



UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re: Michael Alan Bark and Dena Rae
Bark,
Debtors.

Case No.: 2:12-bk-25248-ER

Chapter: 7

**MEMORANDUM OF DECISION
DENYING MOTION FOR SANCTIONS
FILED BY GLENN DECKMAN**

[RELATES TO DOC. NO. 49]

[No hearing required pursuant to Federal Rule of Civil Procedure 78(b) and Local Bankruptcy Rule 9013-1(j)(3)]

The Court has reviewed an untitled document filed *in pro se* by Glenn Deckman (“Deckman”). Consistent with its “obligation to give a liberal construction to the filings of pro se litigants,” *Blaisdell v. Frappiea*, 729 F.3d 1237, 1241 (9th Cir. 2013), the Court construes the document as a motion to impose sanctions against the Debtors (the “Motion”) [Doc. No. 49]. Pursuant to Civil Rule 78(b) and LBR 9013-1(j)(3),¹ the Court finds this matter to be suitable for disposition without oral argument.² For the reasons set forth below, the Motion is DENIED.

¹ Unless otherwise indicated, all “Civil Rule” references are to the Federal Rules of Civil Procedure, Rules 1–86; all “Bankruptcy Rule” references are to the Federal Rules of Bankruptcy Procedure, Rules 1001–9037; all “Evidence Rule” references are to the Federal Rules of Evidence, Rules 101–1103; all “LBR” references are to the Local Bankruptcy Rules of the United States Bankruptcy Court for the Central District of California, Rules 1001-1–9075-1; and all statutory references are to the Bankruptcy Code, 11 U.S.C. §§101–1532.

² Deckman did not set the Motion for hearing or seek adjudication of the Motion on a negative-notice basis pursuant to the procedure set forth in LBR 9013-1(o).

I. Facts and Summary of Pleadings

Michael Alan Bark and Dena Rae Bark (the “Debtors”) filed a voluntary Chapter 7 petition on April 30, 2012. The Debtors received a discharge on September 21, 2012. The Debtors’ case was reopened on August 8, 2018, to permit the filing of a lien avoidance motion. The case was reclosed on March 18, 2019.

In the Motion, Deckman alleges that the Debtors’ son defrauded Deckman’s son by selling him a defective iPhone. Deckman asserts that his son sustained damages in the amount of \$230 in connection with the sale. Deckman does not seek a monetary recovery. He seeks the following relief:

I guess I am hoping that there is some sort of responsibility given to the [Debtors] by the court going forward after their bankruptcy. In my non legal opinion, being relieved of debts should come with some rules to follow going forward which at minimum should be fiscal responsibility of some sort.

Motion at 1.

II. Findings and Conclusions

As a result of the closing on the case on March 18, 2019, the Court has been divested of jurisdiction. Deckman has not filed a motion seeking to reopen the Debtors’ case. That alone is cause for denying the Motion.

Even if Deckman had obtained an order reopening the case, the Court would still be required to deny the Motion for numerous reasons. First, the Motion was not served upon the Debtors, in violation of LBR 9013-1(c)(2). Second, the Motion does not state the relief requested with the necessary specificity. Under Bankruptcy Rule 9013, a motion “shall state with particularity the grounds therefor, and shall set forth the relief or order sought.” Here, the Motion requests that the Court impose upon the Debtors some type of unspecified financial responsibility in their future dealings with others. It is not possible for the Court to adjudicate a Motion that fails to articulate a request for specific relief.

Finally, and most significant, the underlying premise of the Motion is incorrect as a matter of law. The Motion asserts that in exchange for receiving a discharge, the Debtors should be obligated to comply with “some rules ... going forward which at minimum should be fiscal responsibility of some sort.” Motion at 1. Section 727(a) specifies the circumstances under which debtors are entitled to receive a discharge. Nothing within § 727(a) imposes ongoing obligations upon debtors in exchange for a discharge, or provides the Court with jurisdiction over closed bankruptcy cases to police debtors’ post-discharge behavior.

Based upon the foregoing, the Motion is **DENIED**. The Court will enter an order consistent with this Memorandum of Decision.

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Date: December 19, 2019



Ernest M. Robles
United States Bankruptcy Judge