

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No. SA CV 02-0342-DOC

Date: March 3, 2014

Title: IN RE MARSHALL

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER REMANDING TO THE
BANKRUPTCY COURT PURSUANT TO
NINTH CIRCUIT MANDATE**

Before the Court is the Mandate of the Ninth Circuit in this matter. The memorandum disposition of the Ninth Circuit was issued on December 3, 2004. The Mandate did not issue, however, until October 15, 2013. *See* Mandate (Dkt. 70).

This Court had upheld the Bankruptcy Court's determination that a fees and costs award entered by the Texas Probate Court was not recoverable because it occurred post-discharge. *See* Order (Dkt. 57). The Ninth Circuit reversed that order because "the conduct giving rise to the attorney fee award occurred post-discharge and therefore does not violate Vickie Lynn Marshall's discharge injunction." Mandate at 2. The Circuit remanded "with instructions for the district court to reverse the decision of the bankruptcy court and for it to remand this case to the bankruptcy court for proceedings consistent with this disposition." *See* Mandate at 2.

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Pursuant to this direction, this Court hereby REVERSES the order of the Bankruptcy Court and REMANDS this case to the Bankruptcy Court for further proceedings.

The Clerk shall serve a copy of this minute order on counsel for all parties in this action.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: jcb