

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p><b>COURT PREPARED ORDER</b></p> <p><input type="checkbox"/> Individual appearing without attorney <input type="checkbox"/> Attorney for:</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1047 262 1432 535"><p><b>FILED &amp; ENTERED</b></p><p><b>SEP 07 2016</b></p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY tatum DEPUTY CLERK</p></div>
<p><b><u>NOT FOR PUBLICATION</u></b></p> <p><b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA – <u>Los Angeles</u> DIVISION</b></p>	
<p>In re:</p> <p>REGGIE LYNN BISHOP, aka REGGIE LYN BISHOP, SR.</p> <p>Debtor(s).</p>	<p>CASE NO.: 16-bk-16503-RK CHAPTER: 7</p> <p><b>ORDER:</b></p> <p><input type="checkbox"/> GRANTING APPLICATION AND SETTING HEARING ON SHORTENED NOTICE</p> <p><input checked="" type="checkbox"/> DENYING APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE</p> <p><b>[LBR 9075-1(b)]</b></p>
<p><b>Movant (name):</b> Brenda Moore Richards, Trustee of the Gwendolyn R. Moore Revocable Living Trust</p>	

1. Movant filed the following motion together with supporting declarations and (if any) supporting documents:
  - a. *Title of motion:* Amended Notice of Motion and Motion for Relief from the Automatic Stay Under 11 U.S.C. § 362
  - b. *Date of filing of motion:* 9/7/2016
2. Pursuant to LBR 9075-1(b), movant also filed an Application for Order Setting Hearing on Shortened Notice (Application) together with supporting declaration(s):

*Date of filing of Application:* 9/7/2016
3. Based upon the court's review of the application, it is ordered that:
  - a. ☒ The Application is denied. The motion may be brought on regular notice pursuant to LBRs.  
**On September 7, 2016, Movant filed an amended motion for relief from the automatic stay with an application seeking consideration of the amended motion on an ex parte basis or on shortened notice to meet a deadline for**

an answer to a petition for rehearing before the California Court of Appeal, which by order filed on September 6, 2016, set a deadline for the answer 8 days later on September 14, 2016. On September 6, 2016, Debtor filed an opposition to Movant's original stay relief motion, filed on August 26, 2016, set for hearing on September 20, 2016. Ex parte relief is not appropriate here because the conditions of Fed. R. Bankr. P. 4001(a)(2) have not been met by Movant's application which insufficiently demonstrate that immediate and irreparable injury will result before the adverse party can be heard in opposition (Movant can file a timely request with the Court of Appeal to extend time to file the answer or a timely response to the deadline order reporting the status of her efforts to obtain stay relief to respond to the rehearing petition on the merits), that Movant's attorney has certified his efforts to give notice to the other parties (no such certification was made) or that such notice is not required here (notice seems to be required here in light of Debtor's opposition). Hearing on shortened notice is not appropriate here because there is nothing that prevents Movant from asking the Court of Appeal by appropriate motion to extend time to file her answer to the petition for rehearing in light of the need to obtain stay relief in this court on a motion already pending for hearing shortly on September 20, 2016, and thus, Movant has not sufficiently demonstrated urgent circumstances that warrant a hearing on this matter on shortened notice. There is no showing by Movant that she has notified the Court of Appeal of the need to obtain relief from stay from this court and that Movant has already filed the stay relief motion set for hearing in this court shortly on September 20, 2016, which is less than 7 days after the current deadline, and such showing should be sufficiently responsive to the Court of Appeal's deadline order.

b. ☐ The Application is granted, and it is further ordered that:

(1) ☐ A hearing on the motion will take place as follows:

<b>Hearing date:</b>	<b>Place:</b>
<b>Time:</b>	<input type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012
<b>Courtroom:</b>	<input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367
	<input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501
	<input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701
	<input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101

(2) ☐ No later than the deadlines given, **telephonic notice** of the hearing must be provided to all persons/entities listed:

(A) <u>Deadlines:</u>	(B) <u>Persons/entities to be provided with telephonic notice:</u>
Date:	
Time:	
<input type="checkbox"/> See attached page	
(C) <u>Telephonic notice is also required upon</u> the United States trustee	

(3) ☐ No later than the deadlines given, **written notice of the hearing** and a **copy of this order** must be served upon all persons/entities listed using: ☐ one of the methods checked ☐ all of the methods checked

(A) ☐ Personal Delivery ☐ Overnight Mail ☐ First class mail ☐ Facsimile\* ☐ Email\*

(B) <u>Deadlines:</u> Date:  Time:	(C) <u>Persons/entities to be served with written notice and a copy of this order:</u>   <input type="checkbox"/> See attached page (D) <u>Service is also required upon:</u> -- United States trustee ( <i>electronic service is not permitted</i> ) -- Judge's copy personally delivered to chambers (see Court Manual for address)
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- (4) ☐ No later than the deadlines given, a copy of the motion, declarations, and supporting documents (if any), must be served on all persons/entities listed using: ☐ one of the methods checked ☐ all of the methods checked  
(A) ☐ Personal Delivery ☐ Overnight Mail ☐ First Class Mail ☐ Facsimile\* ☐ Email\*

(B) <u>Deadlines:</u> Date:  Time:	(C) <u>Persons/entities to be served with motion, declarations, supporting documents:</u>   <input type="checkbox"/> See attached page (D) <u>Service is also required upon:</u> -- United States trustee ( <i>no electronic service permitted</i> ) -- Judge's copy personally delivered to chambers (see Court Manual for address)
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- (5) ☐ Regarding **opposition to the motion**  
☐ opposition to the motion may be made **orally** at the hearing  
☐ no later than the deadlines given, **written opposition to the motion** must be filed with the court and served upon all persons/entities listed using: ☐ one of the methods checked ☐ all of the methods checked  
(A) ☐ Personal Delivery ☐ Overnight Mail ☐ First Class Mail ☐ Facsimile\* ☐ Email\*

(B) <u>Deadlines:</u> Date:  Time:	(C) <u>Persons/entities to be served with written opposition to the motion:</u> -- movant's attorney (or movant, if movant is not represented by an attorney)   (D) <u>Service is also required upon:</u> -- United States trustee ( <i>electronic service is not permitted</i> ) -- Judge's copy personally delivered to chambers (see Court Manual for address)
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(6) ☐ Regarding a **reply to an opposition**:

☐ a reply to opposition may be made **orally** at the hearing.

☐ no later than the deadlines given, a **written reply to an opposition** must be filed with the court and served on all persons/entities listed using: ☐ one of the methods checked ☐ all of the methods checked

(A) ☐ Personal Delivery ☐ Overnight Mail ☐ First Class Mail ☐ Facsimile\* ☐ Email\*

(B) Deadlines:

Date:

Time:

(C) Persons/entities to be served with written reply to opposition:

-- All persons/entities who filed a written opposition

(D) Service is also required upon:

-- United States trustee (*electronic service is not permitted*)

-- Judge's Copy personally delivered to chambers  
(see Court Manual for address)

(7) ☐ Other requirements:

(8) ☐ No later than the deadlines given, movant must file a **Declaration of Notice and Service** establishing that telephonic notice, written notice, and service of the motion and this order was completed as set forth above, and a **judge's copy** of the Declaration of Notice and Service must be personally delivered to the judge's chambers:

☐ at least 2 days before the hearing.

☐ no later than: Date: Time:

\* Service by electronic means (facsimile or email) requires compliance with F.R.Civ.P. 5(b)(2)(E).

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Date: September 7, 2016



Robert Kwan  
United States Bankruptcy Judge