

**Movant: LA Wave LLC**

- F 4001-1.RFS.DENY.ORDER**

- a. ☒ Based upon the findings of fact and conclusions of law made on the record at the hearing
- b. ☒ Unexcused non-appearance by Movant
- c. ☐ Lack of proper service
- d. ☐ Lack of good cause shown for relief from stay
- e. ☐ No stay is in effect under:
  - (1) ☐ 11 U.S.C. § 362(c)(2)(A)
  - (2) ☐ 11 U.S.C. § 362(c)(2)(B)
  - (3) ☐ 11 U.S.C. § 362(c)(3)(A)
  - (4) ☐ 11 U.S.C. § 362(c)(4)(A)
- f. ☒ Other (specify):

Deny relief under 11 U.S.C. § 362(d)(1) since there is no evidence that the debtor is involved with this property. Movant refers to a claim of possession by the debtor, but none is attached.

If there is evidence that the debtor filed a claim of possession, which is not attached to the moving papers, the court would grant movant relief from stay pursuant to 11 U.S.C. § 362(d)(1) to pursue non-bankruptcy remedies for the reasons stated in the moving papers and for lack of timely written opposition, and would waive the 14-day waiting period under FRBP 4001(a)(3).

Deny requests for extraordinary relief in paragraphs 3, 4, 5, 7, 8, 9, 10, 11 and 13 for lack of evidentiary and/or legal support. *In re Van Ness*, 399 B.R. 897 (Bankr. E.D. Cal. 2009).

Deny request for extraordinary relief in paragraph 3 for stay annulment for failing to show that the legal standards of *National Environmental Waste Corp. v. City of Riverside (In re National Environmental Waste Corp.)*, 129 F.3d 1052 (9th Cir. 1997) and *In re Gasprom, Inc.*, 500 B.R. 598 (9th Cir. BAP 2013) have been met.

Deny request for in rem relief under 11 U.S.C. § 362(d)(4) for lack of standing since the statute provides for a secured creditor to seek such relief and movant as a landlord has not shown that it is a secured creditor.

Deny request for extraordinary relief under 11 U.S.C. §§ 1201(a) and 1301(a)(1) to lift the co-debtor stay since those statutes do not apply in a Chapter 7 case like this one as Judge Smith told movant in an order in one of the cases cited by movant, which movant's counsel seems to have ignored.

Deny request for relief under 11 U.S.C. § 362(b)(22) that there is no stay since movant has not met the conditions of these provisions with evidence of a judgment for possession under 11 U.S.C. § 362(b)(22).

Deny request for relief under 11 U.S.C. § 362(b)(23) that there is no stay since movant has not met the conditions of these provisions with evidence that debtor as a residential tenant presents endangerment to the property or has engaged in illegal use of controlled substances on the property under 11 U.S.C. § 362(b)(23).

Movant requested relief under 11 U.S.C. § 362(b)(22) and (b)(23) and § 1201(a) and § 1301(a) without any reasonable basis in fact and law, and signing counsel for movant, Maurice Wainer, and his law firm, Snipper, Wainer & Markoff are sanctioned \$100 for requesting such relief without a reasonable basis in fact and law under Fed. R. Bankr. P. 9011. Sanctions are payable to U.S. Bankruptcy Court, Central District of California - General Fund, c/o Clerk of Court. Counsel for Movant may request reconsideration of the sanctions by motion heard on regular notice.

4. ☐ Movant may not file another motion for relief from the stay in this bankruptcy case absent a court order authorizing the filing of another motion.

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U.S. Bankruptcy Judge

JUL 26 2017