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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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In re PAUL AND MELODY DEN BESTE,

No. C 12-4522 PJH  
Bankr. Case No. 10-13558

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**ORDER RE MOTION FOR  
SANCTIONS**

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Debtors.

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Defendant/Appellee Edith Mazzaferri has filed a motion for sanctions on the ground that Plaintiff/Appellant Paul Den Beste has filed a frivolous appeal from the Bankruptcy Court's order granting Mazzaferri's motion to annul the automatic stay. Because the court has not yet decided the merits of the appeal, the motion for sanctions is premature and therefore DENIED WITHOUT PREJUDICE. Mazzaferri may renew the motion for sanctions, if appropriate, after the court issues its ruling on the appeal. Any motion for sanctions must comply with the Civil Local Rules governing motions for sanctions, and any factual contentions concerning damages, attorneys' fees or costs must be supported by an affidavit or declaration pursuant to Civil Local Rule 7-5.

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The briefing schedule and hearing date noticed for the motion for sanctions are hereby VACATED.

**IT IS SO ORDERED.**

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PHYLЛИS J. HAMILTON  
United States District Judge