

May 11, 2010 [www.orb.uscourts.gov](http://www.orb.uscourts.gov)

## **NEWLY POSTED OPINIONS**

*Commercial and Residential Maintenance, Inc. v. Abblit*, Case No. 09-61935-fra7, Adv. No. 09-6094-fra  
December 21, 2009

ORICO claim, subject matter jurisdiction, 11 USC §523(a)(4)

Debtor was convicted of stealing from his employer and required to pay restitution of \$23,714. Employer sued debtor in state court and obtained a default judgment under ORICO for three times actual damages. Employer brought an adversary proceeding in bankruptcy court seeking a declaration that this debt was not dischargeable. The court granted summary judgment to employer.

*In re Applebaum & Finley*, Case No. 08-63391-fra7, Appellate No. OR-09-1134-MkHPa  
December 18, 2009

California bankruptcy-only exemptions

Debtors lived in California before moving to Oregon and filing for bankruptcy. They claimed exemptions under California's exemption statute, applicable only to debtors in bankruptcy. The trustee objected to the exemptions and argued that the California statute was unconstitutional. The bankruptcy court ruled the statute constitutional and the BAP affirmed, with one judge dissenting.

## **NEW ITEM:**

### **Surplus Equipment Sale**

The court has surplus equipment for sale. See item under **Court News & Announcements** on home page. All bids must be received by 11:59 pm on **May 18**.

## **PREVIOUSLY PUBLISHED ITEMS:**

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

### **Local Bankruptcy Forms**

Two LBFs were updated in April: B10 (Proof of Claim) and 201 (Application for Inclusion on Court's Register of Qualified Mediators).

### **ECF Training**

Currently scheduled training dates for **Eugene and Portland** are: June 17, July 21 and August 19. There are openings in the **May 19** class in **Eugene**; the Portland class is full. Lawyers get 4 CLE credits for ECF training. Sessions run from 8:30 am to 12:30 pm. **The Clerk's office will add ECF classes if there is sufficient demand.**

### **Adjustments to Dollar Amounts**

On April 1, automatic adjustments to certain dollar amounts in the Bankruptcy Code and official forms became effective for cases filed on or after April 1, 2010. More information and pending form changes are posted at [www.uscourts.gov/bankform/index.html](http://www.uscourts.gov/bankform/index.html).

### **Bankruptcy Judgeships – Central District of California**

Two bankruptcy judgeship vacancies will become available in early 2011 in the Central District of California - Los Angeles Division. The deadline for receipt of all application materials is June 17, 2010. See [www.ce9.uscourts.gov](http://www.ce9.uscourts.gov) for the announcement and application packet.

### **Final §363(b) Sale Guidelines Posted**

LBF 363 (Guidelines Regarding Motions for Sales of All or Substantially All Assets and Sale Procedures Motions) is posted on the site under **Rules and Forms**.

### **ECF Waiver**

The court has approved a limited waiver of the ECF filing requirements for lawyers whose only work in bankruptcy court is on a pro bono basis for chapter 7 debtors. The waiver application and order forms are

posted on the Debtor-Creditor section website at <http://osb-dc.org/bankruptcyclinic.htm>.

**Local Rules Committee**

The Debtor-Creditor Section has reestablished a Local Rules Committee to review and discuss new local rules and forms on an ongoing basis. If you are interested in serving on this committee, please contact either Dave Hercher, [dave.hercher@millernash.com](mailto:dave.hercher@millernash.com), or Tom Renn, [thomas.renn@7trustee.net](mailto:thomas.renn@7trustee.net).

**Debtor-Creditor Section Website**

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