



NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:

NICOLA SANTINI,

Debtor.

Case No. 2:18-bk-16587-RK

Chapter 7

**SUPPLEMENTAL STATEMENT OF
DECISION ON MOTION OF CREDITORS
DBC CORP., DONALD BRUCE &
COMPANY AND GARY BRUCE SOLOMON
FOR EXTENSION OF TIME TO OBJECT TO
DISCHARGE/DISCHARGEABILITY**

Date: October 16, 2018

Time: 2:30 p.m.

Courtroom: 1675

By separate final order, the court denies the motion of creditors DBC Corp., Donald Bruce & Company and Gary Bruce Solomon for the reasons stated at the hearing on October 16, 2018 and in the court's tentative ruling on the motion posted online on the court's website before the hearing. *See also, In re Nowinski*, 291 B.R.

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1 (Bankr. S.D.N.Y. 2003). The court attaches hereto the text of its tentative ruling so that
2 it is part of the record on the motion.

3 IT IS SO ORDERED.

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25 Date: October 22, 2018



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Robert Kwan
United States Bankruptcy Judge

ATTACHMENT – TENTATIVE RULING ON MOTION

Deny creditors' motion to extend time to file discharge/debt dischargeability actions under FRBP 4004 and 4007. Creditors' moving and reply papers are not supported by evidence, such as declarations under penalty of perjury, as required by Local Bankruptcy Rule 9013-1(c)(3) and (i), and creditors' reply was filed late after the deadline of 7 days before the hearing and will not be considered pursuant to Local Bankruptcy Rule 9013-1(g) without good cause shown to excuse the late filing. Debtor's opposition to the motion was filed on 9/21/18, more than 21 days before the noticed hearing on 10/16/18, and creditors had until 10/9/18, 7 days before the hearing to file and serve their reply, which was 18 days after service of the opposition and notice of hearing, including electronic and mail service. While creditors' motion to extend time was timely filed, both Federal Rules of Bankruptcy Procedure 4004 and 4007 require a showing of cause, and creditors' moving papers fail to demonstrate adequate cause. Creditors' statement of cause in their moving papers, "Movants will need additional time to review Debtor's case to investigate the veracity and completeness of the Debtor's Petition, Schedules, Statement of Financial Affairs, and testimony given at the Meeting of Creditors" is vague and nonspecific. There are no details of what action that creditors have done to investigate possible claims of discharge denial and debt dischargeability and why such investigation could not be completed on time. Debtor's petition, schedules and statement of financial affairs were filed on 6/21/18, and creditors had 77 days to investigate Debtor's documents and financial affairs before the filing deadline of 9/7/18. Creditors completely fail to explain why this time was insufficient for them to review Debtor's petition documents, complete their investigation and file timely discharge denial and debt dischargeability claims, such as any complexity involved in this case or their investigation. The evidence in Debtor's declaration that creditors and their counsel failed to attend the meeting of creditors is un rebutted since there is no contrary evidence because creditors have not supported their motion with admissible evidence, and the evidence in the record shows that creditors' need to have attended the meeting of creditors before they could file their claims is unsubstantiated. Based on this record, creditors lacked due diligence in conducting their investigation regarding their claims and have failed to demonstrate cause to warrant an extension of time. See *In re Inkster*, 271 B.R. 213 (10th Cir. BAP 2001)(unpublished opinion). Appearances are required on 10/16/18, but counsel may appear by telephone.