Adversary
Proceeding") in the Chapter 7 case, provides for entry of judgment
against Debtor and in favor of the Chapter 7 Trustee on all claims
and orders that Debtor's beneficial interest in the Juliana Cuevas

1 Living Trust on the Petition Date became property of the bankruptcy
2 estate and that the Chapter 7 Trustee had the right to administer
3 that asset for the benefit of the creditors. (Chapter 7 Case, docket
4 no. 14, pp. 1:23-2:9.) On the basis of this judgment divesting
5 Debtor of any beneficial interest in the Probate Trust, the Chapter
6 7 Trustee successfully objected to Debtor's claimed homestead
7 exemption.

8 Debtor timely appealed from the March 9, 2012 judgment.
9 (Adversary Proceeding, docket no. 17.) However, this appeal was
10 subsequently dismissed for failure to prosecute. (Id., docket no.
11 19.) Moreover, on January 19, 2016 – the eve of the disciplinary
12 hearing – Debtor filed a motion for relief from the above judgment.
13 (Adversary Proceeding, docket no. 25.) In that motion, Debtor
14 sought to amend the judgment to include a statement that the Court
15 has exclusive jurisdiction over Debtor's beneficial interest in the
16 Probate Trust. (Id., at p. 3:2-8.) However, Judge Bluebond denied
17 Debtor's motion. (Adversary Proceeding, docket no. 27.)

18 Because the March 9, 2012 judgment is a final judgment, Debtor
19 has no interest in the Property, beneficial or otherwise, that would
20 entitle him to an automatic homestead exemption under CCP § 704.730.
21 This was the case at the time Koebel filed the Chapter 13 case.
22 Thus, Koebel had no basis to believe that he could claim the
23 exemption in the chapter 13 case or that the exemption would provide
24 funds for distribution to creditors in the Chapter 13 case.

25 We conclude that in presenting frivolous legal arguments
26 regarding Debtor's homestead exemption in the Chapter 13 Case, and
27 in this disciplinary proceeding, Koebel has violated the following
28 ethical rules: Rule 1.1 of the American Bar Association's Model

1 Rules of Professional Conduct ("ABA Model Rules") ("A lawyer shall
2 provide competent representation to a client. Competent
3 representation requires the legal knowledge, skill, thoroughness and
4 preparation reasonably necessary for the representation."); ABA
5 Model Rule 3.1 ("A lawyer shall not bring or defend a proceeding, or
6 assert or controvert an issue therein, unless there is a basis in
7 law and fact for doing so that is not frivolous, which includes a
8 good faith argument for an extension, modification or reversal of
9 existing law."); and Rule 3-110 of the California Rules of
10 Professional Conduct ("CRPC") ("A member shall not intentionally,
11 recklessly, or repeatedly fail to perform legal services with
12 competence," meaning that an attorney must "apply the diligence,
13 learning and skill, and mental, emotional, and physical ability
14 reasonably necessary for the performance of such service.").

15 **B. Bad Faith Filing of Chapter 13 Case**

16 Next, Koebel argues that Judge Bason "basically indicates that
17 bad faith in the filing of the Chapter 13 Case was established by
18 its mere filing after the entry of the discharge in the Chapter 7
19 Case but before the case was closed." (Koebel Response, at p. 7:20-
20 22.) This statement is a patent misrepresentation of Judge Bason's
21 decision. Judge Bason's decision clearly acknowledged that under
22 certain circumstances, a debtor could file a successive chapter 13
23 case while a chapter 7 case was still pending, and that such
24 successive filings were not bad faith per se. (Koebel Decision, at
25 pp. 4:21-5:7.) However, Judge Bason ultimately ruled that the case
26 was not filed in good faith based on the totality of the
27 circumstances in the case. (Id.)

1 Contrary to Koebel's assertions, Judge Bason's position
2 regarding successive filings is consistent with the position taken
3 by the Ninth Circuit in In re Blendheim:

4 We agree with the Eleventh Circuit's reasoning and
5 reject a per se rule prohibiting a debtor from filing
6 for Chapter 13 reorganization during the post-
7 discharge period when the Chapter 7 case remains open
8 and pending. Because nothing in the Bankruptcy Code
9 prohibits debtors from seeking the benefits of
10 Chapter 13 reorganization in the wake of a Chapter 7
11 discharge, we see no reason to force debtors to wait
12 until the Chapter 7 case has administratively closed
13 before filing for relief under Chapter 13. We also
14 agree with the Eleventh Circuit that the fact-
sensitive good faith inquiry, in which courts may
examine an individual debtor's purpose in filing for
Chapter 13 relief and take into account the unique
circumstances of each case, is a better tool for
sorting out which cases may proceed than the blunt
instrument of a flat prohibition.

15 In re Blendheim, 803 F.3d 477, 500 (9th Cir. 2015) (emphasis added).
16 In so holding, the Ninth Circuit similarly declined to adopt a per
17 se rule against successive filings, while at the same time promoting
18 a good faith and totality of the circumstances analysis to determine
19 the propriety of a successive filing.

20 Here, Judge Bason reviewed the totality of the circumstances in
21 Debtor's Chapter 7 Case and Chapter 13 Case, and found sufficient
22 indicia of bad faith to dismiss Debtor's Chapter 13 Case: (1)
23 Debtor's case was filed shortly before a state court eviction
24 proceeding; (2) Debtor's alleged need to discharge his debts was a
25 sham; (3) Debtor's alleged monthly net income was a sham; (4)
26 Debtor's expectation of living-rent free based on Judge Bluebond's
27 Chapter 7 Stay Relief Order was a sham; (5) Debtor's alleged ability
28 to fund the Chapter 13 Case from proceeds of the Chapter 7 Case was

1 a sham; (6) Debtor's chapter 13 plan was a sham; and (7) Debtor's
2 motion to continue the automatic stay relied on the foregoing and
3 additional shams. Accordingly, we reject Koebel's characterization
4 of Judge Bason's decision as having been based on a per se rule
5 against successive filings. Further, to the extent that Koebel
6 argues that Blendheim, represents a change in the law justifying the
7 filing, we reject that notion as well.

8 We therefore conclude that in misrepresenting Judge Bason's
9 ruling to this Panel, Koebel has violated the following ethical
10 rules: ABA Model Rule 3.3(a)(1) ("A lawyer shall not knowingly . .
11 . make a false statement of fact or law to a tribunal or fail to
12 correct a false statement of material fact or law previously made to
13 the tribunal by the lawyer the duty of candor toward the tribunal.")
14 and California Business and Professions Code § 6068(d) (providing
15 that an attorney must "employ, for the purpose of maintaining the
16 causes confided to him or her those means only as are consistent
17 with truth, and never to seek to mislead the judge or any judicial
18 officer by an artifice or false statement of fact or law.").

19 C. Further Arguments Regarding the Alleged Good Faith of the
20 Chapter 13 Filing

21 Koebel maintains that he filed the Chapter 13 case in good
22 faith because Debtor had the ability to fund a plan and needed to
23 discharge debts. This argument misses the point. According to
24 Koebel, he filed the case to stop the eviction, seek enforcement of
25 the Relief from Stay Order entered in the Chapter 7 Case and
26 distribute the funds available from the homestead exemption to
27 creditors through the chapter 13 plan. As we have addressed the
28 issue with the homestead exemption, we now turn our attention to

1 Koebel's other stated reasons for filing the Chapter 13 Case,
2 stopping the eviction and enforcement of Judge Bluebond's order.
3 Koebel has not explained why he filed a chapter 13 case to address
4 an order entered in the still pending chapter 7 case. It was not
5 necessary to file a chapter 13 case to seek redress from the court
6 for a violation of the relief from stay order entered in the chapter
7 7 case. Further, while Koebel may have argued both here and in the
8 Chapter 13 Case that Debtor could fund a plan from income, he
9 presented no evidence on this issue until he filed a response in
10 this proceeding. Koebel acknowledges that he chose not to introduce
11 evidence to Judge Bason to support his theory that Debtor could live
12 rent-free or virtually expense-free. (Koebel Decision, at p. 9:13-
13 18.)

14 In his response, Koebel now argues that Debtor has sufficient
15 regular income to fund a plan. (Koebel Response, p. 8:8-19.) After
16 Debtor's Chapter 13 Case was dismissed, Debtor appears to have
17 rented a room from John Hopkins ("Hopkins") at the cost of \$400 per
18 month. (Declaration of John Hopkins ("Hopkins Decl."), docket no.
19 13, at p. 8:9-10.) In this regard, Debtor submitted to the Panel a
20 revised budget including the \$400 per month rent, with other
21 expenses adjusted accordingly, showing that Debtor could fund a
22 chapter 13 plan. (Declaration of Ruben Cuevas, docket no. 13, at
23 pp. 6:7-7:8.) Hopkins further states, "However, I would not charge
24 Mr. Cuevas any rent and would allow him to reside at my residence if
25 he could not afford it. I would not charge Mr. Cuevas rent even if
26 the reasons he could not afford it is because he needed to make
27 Chapter plan payments." (Hopkins Decl., docket no. 13, at p. 8:11-
28

1 13.) Again, none of this evidence was presented to Judge Bason in
2 the Chapter 13 Case.

3 Koebel contends that he chose not to introduce this evidence of
4 Debtor's expenses sooner "because the overly long hearings and
5 tentative rulings raised more issues as they went along and [he]
6 Koebel simply wanted the Court finally to rule one way or another
7 regarding the sanctions against him." (Koebel Response, at p. 8:17-
8 19.)

9 We find Koebel's statement disingenuous. Evidence of Debtor's
10 expenses was relevant and material to whether Debtor's Chapter 13
11 Plan was filed in bad faith and whether Koebel's conduct warranted
12 sanctions. Such evidence should have been introduced during the
13 Chapter 13 Case proceedings, rather than reserved for the current
14 disciplinary proceedings in a last-ditch attempt to mitigate
15 discipline against him. Instead, by failing to present such
16 relevant and material evidence at the proper time, Koebel failed to
17 promote his client's best interests by presenting evidence to rebut
18 the allegations that Debtor had filed his Chapter 13 Case in bad
19 faith.

20 We therefore conclude that in failing to timely introduce
21 evidence of Debtor's ability to fund a chapter 13 plan, and then
22 belatedly introducing such evidence to the Panel in an attempt to
23 mitigate discipline against him, Koebel has violated the following
24 ethical rules: ABA Model Rule 1.1 ("A lawyer shall provide
25 competent representation to a client. Competent representation
26 requires the legal knowledge, skill, thoroughness and preparation
27 reasonably necessary for the representation.") and Rule 3-110 of the
28 California Rules of Professional Conduct ("CRPC") ("A member shall

1 not intentionally, recklessly, or repeatedly fail to perform legal
2 services with competence," meaning that an attorney must "apply the
3 diligence, learning and skill, and mental, emotional, and physical
4 ability reasonably necessary for the performance of such service.").

5 **D. Evidence from Other Cases**

6 Koebel argues that certain evidence of his actions in other
7 cases should be excluded from consideration by this panel under FRE
8 403 on the grounds of unfair prejudice. However, we decline to
9 exclude such evidence because it is relevant to and probative of
10 Koebel's frivolous and vexatious conduct before this Court and other
11 courts.

12 Koebel first objects to the introduction of evidence of his
13 removal of numerous unlawful detainer proceedings to this Court.
14 However, this objection is without merit.

15 In his response, Koebel argues that removal of the unlawful
16 detainer action in In re Mannings, case no. 2:13-ap-01968-NB, was
17 proper under 28 U.S.C. § 1452(a), FRBP 9027, and LBR 9027-1 as
18 Debtor's residential possessory interest was part of the bankruptcy
19 estate under applicable law and the unlawful detainer action related
20 to Debtor's bankruptcy proceedings. (Koebel Response, at p. 13:11-
21 14.) Koebel further states that such removal was proper under
22 Article III of the United States Constitution

23 because the Debtor expressly consented to entry of
24 final orders or judgments by the bankruptcy court and
25 provided notice to Movant that they must consent,
26 expressly or impliedly, to the bankruptcy court's
27 jurisdiction or the reference(s) of the adversary
28 proceeding or the entire bankruptcy case could be
withdrawn to the district court.

(Id., at p. 13:15-19.)

1 However, Koebel's argument misses the mark. At issue is not
2 whether removal of an unlawful detainer may at times be proper under
3 the relevant removal statutes, or as Koebel also argues, under the
4 California Supreme Court decision Vella v. Hudgins, 20 Cal. 3d 251
5 (1977). The real issue is whether Koebel abused the right to remove
6 cases to this Court for the improper purpose of delaying state court
7 unlawful detainer proceedings.

8 In the Koebel Decision, Judge Bason cites the Declaration of
9 Carol Unruh ("Unruh") for evidence of Koebel's pattern and practice
10 of improperly removing unlawful detainer actions to this Court.
11 (Declaration of Unruh, Chapter 13 Case, docket no. 61-1, pp. 64-66.)
12 In addition to the In re Mannings case, Unruh lists the following
13 cases in which Koebel removed unlawful detainer actions:

- 14 1. 1:12-ap-01429-VK, Bank of New York Mellon v.
15 Hernandez (In re Hernandez, 1:12-bk-19878-VK).
16 Adversary proceeding dismissed as moot after
17 main bankruptcy case was dismissed.
- 18 2. 2:12-ap-O 1936 NB, JP Morgan Chase Bank v.
19 Turner (In re Turner, 2: 12-bk-7432 NB). Motion
20 to dismiss adversary proceeding granted; appeal
21 thereof dismissed for lack of prosecution.
- 22 3. 2:12-ap-01037-ER, Lin v. Shimkus (In re
23 Shimkus), 2:11-bk-59503-ER). Adversary
24 proceeding dismissed as moot after main
25 bankruptcy case was dismissed.
- 26 4. 2:12-ap-01489-SK, 305 Rose, LLC v. Kerr (In re
27 Kerr), 2:12-bk-19102-SK). Remanded to state
28 court.
- 29 5. 2:12-ap-02672-VZ, Federal Home Loan Mortgage v.
30 Peng (In re Peng), 2:12-bk-44676-VZ). Remanded
31 to state court.
- 32 6. 8:11-ap-01407-RK, REO Portfolio Investments,
33 Inc. v. Iskenderian (In re Iskenderian), 8:11-
34 bk-18163-RK). Remanded to state court.

7. 1:13-ap-01189-MT, Federal Home Loan Mortgage Corp. v Ford-Shepard (In re Ford-Shepard), 1:13-bk-13948 MT). Remanded to state court.

8. 2:12-ap-02099-TD, Deutsche Bank Nat. Trust Co. v Atkins (In re Atkins), 12-bk-29628-TD). Remanded to state court.

In each of the above eight cases, Koebel removed the unlawful detainer action from state court to the Bankruptcy Court after the Bankruptcy Court granted relief from stay to Plaintiff/Movant to proceed in Superior Court. Also in each of the above cases, as in the In re Mannings case, the Bankruptcy Court either remanded the unlawful detainer action to state court or dismissed the adversary proceeding.

This pattern of litigation is clearly frivolous and vexatious. As Unruh notes in her sanctions motion in In re Mannings, if Koebel had a good faith basis to halt the unlawful detainer proceedings, he should have opposed the stay relief motions in the Bankruptcy Court. (Motion for Sanctions, Chapter 13 Case, docket no. 61-1, at pp. 62:22-63:4.) Even in the cases where Koebel did oppose the stay relief motions, it was improper to remove the unlawful detainer proceedings to the Bankruptcy Court after the Bankruptcy Court expressly granted relief from the automatic stay to allow the plaintiff/movant to proceed in state court. A debtor who fails to oppose or unsuccessfully opposes a stay relief motion in this Court is not entitled to manufacture "a second bite at the apple" by removing the state court unlawful detainer action to this Court.

Koebel also objects to our reliance on the sanctions motion in In re Mannings because the "sanctions motion was withdrawn and no order for sanctions was ever entered." (Koebel Response, at p. 10:10.) While the foregoing may be true, Koebel fails to disclose

1 the reason why no sanctions order was entered in that case. A
2 review of the docket in that case shows that Unruh had filed a
3 motion to remand the removed unlawful detainer proceeding to state
4 court. (Case no. 2:13-ap-01968-NB, docket no. 6.) Unruh also filed
5 the aforementioned sanctions motion. (Id., docket no. 9.) Koebel
6 then filed a notice of non-opposition to the motion to remand (id.,
7 docket no. 11), after which Unruh withdrew her sanctions motion.
8 Judge Bason subsequently remanded the unlawful detainer proceeding.
9 (Id., docket no. 13.) Although no sanctions order was entered,
10 Koebel's conduct in the In re Mannings case and other cases
11 described above is relevant evidence of a disturbing pattern of
12 frivolous filings designed to frustrate creditors.

13 Koebel also objects to our reliance on the order by Judge
14 Guilford of the District Court as evidence of Koebel's misconduct in
15 other cases, "because it was entered after a proper voluntary
16 dismissal under Rule 41 of the Federal Rules of Civil Procedure."
17 (Koebel Response, at p. 11.) However, Koebel's assertion here is
18 misleading. A review of Judge Guilford extensive order shows that
19 the District Court referred Koebel to the United States Attorney's
20 office for prosecution, for "perjury committed by an officer of the
21 Court" that was "clear beyond a reasonable doubt." (Chapter 13
22 Case, docket no. 61, Exh. 2, at pp. 12-13.)

23 Finally, although Koebel objects to the introduction of the
24 above evidence, Koebel does not object to evidence of Judge
25 Zurzolo's sanctions order, in which Koebel was sanctioned \$23,800.00
26 for filing a frivolous adversary complaint. (Case no. 2:13-ap-
27 02078-VZ, docket no. 55, at p. 2.)
28

1 We find that the above evidence is relevant to whether Koebel's
2 conduct in the Chapter 13 Case warrants discipline.

3 Based upon his pattern and practice of presenting frivolous
4 legal arguments before this Court and other courts, we conclude that
5 Koebel has violated the following ethical rules: ABA Model Rule 1.1
6 ("A lawyer shall provide competent representation to a client.
7 Competent representation requires the legal knowledge, skill,
8 thoroughness and preparation reasonably necessary for the
9 representation."); ABA Model Rule 3.1 ("A lawyer shall not bring or
10 defend a proceeding, or assert or controvert an issue therein,
11 unless there is a basis in law and fact for doing so that is not
12 frivolous, which includes a good faith argument for an extension,
13 modification or reversal of existing law."); and Rule 3-110 of the
14 California Rules of Professional Conduct ("CRPC") ("A member shall
15 not intentionally, recklessly, or repeatedly fail to perform legal
16 services with competence," meaning that an attorney must "apply the
17 diligence, learning and skill, and mental, emotional, and physical
18 ability reasonably necessary for the performance of such service.").

19 **E. Mitigating Circumstances**

20 Koebel attaches to his response brief a declaration setting
21 forth circumstances mitigating Judge Bason's recommended discipline.
22 (Declaration of Philip Koebel ("Koebel Declaration"), docket no. 19,
23 at pp. 17-20.) In his declaration, Koebel provides information
24 regarding his career as a sole practitioner, his financial
25 responsibilities, which include providing financial support for his
26 former partner and their two children as well as several other
27 "adopted" children and their children. He also discusses the impact
28 that he believes a suspension from practice will have on his life

1 and his family. (Koebel Declaration, at pp. 3:9-4:9.) In rendering
2 our decision, we have considered the above mitigating circumstances.

3 **F. Disciplinary Action**

4 Based upon all of the circumstances described hereinabove, the
5 Panel has determined that the following disciplinary action is
6 appropriate:

- 7 1. Koebel shall be suspended from filing any new case or
8 proceeding in this Court for a period of 180 days from the
9 date of the entry of this Order (the "Suspension Period")
10 and shall be placed on probation for a period of 4 1/2
11 years (the "Probation Period") following the Suspension
12 Period.
- 13 2. As a condition to filing any new case following the end of
14 the Suspension Period, Koebel shall file a declaration
15 confirming that he has paid the sanctions awarded against
16 him in case number 2:13-ap-02078-VZ and in the Chapter 13
17 Case. Koebel shall serve the declaration on the Office of
18 the United States Trustee.
- 19 3. If an order is entered in any case pending in the United
20 States Bankruptcy Court for the Central District of
21 California during either the Suspension Period or the
22 Probation period that awards sanctions against Koebel in an
23 amount of \$1,000 or greater, Koebel shall be suspended from
24 all practice before this Court, including pending cases,
25 for the remainder of the Suspension Period and the
26 Probation Period.
- 27 4. The Office of the United States Trustee will monitor
28 Koebel's compliance with the disciplinary terms and will

1 file a declaration with the Court in the event that the
2 United States Trustee identifies circumstances where Koebel
3 is not in compliance with the court's discipline order.

4 5. Koebel shall complete 4 hours of legal ethics training and
5 shall file a declaration with proof of such training once
6 the training has been completed. The legal training must
7 be completed within 180 days of entry of the order in this
8 matter.

9 An order incorporating these disciplinary terms will be entered
10 forthwith.