

**NOT FOR PUBLICATION**  
**UNITED STATES BANKRUPTCY COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

In re:  
VYRONICA LEE SMITH,  
  
Debtor.  
  
VYRONICA LEE SMITH,  
  
Plaintiff,  
  
vs.  
  
CHARTER COMMUNICATIONS  
COMPANY INC., DOES 1 to 10 Inclusive,  
  
Defendants.

Case No. 2:18-bk-19462-RK  
Chapter 7  
Adv. No. 2:18-ap-01269-RK  
**ORDER DISMISSING ADVERSARY  
PROCEEDING WITHOUT PREJUDICE**

Status Conference  
Date: October 23, 2018  
Time: 1:30 p.m.  
Courtroom: 1675

This adversary proceeding came on for a status conference before the court on October 23, 2018 at 1:30 p.m. As required by the court's order setting initial status conference in this adversary proceeding, filed on August 27, 2018, and Local Bankruptcy Rule 7016-1, the parties were required to appear at the status conference. Lauren Chee, of the law firm of Thompson Coburn LLP, appeared for Defendant Charter Communications, Inc. No appearance was made on behalf of Plaintiff Vyronica

1 Lee Smith.


2 The court dismisses the adversary proceeding without prejudice for two reasons:  
3 (1) the court dismisses the adversary proceeding for lack of prosecution by plaintiff in  
4 light of her failure to appear at the status conference as required by this court's order  
5 setting initial status conference and Local Bankruptcy Rule 7016-1; and (2) the  
6 adversary proceeding is procedurally improper because Plaintiff is seeking damages for  
7 alleged violations of the automatic stay which must be by motion under 11 U.S.C.  
8 §362(k) and/or for civil contempt under Federal Rule of Bankruptcy Procedure 9020 and  
9 Local Bankruptcy Rule 9020-1 rather than through an adversary proceeding. *In re*  
10 *Goodman*, 991 F.2d 613, 620 (9<sup>th</sup> Cir. 1993); *In re Zumbum*, 88 B.R. 250, 252-253 (9<sup>th</sup>  
11 Cir. BAP 1988).

12  
13 For the foregoing reasons, this adversary proceeding is dismissed without  
14 prejudice.

15 IT IS SO ORDERED.

16  
17 ###

18  
19  
20  
21  
22  
23  
24  
25 Date: October 26, 2018

26   
27 \_\_\_\_\_  
28 Robert Kwan  
United States Bankruptcy Judge