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AUG 26 2016

SUSAN M. SPRAUL, CLERK U.S. BKCY. APP. PANEL OF THE NINTH CIRCUIT

FILED

UNITED STATES BANKRUPTCY APPELLATE PANEL

OF THE NINTH CIRCUIT

| In re:) | BAP Nos. EC-16-1158 Sep 12, 2016 CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA |
|---|--|
| YOUSIF H. HALLOUM,) Debtor.) | EC-16-1159 EC-16-1162 EC-16-1163 EC-16-1164 EC-16-1165 |
| YOUSIF H. HALLOUM,) Appellant,) | Bk. No. 12-21477-C-7 District No. 2:16-mc-0153 WBS AC (PS) |
| MICHAEL G. KASOLAS, chapter 7) trustee; BANK MIDWEST, N.A.;) UNITED STATES TRUSTEE,) | |
| Appellees.) | |

Before: TAYLOR and KIRSCHER, Bankruptcy Judges.

The Panel has received appellant's request to proceed in forma pauperis in these appeals.

These appeals are properly before the Bankruptcy Appellate Panel ("BAP") under 28 U.S.C. § 158. As no party filed a timely election to have the appeals heard by the United States District Court under 28 U.S.C. § 158(c), jurisdiction lies with the BAP.

Under the holding of <u>Perroton v. Gray (In re Perroton)</u>, 958 F.2d 889 (9th Cir. 1992) and <u>Determan v. Sandoval (In re</u> <u>Sandoval)</u>, 186 B.R. 490, 496 (9th Cir. BAP 1995), the BAP has no authority to grant in forma pauperis motions under 28 U.S.C. § 1915(a) because bankruptcy courts are not "court[s] of the United States" as defined in 28 U.S.C. § 451.

However, the district $court^1$ has authority to allow a person to file an appeal without prepayment of the filing fee. <u>See</u> 28 U.S.C. § 1915(a).

Therefore, appellant's motion is hereby TRANSFERRED to the United States District Court for the Eastern District of California for the limited purpose of ruling on appellant's motion. It is appellant's responsibility to take all necessary steps to have this matter considered by the district court within thirty (30) days from the date of this order.

After the district court issues its decision, appellant is directed to notify the BAP of the district court ruling. If the district court denies the application, appellant will have twenty-one (21) days from the date of the district court order to pay the appeal filing fee to the clerk of the bankruptcy court or these appeals will be dismissed. If the fee is paid or the district court grants appellant's motion, these appeals will then proceed before the BAP.

For the convenience of the district court, copies of the motion, the notices of appeal, and the orders on appeal are attached to this order.

 $^{^1}$ The district courts have original jurisdiction over bankruptcy cases and proceedings, 28 U.S.C. § 1334, and may exercise that jurisdiction notwithstanding that a district court may choose to refer bankruptcy matters to the bankruptcy judges for the district. 28 U.S.C. § 157(d).

| L | INITED STATES BANKRUPTCY COURT Eastern District of California Robert T Matsui United States Courthouse 501 I Street, Suite 3–200 Sacramento, CA 95814 (916) 930-4400 M-F 9:00 AM - 4:00 PM www.caeb.uscourts.gov | | A LE | |
|---------------|---|---------|--|--|
| | BANKRUPTCY APPEAL TRANSMI | TTAL FC | DRM | |
| Case Numbe | 12-21477 - C - 7 | DCN: | MLG-26 | |
| Debtor Name(s |) and Address(es): | , | | |
| 111 Silve | H. Halloum er Could Pl CA 94526 | | · · · | |
| | | | | |
| TO: | Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229-7225). | | | |
| FROM: | U.S. Bankruptcy Court Eastern District of California District Office No. 0972 | | | |
| Bankrup | tcy Judge (who signed the order): Christopher M. Klein | | | |
| Date No | Date Notice of Appeal Filed: 6/2/16 | | | |
| Date of B | Date of Entry of Order Appealed From: 5/27/16 | | | |
| 1 | Date Bankruptcy Case Filed: 1/26/12 | | | |
| Date No | Date Notice of Appeal and Notice of Referral of Appeal Mailed to Parties: 5/27/16 | | | |
| Filing Fe | e Paid? No | | | |
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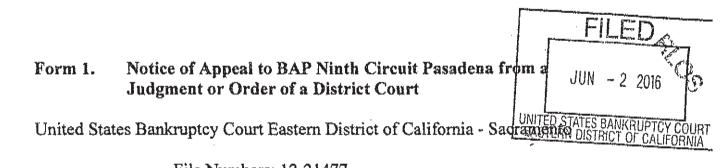
Dated: 6/6/16 For the Court, Wayne Blackwelder , Clerk

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| Eastern Distri | ANKRUPTCY COURT | | A CONTRACTOR OF THE OWNER OWNER OF THE OWNER OWN |
|---|--|--|--|
| 501 I Street Sacrament (916) 9 M-F 9:00 A | ted States Courthouse ;, Suite 3~200 ;o, CA 95814 ;30-4400 ;M - 4:00 PM uscourts.gov | | |
| | CERTIFICATE OF | NOTICE | |
| Case Number: 12-21477 - C | - 7 | DCN: | MLG-26 |
| Debtor Name(s) and Address(es): | | | |
| Yousif H. Halloum 111 Silver Could Pl Danville, CA 94526 | | 8 ₈ | |
| The undersigned clerk in the Office or the Notice of Appeal to the Bankrupto BNC for service today to the following | f the United States Bankruptcy cy Appellate Panel of the Ninth g parties at their respective add | Court for this district h Circuit, filed on June 2 resses as shown in th | ereby certifies that copies of 2, 2016, were transmitted to e Court's records. |
| Office of the U.S. Trustee 501 I St #7-500 Sacramento CA 95814 | Yousif H. Hallourn 111 Silver Cloud Place Danville, CA 94526 | Michael Kasolas PO Box 26650 San Francisco, CA | 94126 |
| Hilton Ryder McCormick, Barstow, Sheppard 5 River Park Place East Fresno, CA 93720 | Scott H. McNutt McNutt Law Group LLP 219 9th Street San Francisco, CA 94103 | David I. Katzen 1990 N. California I Walnut Creek, CA | Boutevard, Suite 600 94596 |
| Scott Reddie 7647 North Fresno Street Fresno, CA 93720 | 3 | | |
| Dated: 6/6/16 | For the Wayna | Court, Blackwelder , Cler | |

ii.



File Numbers: 12-21477

YOUSIF H. HALLOUM, et al., Appellants

NOTICE OF APPEAL

Vs.

McCORMICK BARSTOW LLP, et al)

Appellees

Notice is hereby given that YOUSIF H. HALLOUM (Debtor) in the above named case, hereby appeal to BAP for the NINTH Circuit final judgment from a Disposition "ORDER ON MOTION TO LIMIT ABANDONMENT OF PERSONAL PROPERTY PURSUANT TO 11 U.S.C. SEC 554(c)" entered in this action on the 27 day of May, 2016.

)

Dated: June 2, 2016

Debtor in Pro Se

Yøusif H. Halloum

Address: 111 Silver Cloud Pl Danville, CA 94526 UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

In re: YOUSIF H. HALLOUM,

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12-21477-C-7 Case No.

MAY 2 7 2016

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UNITED STATES BANKRUP EASTERN DISTRICT OF C

Debtor.

ORDER ON MOTION TO LIMIT ABANDONMENT OF PERSONAL PROPERTY FURSUANT TO 11 U.S.C. § 554(c)

Upon consideration of the chapter 7 trustee's motion to limit abandonment, cause has been established for granting the motion under 11 U.S.C. \$ 554(c) to provide that no claim or cause of action included in the bankruptcy estate of Yousif Halloum shall be abandoned in conjunction with closing the case. Accordingly,

IT IS ORDERED THAT no claim or cause of action that is property of the bankruptcy estate of Yousif Halloum in this Case No. 12-21477 shall be abandoned as otherwise provided by 11 20 U.S.C. § 554(c) at the time is closed; and 21

IT IS FURTHER ORDERED that Yousif Halloum has no standing to 22 prosecute a claim or cause of action that is property of the 23 bankruptcy estate in Case No. 12-12477; and 24

IT IS FURTHER ORDERED that only a chapter 7 trustee has 25 standing to prosecute a claim or cause of action that is 26 property of the estate in Case No. 12-12477 and that, in the 27 event that any claim or cause of action that becomes appropriate 28 to prosecute after the case is closed and the trustee

1 discharged, the case may be reopened pursuant to 11 U.S.C. 2 \$ 350(b) and a chapter 7 trustee may be appointed to deal with 3 the matter; and

IT IS FURTHER ORDERED that this order is without prejudice to a motion by Yousif Halloum to obtain abandonment of any claim or cause of action that is property of the estate in Case No. 12-12477 pursuant to 11 U.S.C. § 554(b), which may only be requested by motion upon notice to all parties in interest.

UNITED

ATES BANKRUPTCY JUDGE

DATE: May 27, 2016

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|----------------|--|
| 1 2 | INSTRUCTIONS TO CLERK OF COURT SERVICE LIST |
| 3 4 | The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties: |
| 5 6 7 | Yousif H. Halloum 111 Silver Cloud Place Danville, California 94526 |
| 9 9 | Michael Kasolas PO Box 26650 San Francisco, California 94126 |
| 10 11 | Hilton Ryder McCormick, Barstow, Sheppard 5 River Park Place East Fresno, California 93720 |
| 12 13 14 | Scott H. McNutt McNutt Law Group LLP 219 9th Street San Francisco, California 94103 |
| 15 | David I. Katzen 1990 N. California Boulevard, Suite 600 Walnut Creek, California 94596 |
| 16 17 | Scott Reddie 7647 North Fresno Street Fresno, California 93720 |
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|------------------------|---|----------------------|
| | Robert T Matsui United States Courthouse 501 I Street, Suite 3~200 Sacramento, CA 95814 (916) 930-4400 M-F 9:00 AM - 4:00 PM www.caeb.uscourts.gov | |
| | BANKRUPTCY APPEAL T | RANSMITTAL FORM |
| Case Numbe | er: 12-21477 - C - 7 | DCN: |
| Debtor Name(s |) and Address(cs): | |
| 111 Silve | H. Halloum er Could Pl CA 94526 | |
| TO: | Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229- | ~7225). |
| FROM: | U.S. Bankruptcy Court Eastern District of California District Office No. 0972 | |
| | | |
| 355 A 6437 6 | tcy Judge (who signed the order): Christopher M. Klei | n |
| 1 | ice of Appeal Filed: 6/2/16 | |
| 532225596000 - 9609522 | Entry of Order Appealed From: 5/27/16 | |
| STANDORNOVAS AUSCINES | hkruptcy Case Filed: 1/26/12 | to Postion: 5/27/16 |
| | tice of Appeal and Notice of Referral of Appeal Mailed | to Faities. Dizitito |
| Filing Fe | e Paid? No | |
| | | the Court |

Dated: 6/6/16 For the Court, Wayne Blackwelder , Clerk

| UNITED STATES BAI Eastern Distric Robert T Matsui Unite | t of California | STATES BASER |
|---|--|---|
| 501 I Street, Sacramento (916) 93 M-F 9:00 AN www.caeb.u | , CA 95814 0-4400 1 - 4:00 PM | |
| | CERTIFICATE OF NOTICE | |
| ase Number: 12-21477 - C - | - 7 | DCN: |
| Yousif H. Halloum 111 Silver Could Pl Danville, CA 94526 The undersigned clerk in the Office of t the Notice of Appeal to the Bankruptcy service today to the following parties al | the United States Bankruptcy Court for th Appellate Panel of the Ninth Circuit, filed I their respective addresses as shown in t | is district hereby certifies that copies of on 6/2/16, were transmitted to BNC for the Court's records. |
| Office of the US Trustee 501 I Street, Suite 7-500 Sacramento, CA 95814 | Edmund Gee Office of the US Trustee 501 I Street, Suite 7–500 Sacramento, CA 95814 | Yousif H. Halloum 111 Silver Cloud Place Danville, CA 94526 |
| Michael Kasolas PO Box 26650 San Francisco, CA 94126 | Hilton Ryder McCormick, Barstow, Sheppard 5 River Park Place East Fresno, CA 93720 | Scott H. McNutt McNutt Law Group LLP 219 9th Street San Francisco, CA 94103 |
| David I: Katzen | Scott Reddie 7647 North Fresno Street | |
| 1990 N. California Blvd, Suite 600 Walnut Creek, CA 94596 | Fresno, CA 93720 | |

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The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties: Yousif H. Halloum 111 Silver Cloud Place Danville, California 94526 Michael Kasolas PO Box 26650 San Francisco, California 94126 Hilton Ryder McCormick, Barstow, Sheppard 5 River Park Place East Fresno, California 93720 Scott H. McNutt McNutt Law Group LLP 219 9th Street San Francisco, California 94103 David I. Katzen 1990 N. California Boulevard, Suite 600 Walnut Creek, California 94596 Scott Reddie 7647 North Fresno Street Fresno, California 93720

INSTRUCTIONS TO CLERK OF COURT SERVICE LIST

Edmund Gee Office of the US Trustee S01 I Street, Suite 7-500 Sacramento, CA 95814

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| Form 1. | Notice of Appeal to BAP Ninth Circuit Pasadena from a | 1 120 |
| | Judgment or Order of a District Court | JUN - 2 2016 |
| United Sta | tes Bankruptcy Court Eastern District of California - Sacramet | A CTATES |
| | LEAST | ERN DISTRICT OCOTICY COUR |
| | File Numbers: 12-21477 | CALIFORNIA |

YOUSIF H. HALLOUM, et al.,

Appellants

NOTICE OF APPEAL

Vs.

McCORMICK BARSTOW LLP, et al)

Appellees

Notice is hereby given that YOUSIF H. HALLOUM (Debtor) in the above named case, hereby appeal to BAP for the NINTH Circuit final judgment from a Disposition "ORDER ON MOTION FOR MIDWEST BANK TO RETURN THE OVER PAYMENTS MADE DURING CHAPTER 11 PROCEEDINGS" entered in this action on the 27 day of May, 2016. Dated: June 2, 2016

Debtor in Pro Se

H. Halloum

Address: 111 Silver Cloud Pl Danville, CA 94526

FILED MAY 2 7 2016 UNITED STATES BANKRUP EASTERN DISTRICT DE C TRICT OF CALIFORN

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

Case No. 12-21477-C-7

In re: YOUSIF H. HALLOUM,

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Debtor.

ORDER ON MOTION FOR MIDWEST BANK TO RETURN THE OVER PAYMENTS MADE DURING CHAPTER 11 PROCEEDINGS

Upon consideration of the motion, Dckt. No. 1009, by the debtor to require return of \$232,351.04 in payments made during the chapter 11 phase of this case, this court is persuaded that the subject payments that were made as cash collateral payments were appropriate and that Bank Midwest did not receive the full value of its collateral. The debtor's theory about the effect of 11 U.S.C. § 506(c) in light of an appraisal made during the case does not vitiate the validity of the payments that were made.

Accordingly, the motion is DENIED.

DATE: May 27, 2016

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT Eastern District of California Robert T Matsui United States Courthouse 501 I Street, Suite 3-200 Sacramento, CA 95814 (916) 930-4400 M-F 9:00 AM - 4:00 PM www.caeb.uscourts.gov BANKRUPTCY APPEAL TRANSMITTAL FORM DCN: 12 - 21477 - C - 7Case Number: Debtor Name(s) and Address(es): Yousif H. Halloum 111 Silver Could PI Danville, CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229-7225). TO: U.S. Bankruptcy Court Eastern District of California District Office No. 0972 FROM: Bankruptcy Judge (who signed the order): Christopher M. Klein Date Notice of Appeal Filed: 6/2/16 Date of Entry of Order Appealed From: 5/27/16 Date Bankruptcy Case Filed: 1/26/12 Date Notice of Appeal and Notice of Referral of Appeal Mailed to Parties: 5/27/16 Filing Fee Paid? No

Dated: 6/6/16

For the Court, Wayne Blackwelder, Clerk

UNITED STATES BANKRUPTCY COURT Eastern District of California Robert T Matsui United States Courthouse 501 | Street, Suite 3~200 Sacramento, CA 95814 (916) 930-4400 M-F 9:00 AM - 4:00 PM www.caeb.uscourts.gov CERTIFICATE OF NOTICE 12 - 21477 - C - 7DCN: Case Number: Debtor Name(s) and Address(es): Yousif H. Halloum 111 Silver Could PL Danville, CA 94526 The undersigned clerk in the Office of the United States Bankruptcy Court for this district hereby certifies that copies of the Notice of Appeal to the Bankruptcy Appellate Panel of the Ninth Circuit, filed on 6/2/16, were transmitted to BNC for service today to the following parties at their respective addresses as shown in the Court's records. Yousif H. Halloum Office of the US Trustee Edmund Gee Office of the US Trustee 111 Silver Cloud Place 501 I Street, Suite 7-500 Sacramento, CA 95814 501 I Street, Suite 7-500 Danville, CA 94526 Sacramento, CA 95814 Scott H. McNutt Hilton Ryder Michael Kasolas McCormick, Barstow, Sheppard 5 River Park Place East McNutt Law Group LLP PO Box 26650 219 9th Street San Francisco, CA 94126 San Francisco, CA 94103 Fresno, CA 93720 Scott Reddle David I. Katzen 7647 North Fresno Street Fresno, CA 93720 1990 N. California Boulevard, Suite 600 Walnut Creek, CA 94596 For the Court, Dated:

6/6/16

Wayne Blackwelder, Clerk

Form 1. Notice of Appeal to BAP Ninth Circuit Pasadena from UN - 2 2016 Judgment or Order of a District Court United States Bankruptcy Court Eastern District of California - Sacramento

File Numbers: 12-21477

YOUSIF H. HALLOUM, et al.,

Appellants

NOTICE OF APPEAL

Vs.

McCORMICK BARSTOW LLP, et al)

Appellees

Notice is hereby given that YOUSIF H. HALLOUM (Debtor) in the above named case, hereby appeal to BAP for the NINTH Circuit final judgment from a Disposition "ORDER ON TRUSTEE'S FINAL REPORT" entered in this action on the 27 day of May, 2016.

Dated: June 2, 2016

Debtor in Pro Se

Yousif H. Halloum

Address: 111 Silver Cloud Pl Danville, CA 94526

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| | | MAY 2 7 2016 |
| | 1 | UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA |
| | 2 | UNITED STATES BANKRUPTCY COURT |
| | 3 | EASTERN DISTRICT OF CALIFORNIA |
| | 4 | |
| | 5 | In re:) Case No. 12-21477-C-7 |
| | 6 | YOUSIF H. HALLOUM, |
| ž. | 7 | Debtor. |
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| | 10 | ORDER ON TRUSTEE'S FINAL REPORT |
| | 11 | Upon consideration of Trustee's Final Report, Dckt. No. 995, |
| | 12 | and the limited opposition made by the United States trustee, |
| | 13 | Dckt. No. 1011, subject to the need to make any appropriate |
| | 14 | adjustments on account of fee awards made after the date the |
| | 15 | final report was filed, the report is approved. |
| | 16 | NVV Dolo |
| | 17 | DATE: May 27, 2016 UNITED STATES BANKRUPTCY JUDGE |
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| 1 | INSTRUCTIONS TO CLERK OF COURT |
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| 2 | SERVICE LIST |
| 3 | The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties: |
| 4 | attached document, via the bac, to the forrowing particul. |
| 5 | |
| 6 | Yousif H. Halloum 111 Silver Cloud Place |
| 7 | Danville, California 94526 |
| 8 | Michael Kasolas PO Box 26650 San Francisco, California 94126 |
| 9 | Hilton Ryder. |
| 10 | McCormick, Barstow, Sheppard 5 River Park Place East |
| 11 | Fresno, California 93720 |
| 12 | Scott H. McNutt McNutt Law Group LLP |
| 13 | 219 9th Street San Francisco, California 94103 |
| 14 | David I, Katzen |
| 15 | 1990 N. California Boulevard, Suite 600 Walnut Creek, California 94596 |
| 16 | Scott Reddie |
| 17 | 7647 North Fresno Street Fresno, California 93720 |
| 18 | Edmund Gee |
| 19 | 501 I Street, Suite 7-500 |
| 20 | Sacramento, CA 95814 |
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| U | NITED STATES BANKRUPTCY COURT Eastern District of California | | STATES BAAMARCHICE |
| | Robert T Matsui United States Courthouse 501 Street, Suite 3-200 Sacramento, CA 95814 (916) 930-4400 M-F 9:00 AM - 4:00 PM | 1 | |
| | www.caeb.uscourts.gov | | Contra and |
| | BANKRUPTCY APPEAL TRAN | SMITTAL FO | DRM |
| Case Numbe | r: 12-21477 - C - 7 | DCN: | DIK-9 |
| | | | |
| Debtor Name(s) |) and Address(es): | | |
| Yousif H | and Address(es): I. Halloum er Could Pl | | |
| Yousif H 111 Silve | and Address(es): I. Halloum er Could Pl | | |
| Yousif H 111 Silve | and Address(es): I. Halloum er Could Pl | | |
| Yousif H 111 Silve Danville, C | and Address(es): I. Halloum er Could Pl CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit | | |
| Yousif H 111 Silve Danville, C TO: FROM: | and Address(es): I. Halloum er Could Pl CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229–7225). U.S. Bankruptcy Court | | |
| Yousif H 111 Silve Danville, C TO: FROM: Bankrupt | and Address(es): H. Halloum ar Could Pl CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229–7225). U.S. Bankruptcy Court Eastern District of California District Office No. 0972 | | |
| Yousif H 111 Silve Danville, C TO: FROM: Bankrupt Date Notio | and Address(es): I. Halloum ar Could Pl CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229–7225). U.S. Bankruptcy Court Eastern District of California District Office No. 0972 tcy Judge (who signed the order): Christopher M. Klein | | |
| Yousif H 111 Silve Danville, C TO: FROM: Bankrupt Date Notio Date of E | and Address(es): H. Halloum ar Could Pl CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229–7225). U.S. Bankruptcy Court Eastern District of California District Office No. 0972 tcy Judge (who signed the order): Christopher M. Klein ice of Appeal Filed: 6/2/16 | | |
| Yousif H 111 Silve Danville, C TO: FROM: Bankrupt Date Notic Date of El Date Ban | and Address(es): H. Halloum ar Could Pl CA 94526 Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229–7225). U.S. Bankruptcy Court Eastern District of California District Office No. 0972 tcy Judge (who signed the order): Christopher M. Klein ice of Appeal Filed: 6/2/16 intry of Order Appealed From: 5/27/16 | s: 5/27/16 | |

Dated: 6/6/16 For the Court, Wayne Blackwelder , Clerk

| FORM EDC3071 Certificate of Notice (v.1.15) | | 12-214/7 - C - 7 | |
|--|--|---|----------------------------|
| UNITED STATES BA Eastern Distric Robert T Matsui Unite | t of California | | STATE MANAGE |
| 501 I Street, Sacramento (916) 93 M-F 9:00 Af www.caeb.u | Suite 3−200 , CA 95814 0−4400 ⁄I ~ 4:00 PM | | |
| | CERTIFICATE OF NO | DTICE | |
| Case Number: 12-21477 - C - | - 7 | DCN: [| DIK-9 |
| Debtor Name(s) and Address(es): | | · · · · · · · · · · · · · · · · · · · | |
| Yousif H. Halloum 111 Silver Could Pl Danville, CA 94526 | | | |
| The undersigned clerk in the Office of the Notice of Appeal to the Bankruptcy service today to the following parties a | Appellate Panel of the Ninth Cir | cuit. filed on 6/2/16, W | ere transmitted to BNC for |
| Office of the U.S. Trustee 501 I St #7~500 Sacramento CA 95814 | Yousif H. Halloum 111 Sliver Cloud Place Danville, CA 94526 | Michael Kasolas PO Box 26650 San Francisco, CA | 94126 |
| Hilton Ryder McCormick, Barstow, Sheppard 5 River Park Place East Fresno, CA 93720 | Scott H. McNutt McNutt Law Group LLP 219 9th Street San Francisco, CA 94103 | David I. Katzen 1990 N. California Walnut Creek, CA | |
| Scott Reddie 7647 North Fresno Street Fresno, CA 93720 | | | |
| | | | |

Dated: 6/6/16

For the Court, Wayne Blackwelder , Clerk

Form 1. Notice of Appeal to BAP Ninth Circuit Pasadena from a Judgment or Order of a District Court

United States Bankruptcy Court Eastern District of California - Sacramento

File Numbers: 12-21477



YOUSIF H. HALLOUM, et al.,

Appellants

NOTICE OF APPEAL

Vs.

McCORMICK BARSTOW LLP, et al)

Appellees

Notice is hereby given that YOUSIF H. HALLOUM (Debtor) in the above named case, hereby appeal to BAP for the NINTH Circuit final judgment from a Disposition "ORDER ON MOTION FOR SANCTIONS" entered in this action on the 27 day of May, 2016.

J

Dated: June 2, 2016

Debtor in Pro Se

ousif H. Halloum

Address: 111 Silver Cloud Pl Danville, CA 94526

FILED MAY 2 7 2016 UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

In re: YOUSIF H. HALLOUM,

Debtor.

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Case No. 12-21477-C-7 Dckt. Control No. DIK-9

ORDER ON MOTION FOR SANCTIONS

Upon consideration of the Motion for Sanctions filed by Bank Midwest, Dckt. Control No. DIK-9, the Court concludes that the motion is meritorious.

The debtor filed a motion styled "Motion for Midwest Bank to 14 Return the Over Payments Made During Chapter 11 Proceedings" 15 seeking return of \$232,351.04 in payments made pursuant to a 16 cash collateral order entered during the chapter 11 phase of 17 this case. Bank Midwest gave them notice pursuant to Federal 18 Rule of Bankruptcy Procedure 9011(c)(1) that sanctions would be 19 sought if the motion was not withdrawn. The motion was not 20 withdrawn. 21

The debtor's motion lacks substantial merit and presents claims that are not warranted by existing law.

The debtor simply does not understand the relevant bankruptcy law. An undersecured creditor may still have rights with respect to cash collateral that may properly be the subject of a cash collateral order in a chapter 11 case.

In addition, if disgorgement of cash collateral is appropriate, the chapter 7 trustee is the person with standing

to pursue those rights.

The record establishes that there is no chance of a distribution pursuant to 11 U.S.C. § 726(a)(6) to the debtor. Accordingly, he is not "injured in fact" and lacks standing to have made the motion for return of funds in the first instance.

The sanction awarded under Rule 9011(c)(2) should be tailored to what is sufficient to deter repetition of the challenged conduct. Here, the debtor is so deeply in debt that monetary sanctions would mean little. Moreover, he is a selfrepresented litigant.

This Court concludes that the appropriate measure is to require that permission of the Court be obtained before further motions are filed by the debtor in this case. This limitation does not affect the ability of the debtor to make motions in the various appeals that they are prosecuting.

SO ORDERED.

DATE: May 27, 2016

UNITED STATES BANKRUPTCY JUDGE

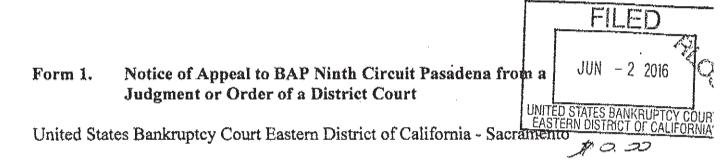
1 INSTRUCTIONS TO CLERK OF COURT SERVICE LIST 2 The Clerk of Court is instructed to send the 3 attached document, via the BNC, to the following parties: 4 5 Yousif H. Halloum 111 Silver Cloud Place 6 Danville, California 94526 7 Michael Kasolas PO Box 26650 8 San Francisco, California 94126 9 Hilton Ryder McCormick, Barstow, Sheppard 10 5 River Park Place East Fresno, California 93720 11 12 Scott H. McNutt McNutt Law Group LLP 219 9th Street 13 San Francisco, California 94103 14 David I. Katzen 1990 N. California Boulevard, Suite 600 15Walnut Creek, California 94596 16 Scott Reddie 7647 North Fresno Street 17 Fresno, California 93720 18 19 20 21 22 23 24 25 26 27 28

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| UNITED STATES BANKRUPT Eastern District of Calif Robert T Matsui United States Co 501 I Street, Suite 3–200 Sacramento, CA 95814 (916) 930–4400 M–F 9:00 AM – 4:00 PM www.caeb.uscourts.gov | ornia | A STATE OF | |
|--|--|---|--|
| BANKRUPTCY AI | PPEAL TRANSMITTAL | FORM | |
| In re | | | |
| Yousif H. Halloum | 2 | Bankruptcy Case No. | |
| | Debtor(s). | 12-21477 - C - 7 | |
| Yousif "Joe" Halloum et al. | | | |
| | Plaintiff(s), | Adversary Proceeding No. | |
| v. | | 15-02091 - C | |
| Katzen & Schuricht | | DCN: | |
| et al. | | DON: | |
| | Defendant(s). | ala da se a de la composition de la comp | |
| TO: Bankruptcy Appellate Panel of the Ninth Circuit 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229–7225). FROM: U.S. Bankruptcy Court Eastern District of California District Office No. 0972 | | | |
| Bankruptcy Judge (who signed the order): Christopher M. Klein | | | |
| Date Notice of Appeal Filed: 6/2/16 | | | |
| Date of Entry of Order Appealed From: 5/27/16 | | | |
| Date Bankruptcy Case Filed: 1/26/12 Date Notice of Appeal and Notice of Referral of Ap | peal Mailed to Parties: 5/27/16 | | |
| Filing Fee Paid? No | and a second second second and second s | | |
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For the Court, Wayne Blackwelder , Clerk -

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|---|-------------------------------------|---|------------------------------------|
| UNITED STATES BA Eastern Distric | | | STATE HAMAGENE |
| 501 Street, Sacramento (916) 93 | 30-4400 VI - 4:00 PM | | |
| | CERTIFICATE OF NO | TICE | |
| In re | | | |
| Yousif H. Halloum | | | Bankruptcy Case No. |
| | Debtor | r(s). | 12-21477 - C - 7 |
| Yousif "Joe" Halloum et al. | | | |
| | Plainti | ff(s), | Adversary Proceeding No. |
| ٧. | | | 15-02091 - C |
| Katzen & Schuricht et al. | | | DCN: |
| | Defen | dant(s). | |
| The undersigned clerk in the Office of the Notice of Appeal to the Bankruptc service today to the following parties a | v Appellate Panel of the Ninth Circ | uit. filed on 6 | /2/16, were transmitted to BNC for |
| Office of the U.S. Trustee 501 I St #7-500 Sacramento CA 95814 | 111 Silver Cloud Place P | lichael Kasol O Box 26650 an Francisco |) |
| Hilton Ryder * McCormick, Barstow, Sheppard 5 River Park Place East Fresno, CA 93720 | McNutt Law Group LLP 1 | avid I. Katze 990 N. Califo Valnut Creek, | rnia Boulevard, Suite 600 |
| Scott Reddie 7647 North Fresno Street Fresno, CA 93720 | | | |
| Dated: 6/6/16 | For the Cou Wayne Bla | | Clerk |



File Numbers: 15-2091

YOUSIF H. HALLOUM, et al.,

Appellants

NOTICE OF APPEAL

Vs.

McCORMICK BARSTOW LLP, et al)

Appellees

Notice is hereby given that YOUSIF H. HALLOUM (Debtor) in the above named case, hereby appeal to BAP for the NINTH Circuit final judgment from a Disposition "ORDER ON MOTION TO COMPEL" entered in this action on the 27 day of May, 2016.

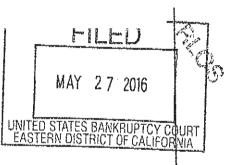
J

Dated: June 2, 2016

Debtor in Pro Se

Yousif H. Halloum

Address: 111 Silver Cloud Pl Danville, CA 94526



UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

YOUSIF H. HALLOUM,

In re:

v.

Debtor.

YOUSIF H. HALLOUM and IMAN Y. HALLOUM,

Plaintiff(s),

HILTON A. RYDER, et al.,

Defendant(s).

Case No. 15-22271-C-7 Adv. Case No. 15-2091

ORDER ON MOTION TO COMPEL

The debtor has asked for a full accounting of the trustee's administration of the case in the above-captioned adversary proceeding, Dckt. 287.

The trustee responds that the debtor already has access to all the information to which he is legitimately entitled. This court agrees. The United States trustee has carefully reviewed the full accounting of the administration of the case.

The debtor has a heightened animus against the trustee and has attempted to sue the trustee in other forums without the prior permission of this court.

UNITED

Under these circumstances, the motion is DENIED.

DATE: May 27, 2016

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TATES BANKRUPTCY JUDGE

| 1 | INSTRUCTIONS TO CLERK OF COURT |
|--|--|
| 2 | SERVICE LIST |
| 3 | The Clerk of Court is instructed to send the attached document, via the BNC, to the following parties: |
| 4 5 6 7 8 9 10 11 12 13 | Yousif H. Halloum 111 Silver Cloud Place Danville, California 94526 Michael Kasolas PO Box 26650 San Francisco, California 94126 Hilton Ryder McCormick, Barstow, Sheppard 5 River Park Place East Fresno, California 93720 Scott H. McNutt McNutt Law Group LLP 219 9th Street San Francisco, California 94103 |
| 14 15 16 17 18 | David I. Katzen 1990 N. California Boulevard, Suite 600 Walnut Creek, California 94596 Scott Reddie 7647 North Fresno Street Fresno, California 93720 |
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Robert T Matsui United States Courthouse 501 I Street, Suite 3-200 Sacramento, CA 95814 (916) 930-4400 M-F 9:00 AM - 4:00 PM www.caeb.uscourts.gov



BANKRUPTCY APPEAL TRANSMITTAL FORM

Case Number: 12-21477 - C - 7

DCN: MLG-25

Debtor Name(s) and Address(es):

Yousif H. Halloum 111 Silver Could Pl Danville, CA 94526

| TO: | Bankruptcy Appellate Panel of the Ninth Circuit |
|-----|---|
| | 125 S. Grand Ave., Pasadena, CA 91105 ((626) 229-7225). |

| FROM: | U.S. Bankruptcy Court |
|-------|---|
| | Eastern District of California District Office No. 0972 |

Bankruptcy Judge (who signed the order): Christopher M. Klein

Date Notice of Appeal Filed: 6/3/16

Date of Entry of Order Appealed From: 5/27/16

Date Bankruptcy Case Filed: 1/26/12

Date Notice of Appeal and Notice of Referral of Appeal Mailed to Parties: 5/27/16

Filing Fee Paid? No

Dated: 6/6/16

For the Court, Wayne Blackwelder , Clerk

Form 1. Notice of Appeal to BAP Ninth Circuit Pasadena from a Judgment or Order of a District Court

United States Bankruptcy Court Eastern District of California - Sacramenteric

File Numbers: 12-21477

JUN - 3 2016

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

YOUSIF H. HALLOUM, et al.,

Appellants

NOTICE OF APPEAL KVAS

Vs.

McCORMICK BARSTOW LLP, et al)

Appellees

Notice is hereby given that YOUSIF H. HALLOUM (Debtor) in the above named case, hereby appeal to BAP for the NINTH Circuit final judgment from a Disposition "ORDER ON CHAPTER 7 TRUSTEE'S FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES" entered in this action on the 27 day of May,

2016.

Dated: June 3, 2016

Debtor in Pro Se

H. Halloum

Address: 111 Silver Cloud Pl Danville, CA 94526

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF CALIFORNIA

FILED

MAY 2 7 2016

In re: YOUSIF H. HALLOUM, Debtor. Case No. 12-21477-C-7 Dckt. Control No. MLG-25

ORDER ON CHAPTER 7 TRUSTEE'S FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

The chapter 7 trustee has made an application for final compensation, Dckt. Control No. MLG-25. There is a strong presumption that the full amount of the fees permitted by 11 U.S.C. § 326 is reasonable. 11 U.S.C. § 330(a)(7). Here, the proposed distribution will operate to reduce the proposed compensation by about 25 percent. It follows that there is an even stronger presumption that the requested fee is reasonable.

The Court has carefully reviewed the trustee's 20 page description of the case and adopts the description as an accurate representation of what transpired in this unique case.

The debtor's opposition and contention that the trustee defectively performed his duties is not grounded in reality.

Accordingly, the full amount requested, \$104,537.18 in fees and \$1,542.26 in expenses, is awarded.

UNITED

SO ORDERED.

28 DATE: May 27, 2016

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JUDGE

BANKRUPTCY

1 INSTRUCTIONS TO CLERK OF COURT SERVICE LIST 2 The Clerk of Court is instructed to send the З attached document, via the BNC, to the following parties: 4 5 Yousif H. Halloum 111 Silver Cloud Place 6 Danville, California 94526 "7 Michael Kasolas PO Box 26650 8 San Francisco, California 94126 9 Hilton Ryder McCormick, Barstow, Sheppard 10 5 River Park Place East Fresno, California 93720 11 12 Scott H. McNutt McNutt Law Group LLP 13 219 9th Street San Francisco, California 94103 14 David I. Katzen 1990 N. California Boulevard, Suite 600 15 Walnut Creek, California 94596 16 Scott Reddie 7647 North Fresno Street 17 Fresno, California 93720 1819 20 21 22 23 24 25 26 27 28

View the Full Docket

General Docket U. S. Bankruptcy Appellate Panel for the Ninth Circuit

| Bankruptcy Appellate Panel Docket #: 16-116 Halloum v. Bank Midwest, N.A. Appeal From: California Eastern - Sacramento Fee Status: fee due | | Docketed: 06/09/2016 |
|---|--|--------------------------------------|
| Case Type Information: 1) Bankruptcy 2) Chapter 7 Non-Business 3) null | | |
| Originating Court Information: District: 0972-2 : <u>12-21477-C-7</u> Trial Judge: Christopher M Klein, Chief Ban Date Filed: 01/26/2016 Date Order/Judgment: 05/27/2016 | kruptcy Judge Date NOA Filed: 06/03/2016 | Date Rec'd BAP: 06/07/2016 |

| 06/28/2016 16 | Filed Document(s) Notice of Transcript filed by Appellant Yousif H. Halloum for the following appeals 16-1158, 16- 1159, 16-1162, 16-1163, 16-1164, 16-1165 (forwarded to Bk.Ct. for filing) (VJ) [Entered: 06/30/2016 11:07 AM] |
|----------------------|---|
| 06/29/2016 11 | Terminate party from appeal Hilton A Ryder (not a party to appeal . [16-1158, 16-1159, 16-1162, 16-1163, 16-1164, 16-1165] (VJ) [Entered: 06/29/2016 09:22 AM] |
| 06/29/2016 12 | Party: Add Attorney(s) Scott H. McNutt for party(s) Appellee Michael G. Kasolas. [16-1158, 16-1159, 16-1162, 16- 1163, 16-1164, 16-1165] (VJ) [Entered: 06/29/2016 09:27 AM] |
| 06/29/2016 13 | Party: Add Attorney(s) Alan Scott Koenig for party(s) Appellee BANK MIDWEST, N.A, [16-1159, 16-1158, 16-1162, 16-1163, 16-1164, 16-1165] (VJ) [Entered: 06/29/2016 09:34 AM] |
| 06/29/2016 14 | Terminate parties from appeal Michael G. Kasolas, Katzen & Schuricht, Alan Scott Koenig, McCormick Barstow, Scott H. McNutt and Scott McNutt Law Group, LLC ; Michael C. Abel and Hilton A Ryder (not parties to appeal) [16-1158, 16-1162, 16-1163, 16-1164, 16-1165] (VJ) [Entered: 06/29/2016 09:42 AM] |
| 06/29/2016 <u>17</u> | Filed Document(s) by Appellant Yousif H. Halloum original copy of transcripts hearing dates September 18, 2013 and April 26, 2016 [16-1158, 16-1159, 16-1162, 16-1163, 16-1164, 16-1165] (VJ) [Entered: 06/30/2016 11:17 AM] |
| 07/06/2016 <u>18</u> | Filed Document(s) by Appellant Yousif H. Halloum original and copies statement of issues and designation of record and Jurisdiction statement ;served on 07/05/2016. Copy forwarded to Bk.Ct[Edited 07/12/2016 by VJ] (VJ) [Entered: 07/12/2016 02:04 PM] |
| 07/25/2016 <u>19</u> | Filed Clerk's Notice (Clerk: sms); This Clerk's Notice is being issued to allow the trial court the opportunity to "certif [y] in writing that [the appeals are] not taken in good faith". On Monday, August 8, 2016, the Panel will forward the motions for leave to proceed in forma pauperis to the U.S. District Court for its consideration.1; dated: 07/25/2016. [16-1158, 16-1162, 16-1163, 16-1164, 16-1165] (see attached order) (VJ) [Entered: 07/25/2016 02:53 PM] |
| 08/25/2016 20 | Filed order (TAYLOR and KIRSCHER); IT IS HEREBY ORDERED THAT: 1. Any party wishing to file joint briefs in these related appeals may do so. 2. Appellant's motion to file informal briefs is GRANTED. [16-1158, 16-1159, 16-1162, 16-1163, 16-1164, 16-1165] (see attached order) (VJ) [Entered: 08/25/2016 01:22 PM] |
| 08/26/2016 | Filed order (TAYLOR and KIRSCHER); appellant's motion is hereby TRANSFERRED to the United States District Court for the Eastern District of California for the limited purpose of ruling on appellant's motion. ;. (see attached order) [16-1158, 16-1159, 16-1162, 16-1163, 16-1164, 16-1165] (VJ) [Entered: 08/26/2016 09:57 AM] |