

October 28, 2008 www.orb.uscourts.gov

WEBSITE MAKEOVER COMING SOON

Recent Opinions

Full text of opinions is available on the Bankruptcy Court's website; click on Opinions on left-side index, then search by date.

Schacher v. Dolph, Case No. 04-37320-rld13; Adv No. 07-3326-rld
June 11, 2008; reconsideration denied, July 24, 2008

Constructive trust, laches, reconsideration

In a pre-BAPCPA case, in an adversary proceeding arising from a complicated probate dispute, the court imposed a constructive trust in favor of plaintiff in the amount of \$1,840.07. Plaintiff, who had sought about \$75,000, moved for reconsideration. Motion denied: no new evidence had been offered and plaintiff had not established any error of law or fact.

In re Graham, Case No. 07-62339-fra11

October 17, 2008

11 USC §362(c)(3)(A)

In the case of a debtor who filed a chapter 11 case shortly after having his chapter 13 case dismissed on his own motion, the court held that §362(c)(3)(A) unambiguously provides that the stay terminates at the end of 30 days only with respect to property of the debtor and only with respect to an action of a creditor taken prepetition. A creditor of the estate which had taken no action against the debtor as of the petition could enforce its state law rights only with leave of the bankruptcy court.

PREVIOUSLY PUBLISHED ITEMS:

The following is a summary of items added in the past several weeks.

ECF Training

Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. The currently scheduled training dates (posted on the website) are as follows: **Portland and Eugene**: November 19 and December 18, 2008; January 14 and February 12, 2009.

Court Fees List

A new court fees list was posted on the website on October 10, showing fee changes effective October 1.

LBF #125

Administrative Procedures for Electronically Filing Case Documents: Section V has been changed to make ECF Participants responsible for entry and accuracy of data in a filed document, and for prompt correction of any error in a filed document, including notification of interested persons.

Debtor-Creditor Section Website

An archive of these court updates is maintained on the Debtor-Creditor Section website at <http://www.osb-dc.org/orb.htm>.