

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>In re PACIFIC THOMAS CORPORATION, dba THOMAS CAPITAL, dba SAFE STORAGE, Debtor</p>	<p>No. C-14-4083 MMC Bankruptcy Case No. 14-54232 MEH ORDER DENYING APPELLANT'S RENEWED MOTION FOR TEMPORARY RESTRAINING ORDER</p>
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Before the Court is appellant Randall Whitney's ("Whitney") "Renewed Motion for Temporary Restraining Order and Order to Show Cause Why Stay Pending Appeal Should Not Issue," filed November 20, 2014, by which appellant seeks a stay pending his appeal of the Bankruptcy Court's order directing appellant to expunge certain notices of lis pendens by November 20, 2014. The Court denied Whitney's original motion, on the ground Whitney failed to first seek such relief from the Bankruptcy Court. (See "Order Denying Appellant's Motion for Temporary Restraining Order," filed November 18, 2014.)

In support of the instant motion, appellant states he has now sought such relief from the Bankruptcy Court, and that his request was denied. Assuming appellant's description of the events occurring at the bankruptcy court is correct, the Court now turns to the merits of the motion and rules as follows.


Having read and considered the above-referenced filings, the Court finds Whitney has failed to show good cause for the relief sought thereby. In particular, Whitney has

1 failed to show the Bankruptcy Court's denial of his request for a stay was an abuse of
2 discretion. See In re Wymer, 5 B.R. 802, 803-04 (B.A.P. 9th Cir. 1980) (finding appellant
3 failed to demonstrate abuse of discretion by trial judge; noting all stays other than those
4 staying enforcement of money judgment are discretionary).

5 Accordingly, Whitney's renewed motion is hereby DENIED.

6 **IT IS SO ORDERED.**

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8 Dated: November 20, 2014


MAXINE M. CHESNEY
United States District Judge

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