



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

In re:

Gene Douglas Balas and

Carlos A. Morales,

Joint Debtors.

Case No: 2:11-bk-17831-TD

Chapter: 13

ORDER DISMISSING APPEAL

The United States Trustee (UST) on June 27, 2011, filed a Notice of Appeal from the court's (1) Memorandum of Decision entered June 13, 2011 and (2) Order entered June 20, 2011, overruling the UST's objection to Debtors' plan.

In addition, on June 27, 2011, the UST filed a Motion for Leave to Appeal the court's June 13 memorandum and June 20 order.

On June 30, the Debtors filed (1) Notice of Non-Opposition to the United State Trustee's Motion for Leave to Appeal and (2) Debtors' Request for Certification of Direct Appeal to the U.S. Court of Appeals for the Ninth Circuit.

1 On July 6, the UST filed his Motion to Dismiss seeking to withdraw his appeal from the  
2 court's foregoing orders noting that he asked the Debtors to agree to the withdrawal of his  
3 appeal but that the Debtors refused.

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5 On July 8, the Debtors filed their Response to the UST's Motion to Dismiss his appeal  
6 stating that Debtors now have no objection to dismissal of the UST's appeal, for the reasons  
7 discussed in the Debtors' Response.

8 Based on all the pleadings filed subsequent to the court's orders that are subject to the  
9 UST's Notice of Appeal, it is hereby ORDERED:

10 The foregoing appeal is dismissed in accordance with Fed.R.Bankr.P. 8001(c)(1);

11 The Motion for Leave to Appeal is dismissed as moot; and

12 The Debtors' Request for Certification of Direct Appeal to the U.S. Court of Appeals for  
13 the Ninth Circuit is dismissed as moot.  
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25 DATED: July 11, 2011

  
United States Bankruptcy Judge

**NOTE TO USERS OF THIS FORM:**

- 1) Attach this form to the last page of a proposed Order or Judgment. Do not file as a separate document.
- 2) The title of the judgment or order and all service information must be filled in by the party lodging the order.
- 3) **Category I.** below: The United States trustee and case trustee (if any) will always be in this category.
- 4) **Category II.** below: List ONLY addresses for debtor (and attorney), movant (or attorney) and person/entity (or attorney) who filed an opposition to the requested relief. DO NOT list an address if person/entity is listed in category I.

**NOTICE OF ENTERED ORDER AND SERVICE LIST**

Notice is given by the court that a judgment or order entitled (*specify*) ORDER DISMISSING APPEAL was entered on the date indicated as "Entered" on the first page of this judgment or order and will be served in the manner indicated below:

**I. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s), the foregoing document was served on the following person(s) by the court via NEF and hyperlink to the judgment or order. As of 7/11/11, the following person(s) are currently on the Electronic Mail Notice List for this bankruptcy case or adversary proceeding to receive NEF transmission at the email address(es) indicated below.

Kathy A Dockery (TR)  
efiling@CH13LA.com

M Jonathan Hayes on behalf of Interested Party Courtesy NEF  
jhayes@hayesbkllaw.com, roksana@hayesbkllaw.com;elizabeth@hayesbkllaw.com

Peter M Lively on behalf of Debtor Gene Balas  
PeterMLively2000@yahoo.com, PeterMLively2000@yahoo.com

Robert J Pfister on behalf of Debtor Gene Balas  
rpfister@ktbslaw.com

United States Trustee (LA)  
ustpreion16.la.ecf@usdoj.gov

Hatty K Yip on behalf of U.S. Trustee United States Trustee (LA)  
hatty.yip@usdoj.gov

Service information continued on attached page

**II. SERVED BY THE COURT VIA U.S. MAIL:** A copy of this notice and a true copy of this judgment or order was sent by United States Mail, first class, postage prepaid, to the following person(s) and/or entity(ies) at the address(es) indicated below:

Debtor  
Gene Douglas Balas  
Carlos A. Morales  
5702 Lindenhurst Ave.  
Los Angeles, CA 90036

Service information continued on attached page

**III. TO BE SERVED BY THE LODGING PARTY:** Within 72 hours after receipt of a copy of this judgment or order which bears an "Entered" stamp, the party lodging the judgment or order will serve a complete copy bearing an "Entered" stamp by U.S. Mail, overnight mail, facsimile transmission or email and file a proof of service of the entered order on the following person(s) and/or entity(ies) at the address(es), facsimile transmission number(s), and/or email address(es) indicated below:

Service information continued on attached page