

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 15-1222 PA Date May 15, 2015

Title In re PHILIP KOEBEL
USBC Central District of California Los Angeles, 2:12-bk-12597 WB
2:14-ap-01046 WB; cc-15-01018

Present: The Honorable PERCY ANDERSON, UNITED STATES DISTRICT JUDGE

Stephen Montes Kerr

None

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: IN CHAMBERS- ORDER

Debtor, plaintiff, and appellant Philip Koebel (“Koebel”), has filed a Motion for Order of Remand to Bankruptcy Court (Docket No. 23) and a Motion for Extension of Time to File Appellant’s Opening Brief (Docket No. 24). Koebel did not set a hearing date for either Motion as required by Local Rules 6-1 and 7-4. Nor does Koebel appear to have met and conferred with counsel for appellees Federal Home Loan Mortgage Corporation (“Freddie Mac”) and Nationstar Mortgage LLC (“Nationstar”) prior to filing the Motions as required by Local Rule 7-3. Despite Koebel’s violations of the Local Rules, the Court will consider the Motions. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that these matters are appropriate for decision without oral argument. Future violations of the Local Rules, the applicable Federal Rules, and this Court’s orders may result in the imposition of sanctions.

Koebel’s Motion to Remand seeks to have the appeal remanded to the Bankruptcy Court to have that court consider in the first instance if Freddie Mac has consented to the Bankruptcy Court’s jurisdiction. Any defect in the Bankruptcy Court’s jurisdiction over Freddie Mac is for Freddie Mac, rather than Koebel, to raise. As a result, the Court denies Koebel’s Motion to Remand without prejudice to the parties including the issues raised in the Motion to Remand in their appellate briefs.

The Court grants Koebel an extension of time to file his Opening Brief. That brief shall be filed no later than June 8, 2015.

IT IS SO ORDERED.