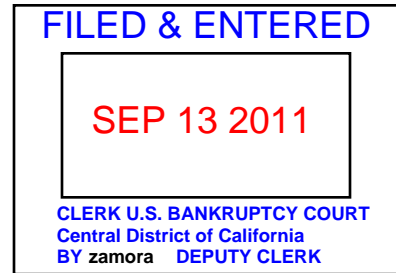


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10 Attorneys for Plaintiff
11 FIRST SEALORD SURETY, INC.



12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA -RIVERSIDE DIVISION**

14 *In re*

15 DAVID WILLIAM BELL and CYNTHIA S.
16 BELL,

17 Debtors.

18 FIRST SEALORD SURETY, INC.

19 Plaintiff,

20 v.

21 DAVID WILLIAM BELL, an individual;
22 and CYNTHIA S. BELL, an individual,

23 Defendants.

CASE NO.: 6:10-BK-38390-SC

Chapter 7

ADVERSARY NO.: 6:10-AP-01743-SC

**ORDER GRANTING PLAINTIFF IN
ADVERSARY PROCEEDING, FIRST
SEALORD SURETY, INC.'S MOTION
FOR SANCTIONS AGAINST
DEFENDANTS FOR FAILURE TO
MAKE RULE 26 DISCLOSURES, TO
COOPERATE IN DISCOVERY AND
FOR VIOLATION OF COURT'S
ORDER**

DATE: September 7, 2011
TIME: 2:00 p.m.
PLACE: 3420 Twelfth Street
Video Hearing Room 126
Riverside, CA 92501

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1 On September 7, 2011 at 2:00 p.m. in the above-referenced Court, Plaintiff First Sealord
2 Surety, Inc.'s ("First Sealord") Motion for Sanctions Against Defendants David W. Bell and
3 Cynthia S. Bell ("Defendants") For Failure to Make Rule 26 Disclosures, to Cooperate In
4 Discovery and for Violation of Court's Order, was heard by the Honorable Scott C. Clarkson,
5 Judge of the United State Bankruptcy Court, Central District of California. Having considered
6 the moving papers, no opposition having been filed and an appearance by First Sealord's counsel
7 of record, Matthew R. Hicks, Esq. and oral argument, the Court GRANTED First Sealord's
8 Motion, and

9 **HEREBY ORDERS** as follows:

- 10 1. Defendants are precluded from using any evidence or witnesses, other than the
11 Defendants themselves, at any hearing or trial of this matter under Rule 37(c)(1);
- 12 2. Defendants are sanctioned the amount of \$1,595.00 for First Sealord's fees and
13 costs expended in bringing and appearing at this motion under Rule 37(c)(1)(A); and
- 14 3. Defendants' answer is stricken in whole under Rule 37(b)(2)(A)(iii).

15 **IT IS SO ORDERED.**

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27 DATED: September 13, 2011

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United States Bankruptcy Judge

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
801 S. Figueroa St., Los Angeles, CA 90017

A true and correct copy of the foregoing document described as **[PROPOSED] ORDER GRANTING PLAINTIFF IN ADVERSARY PROCEEDING, FIRST SEALORD SURETY, INC.'S MOTION FOR SANCTIONS AGAINST DEFENDANTS FOR FAILURE TO MAKE RULE 26 DISCLOSURES, TO COOPERATE IN DISCOVERY AND FOR VIOLATION OF COURT'S ORDERS** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") – Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On _____ I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Service information continued on attached page

II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL(indicate method for each person or entity served):
On September 9, 2011, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Via Mail:
David Bell
Cynthia Bell
3305 Park Vista Drive
La Crescenta, CA 91214

Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR EMAIL (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

September 9, 2011
Date

Annie T. Martinez
Type Name

/s/ Annie T. Martinez
Signature

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 GRANTING PLAINTIFF IN ADVERSARY PROCEEDING, FIRST SEALORD SURETY, INC.'S MOTION FOR SANCTIONS AGAINST DEFENDANTS FOR FAILURE TO MAKE RULE 26 DISCLOSURES, TO COOPERATE IN DISCOVERY AND FOR VIOLATION OF COURT'S ORDER** 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 **9/13/2011**, 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.

- Marilyn Klinger Marilyn.Klinger@sdma.com
- United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov
- Patricia J Zimmermann (TR) pjztrustee@aol.com, pzimmermann@ecf.epiqsystems.com

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:

David Bell
Cynthia Bell
3305 Park Vista Drive
La Crescenta, CA 91214

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