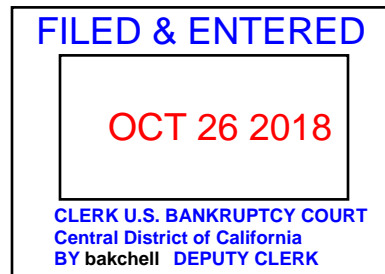


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7 **CHANGES MADE BY COURT**

8 **NOT FOR PUBLICATION**

9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **LOS ANGELES DIVISION**

12
13 In re
14 HENRY BUSHKIN,
15 Debtor.

Case No. 2:11-bk-43502-RK

Chapter 7

**ORDER GRANTING MOTION OF
DANNING, GILL, DIAMOND &
KOLLITZ, LLP, TO WITHDRAW AS
TRUSTEE'S GENERAL BANKRUPTCY
COUNSEL**

[Per LBR 9013-1(p), no hearing
or opportunity to object required]

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20 On October 22, 2018, Danning, Gill, Diamond & Kollitz, LLP (“DGDK”) filed a *Motion*
21 *for Authority to Withdraw as Trustee’s General Bankruptcy Counsel* (the “Motion”) pursuant to
22 Local Bankruptcy Rules 2091-1(a) and 9013-1(p).

23 The Court having read the Motion and the evidence submitted in support thereof, and the
24 Limited Opposition of Diane C. Weil, the current Chapter 7 Trustee (“Trustee”) appointed in this
25 case, filed on October 24, 2018, and for good cause appearing, it is

26 **ORDERED THAT:**

- 27 1. The Motion is granted.
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1 2. DGDK is authorized to withdraw as general bankruptcy counsel for the Trustee.

2 3. Since the Court has granted the Trustee's pending motion (the "Settlement Motion")
3 for approval of a proposed settlement with Bruce Singer and Singer Financial Corporation
4 (collectively "Singer"), which motion was heard on October 23, 2018, DGDK's withdrawal will be
5 effective immediately upon dismissal of Singer's pending appeal as described in the Motion and
6 Settlement Motion.

7 4. With respect to the Trustee's limited opposition to the Motion stating that she does
8 not oppose DGDK's withdrawal, but that it should be required to provide detailed status reports
9 regarding the case and all matters pertaining thereto, turn all files and records, including electronic
10 files and records, over to her or successor counsel, as the case may be, at least five days before the
11 withdrawal becomes effective, and in insolvent cases, her new counsel should be paid in full rather
12 than being required to pro-rate their fees with DGDK, the court has considered the limited
13 opposition and does not condition the withdrawal on the terms requested by Trustee because: (1)
14 there is no legal requirement for DGDK to file detailed status reports as a condition for permissive
15 withdrawal; (2) the circumstances described in the limited opposition do not require the filing of
16 such reports as a reasonable step to avoid reasonably foreseeable prejudice to the rights of Trustee
17 as client under California Rule of Professional Conduct 3-700(A)(2)(in this regard, the court notes
18 the representation of Eric P. Israel, DGDK's managing partner, in his declaration in support of the
19 Motion that he advised the Trustee by email on October 5, 2018 that DGDK "will prepare
20 transition memoranda to bring successor counsel up to speed in those cases where you determine it
21 is necessary to retain successor counsel"); (3) DGDK is otherwise obligated under California Rule
22 of Professional Conduct 3-700(D) to promptly turn over the client papers and property of Trustee
23 to her; and (4) the matter of compensation of professionals, including any allocation of fees in an
24 insolvent case (and it is unclear whether this is an insolvent case), should be considered on a case-

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1 by-case basis at the appropriate time when Trustee files her final report and her professionals
2 submit final fee applications pursuant to Local Bankruptcy Rule 2016-1.

3 IT IS SO ORDERED. # # #

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Date: October 26, 2018



Robert Kwan
United States Bankruptcy Judge