

FILED & ENTERED

JAN 27 2015

CLERK U.S. BANKRUPTCY COURT
Central District of California
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**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

LYDIA J. SANTANA

Debtor(s).

Case No. 2:14-bk-30432-RK

Chapter 7

**ORDER IMPOSING SANCTIONS
AGAINST COUNSEL FOR DEBTOR
FOR LATE OPPOSITION TO MOTION
FOR RELIEF FROM STAY**

On January 27, 2015, this case came on for hearing before the undersigned United States Bankruptcy Judge on the motion of Green Tree Servicing LLC ("movant") for relief from the automatic stay. Kristy Wells, of the law firm of RCO Legal, P.S., appeared for movant, and Daniel King, of the law firm of Genesis Law Group, appeared for debtor Lydia J. Santana ("debtor").

On December 31, 2014, movant served the moving papers on debtor and her counsel, Mr. King. Debtor's opposition was due on January 13, 2015, pursuant to Local Bankruptcy Rule 9013-1(f). On January 23, 2015, debtor by her counsel, Mr. King, filed her opposition to the motion, which was late. The court inquired of Mr. King at the

1 hearing why the opposition was late, and he indicated at first no reason, and then, he
2 said that there were difficulties in getting pay stubs for debtor and her spouse in support
3 of her recently filed motion to convert the case to Chapter 13. When the court asked if
4 Mr. King had contacted counsel for movant to request a continuance in light of debtor's
5 intent to file a late opposition, he said no.

6 The court finds that counsel for debtor, Mr. King, filed a late opposition without
7 adequate excuse and imposes sanctions of \$112.50 against him for filing a late
8 opposition, payable to RCO Legal, P.S., at the time of the continued hearing on the stay
9 relief motion on February 24, 2015 at 11:00 a.m. See., e.g., Local Bankruptcy Rules
10 1001-1(f) and 9013-1(f). This amount represents the fees incurred by movant for its
11 counsel, Ms. Wells, in having to appear for the hearing on January 27, 2015, one-half
12 hour of hearing time at her hourly rate or \$225.00 for a total of \$112.50. The hearing on
13 January 27, 2015, was an unnecessary consumption of time for the court and Ms. Wells
14 due to the need to reschedule the hearing on the stay relief motion on the merits in order
15 to provide time for movant to respond to debtor's late opposition and to prepare a written
16 reply.

17 The court grants leave to Mr. King to request reconsideration of this order
18 imposing sanctions by filing and serving a declaration under penalty of perjury setting
19 forth his reasons to excuse his untimely opposition on behalf of debtor. If Mr. King files
20 and serves such a request for reconsideration with supporting declaration by the deadline
21 of February 17, 2015, the court will conduct a hearing on February 24, 2015 at 11:00 a.m.
22 at which time he and other parties may be heard on reconsideration of this order. If he
23 fails to file such a request for reconsideration with supporting declaration, the court will
24 deem such failure as an indication that he does not seek reconsideration of sanctions.

25 For the reasons stated herein and on the record at the hearing on January 27,
26 2015, the court imposes sanctions of \$112.50 against counsel for debtor, Daniel King,
27 payable to RCO Legal, P.S., on or before February 24, 2015. The court further grants
28 leave for Mr. King to request reconsideration of this order by filing and serving a

1 declaration under penalty of perjury setting forth his reasons why his untimely opposition
2 on behalf of debtor to the stay relief motion should be excused. The court further sets a
3 hearing on such a request for reconsideration for February 24, 2015 at 11:00 a.m.

4 IT IS SO ORDERED.

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24 Date: January 27, 2015



Robert Kwan
United States Bankruptcy Judge