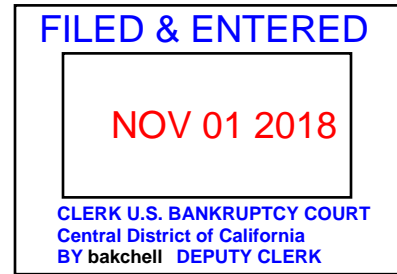


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6



7 **NOT FOR PUBLICATION**

CHANGES MADE BY COURT

8 **UNITED STATES BANKRUPTCY COURT**

9 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

10 In re:

11 DREAM HOSPICE CARE, INC.,

12 Debtor.

Case No. 2:18-bk-17133-RK

Chapter 7

**ORDER DENYING WITHOUT
PREJUDICE CHAPTER 7 TRUSTEE'S
MOTION FOR ORDER AUTHORIZING 1)
ABANDONMENT AND DESTRUCTION
OF OLD PATIENT FILES; AND 2)
PAYMENT BY THE ESTATE OF THE
COSTS OF DESTRUCTION FOR LACK
OF SHOWING OF COMPLIANCE WITH
PROCEDURES FOR DISPOSITION OF
PATIENT RECORDS UNDER 11 U.S.C.
§351(1), (2) AND (3)**

[Relates to Docket No. 9]

[No Hearing Required]

20 The Notice of and "Motion for an Order Authorizing (1) the Abandonment and
21 Destruction of Old Patient Files; and 2) Payment by the Estate of the Costs of Destruction
22 (the "Motion") [Docket No. 9] filed by Elissa D. Miller, Chapter 7 Trustee came on
23 regularly before the Court, the Honorable Robert Kwan, United States Bankruptcy Judge
24 Presiding.

25 The Court read and considered the Motion,

26 **HEREBY ORDERS** that the Motion is DENIED WITHOUT PREJUDICE for lack of
27 showing of compliance with the procedures for the disposition of patient records set forth
28 in Section 351(1), (2) and (3) of the Bankruptcy Code, 11 U.S.C. These procedures are

1 mandatory, and the Trustee in the Motion has neither shown compliance with these
2 procedures nor that she is otherwise excused from compliance. See 3 Levin and
3 Sommer, *Collier on Bankruptcy*, ¶351.01 *et seq.* at 351-1 – 351-16 (16th ed. 2018); see
4 *also, id.*, ¶351.04 at 351-10 – 351-13 (describing the required notice and disposition
5 procedures in detail).

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24 Date: November 1, 2018



Robert Kwan
United States Bankruptcy Judge

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