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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **LOS ANGELES DIVISION**

11 In re:) Case No. 2:11-bk-17831-TD
12) Chapter 13
13 **GENE DOUGLAS BALAS and CARLOS**)
14 **A. MORALES,**) **DESIGNATION OF RECORD ON**
15) **APPEAL AND STATEMENT OF**
16) **ISSUES**
Debtor(s).)

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18 On June 27, 2011, pursuant to 28 U.S.C. § 158(a), the United States Trustee for Region 16
19 filed his Notice of Appeal from: (1) the Memorandum of Decision and Order of Bankruptcy Judge
20 Thomas B. Donovan (cosigned by nineteen bankruptcy judges in the Central District of California),
21 denying the United States Trustee’s Motion to Dismiss Debtors’ chapter 13 case pursuant to §
22 1307(c), entered in this case on June 13, 2011; and (2) the Order, entered in this case on June 20,
23 2011, of Bankruptcy Judge Thomas B. Donovan overruling the United States Trustee’s objection to
24 confirmation of plan for the reasons stated in the June 13 Memorandum of Decision. This appeal
25 presents the issue of the constitutionality of Section 3 of the Defense of Marriage Act (“DOMA”),
26 1 U.S.C. § 7. As the Attorney General previously has stated, although the Executive Branch believes
27 that Section 3 of DOMA, as applied to legally married, same-sex couples, is subject to heightened
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1 constitutional scrutiny and is unconstitutional under that standard, the Department of Justice is
 2 interested in providing Congress a full and fair opportunity to participate in this and other cases in
 3 which a challenge to the constitutionality of Section 3 may be presented. Accordingly, the United
 4 States Trustee has timely filed a Notice of Appeal.

5 Pursuant to Fed. R. Bankr. P. § 8006, Appellant hereby designates the following items to be
 6 included on the Record on Appeal:

ECF Doc. #	Date	Document
		Docket Sheet for Case No. 2:11-bk-17831-TD
1	2/24/11	Chapter 13 Voluntary Petition
2	2/24/11	Statement of Social Security Number(s)
3	2/24/11	Certificate of Credit Counseling
4	2/24/11	Certificate of Credit Counseling
5	2/24/11	Declaration Re: Electronic Filing
6	2/24/11	Notice of Meeting of Creditors and Deadlines
7	2/27/11	BNC Certificate of Notice
8	2/27/11	BNC Certificate of Notice
9	3/9/11	Summary of Schedules, Statistical Summary of Certain Liabilities, Schedules A to J, Declaration concerning debtor's schedules, Statement of Financial Affairs, Chapter 13 Statement of Current Monthly and Disposable Income
10	3/9/11	Declaration re: Electronic Filing of Schedules and Statements
11	3/9/11	Chapter 13 Plan
12	3/9/11	Debtor's notice of section 341(a) meeting and hearing on confirmation of chapter 13 plan
13	3/9/11	Declaration re Tax Returns (Preconfirmation)
14	3/9/11	Declaration re Payment of Domestic Support Obligations
15	3/9/11	Declaration re Tax Returns (Preconfirmation)
16	3/9/11	Declaration re Payment of Domestic Support Obligations
17	3/9/11	Debtor's Certification of Employment Income
18	3/18/11	Notice of Hearing

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ECF Doc. #	Date	Document
19	3/30/11	Objection to Confirmation of Chapter 13 Plan
20	3/30/11	Request for Courtesy Notice of Electronic Filing
21	4/1/11	Application to Employ Klee, Tuchin, Bogdanoff & Stern
22	4/1/11	Notice of motion/application pursuant to LBR 9013-1(o)
23	4/1/11	Proof of Service
24	4/12/11	Notice of Hearing
25	4/14/11	Declaration re: Response to Objections to Plan Confirmation by the Standing Chapter 13 Trustee
26	4/15/11	Objection to Confirmation of Plan
27	4/15/11	Request for judicial notice in support of United States Trustee's Notice of Objection and Objection to Confirmation of Plan
28	4/15/11	Motion to Dismiss Case for Abuse and Notice of Motion pursuant to 11 U.S.C. § 1307(c) or for Related Relief
29	4/15/11	Request for judicial notice
30	4/19/11	Declaration re: non opposition
31	4/20/11	Order Granting Application to Employ Klee Tuchin Bogdanoff & Stern, LLP as Special Counsel on a Pro Bono Basis in Connection with Certain Specified Matters
32	4/20/11	Notice of Entry of Order
33	4/25/11	Application for Compensation of Fees for Peter M. Lively
34	4/25/11	Notice of motion/application and Opportunity for Hearing on Application for payment of Fees and Costs of Law Office of Peter M. Lively
35	4/27/11	Opposition to Motion to Dismiss Case
36	4/29/11	Notice Supplemental Disclosure of Klee, Tuchin, Bogdanoff & Stern
38	5/3/11	Notice to creditors rescheduling hearing re chapter 13 confirmation hearing and the hearing on the U.S. Trustee's motion to dismiss pursuant to 11 U.S.C. Section 1307(c) or for related relief
39	5/4/11	Notice to creditors Amended Notice is hereby given that the Chapter 13 confirmation hearing and the hearing on the U.S. Trustee's motion to dismiss pursuant to § 1307(c) or for related relief set on May 11, 2011 have been scheduled to May 17, 2011 at 2:00 p.m.
40	5/5/11	BNC Certificate of Notice

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ECF Doc. #	Date	Document
41	5/6/11	BNC Certificate of Notice
42	5/16/11	Declaration re of Counsel Regarding No Response or Request for Hearing on Application for Payment of Fees and Costs of Law Office of Peter M. Lively
43	5/20/11	Order continuing hearing on the United States's motion to dismiss and setting deadlines for any pleadings or other filings
44	5/23/11	Certificate of Service
45	5/31/11	Transcript regarding Hearing Held 5/17/11
46	6/7/11	Reply to Motion to Dismiss Case for Abuse and Notice of Motion
47	6/13/11	Memorandum of Decision
48	6/20/11	Order overruling the United States Trustee's objection to confirmation of plan
49	6/22/11	BNC Certificate of Notice
		Transcript regarding Hearing Held on 6/13/11 (ordered on 6/14/11)

1 The issues to be raised on appeal are:

- 2 1. Did the Bankruptcy Court err in denying the United States Trustee's Motion to Dismiss the
3 Case or in overruling the United States Trustee's Objection to Confirmation of Plan?
4 2. Did the Bankruptcy Court err in concluding that Section 3 of the Defense of Marriage Act,
5 1 U.S.C. § 7, did not require the dismissal under 11 U.S.C. § 1307(c) of Debtors' joint
6 bankruptcy petition?
7 3. Did the Bankruptcy Court err in concluding that Section 3 of the Defense of Marriage Act,
8 1 U.S.C. § 7, is unconstitutional under the equal protection component of the Fifth
9 Amendment's Due Process Clause?

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Dated: June 27, 2011

Respectfully submitted,

PETER C. ANDERSON
UNITED STATES TRUSTEE

By: 
JILL M. STURTEVANT
Assistant United States Trustee