

ATTACHMENT A

APPENDIX “A”

APPENDIX A

Courts involved in Appellant's Complaint against defendants

- 1. United States Bankruptcy Court, Los Angeles, Division**
- 2. United States Bankruptcy Appellate Panel of the Ninth Circuit**
- 3. United States Court of Appeals for the Ninth Circuit**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

NOV 4 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: JOSE JOEL AGUILAR;
GUILLERMINA AGUILAR,

Debtors.

No. 20-60017

BAP No. 19-1112

ORDER

JOSE JOEL AGUILAR; GUILLERMINA
AGUILAR,

Appellants,

v.

SPECIALIZED LOAN SERVICING, LLC;
et al.,

Appellees.

Before: SILVERMAN, McKEOWN, and BRESS, Circuit Judges.

Appellants' motion for reconsideration of the August 18, 2020 order (Docket
Entry No. 8) is denied.

No motions for reconsideration, clarification, or modification of this denial
shall be filed or entertained.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 12 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: JOSE JOEL AGUILAR;
GUILLERMINA AGUILAR,

Debtors,

JOSE JOEL AGUILAR;
GUILLERMINA AGUILAR,

Appellants,

v.

SPECIALIZED LOAN SERVICING,
LLC; et al.,

Appellees.

No. 20-60017

BAP No. 19-1112
BAP, Los Angeles Bankruptcy
Court

MANDATE

The judgment of this Court, entered August 18, 2020, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Rhonda Roberts
Deputy Clerk
Ninth Circuit Rule 27-7

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 18 2020

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

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Debtors.

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ORDER

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Appellants,

v.

SPECIALIZED LOAN SERVICING, LLC;
et al.,

Appellees.

Before: SILVERMAN, McKEOWN, and BRESS, Circuit Judges.

Upon a review of the record and the response to the court's May 12, 2020 order, we conclude this appeal is frivolous. We therefore deny appellants' motion to proceed in forma pauperis (Docket Entry No. 2), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Appellants' motion for an extension of time to file the opening brief (Docket

Entry No. 5) is denied as moot.

DISMISSED.

FILED

APR 23 2020

SUSAN M. SPRAUL, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT**

In re:

JOSE JOEL AGUILAR and
GUILLERMINA AGUILAR,

Debtors.

JOSE JOEL AGUILAR; GUILLERMINA
AGUILAR,

Appellants,

v.

SPECIALIZED LOAN SERVICING, LLC;
OCWEN LOAN SERVICING, LLC;
KATHY A. DOCKERY, Chapter 13
Trustee; PHH MORTGAGE CORP.;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

Appellees.

BAP No. CC-19-1112-GTaL

Bk. No. 2:19-bk-10116-NB

AMENDED ORDER
DENYING REHEARING

Before: GAN, TAYLOR, and LAFFERTY, Bankruptcy Judges.

The Panel received and considered appellants' "objection" to the

denial of appellants' motion for rehearing. The objection includes a request for extension of time to file an appeal to the Court of Appeals and argues that the motion for rehearing was timely when mailed on the due date, even though not received until three days later.

The rehearing motion was not timely filed when mailed and did not include a request for extension of time. The time to request an extension of time to appeal to the Court of Appeals has likewise expired (*see* Fed. R. App. P. 4(a)(5)).

However, we can grant an extension of time for the rehearing motion under Federal Rule of Bankruptcy Procedure 9006(b) based on appellants' showing of excusable neglect.

The excusable neglect factors of *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd.*, 507 U.S. 380 (1993) include (1) the danger of prejudice to the opposing party; (2) the length of the delay and its potential impact on the proceedings; (3) the reason for the delay; and (4) whether the movant acted in good faith.

In this matter the risk of prejudice to the other parties to the appeal is low because none of them participated in the appeal at the BAP.¹ The original delay in filing the motion for rehearing was short (three days). The

¹ *See Investors Thrift v. Lam (In re Lam)*, 192 F.3d 1309, 1310-11 (9th Cir. 1999).

reason for the delay was appellants' mistaken belief that the motion would be treated as timely and there's no evidence of bad faith.

Therefore, the deadline to file a motion for rehearing in this appeal is ORDERED extended to February 27, 2020, and the appellants' motion filed that date is now timely.

Appellants' motion for rehearing filed February 27, 2020, is ORDERED DENIED for the reasons, other than for untimeliness, stated in the Panel Order entered April 13, 2020.

FILED & ENTERED

APR 22 2019

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY sumlin DEPUTY CLERK

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

In re:

Jose Joel Aguilar
Guillermina Aguilar

Debtor(s).

Case No.: 2:19-bk-10116-NB

CHAPTER 13

ORDER DISMISSING BANKRUPTCY CASE

Hearing Date:

Date: April 18, 2019

Time: 9:30 a.m.

Place: Courtroom 1545
255 E. Temple Street
Los Angeles, CA 90012

At the date, time and place set forth above, this court held a hearing on confirmation of Debtor's chapter 13 plan. (dkt. 11). Appearances were as noted on the record. This Court having reviewed all papers filed in support thereof and in response thereto, and for the reasons stated on the record, and with good cause appearing, it is hereby

ORDERED¹ as follows:

¹ Unless the context suggests otherwise, references to a "chapter" or "section" ("§") refer to the United States Bankruptcy Code, 11 U.S.C. § 101 et seq. (the "Code") a "Rule" means the Federal Rules of Bankruptcy Procedure ("FRBP"), Federal Rules of Civil Procedure ("FRCP"), Federal Rules of Evidence ("FRE"), and other terms have the meanings provided in the Code and Rules.

1 (1) This bankruptcy case is dismissed without a bar.

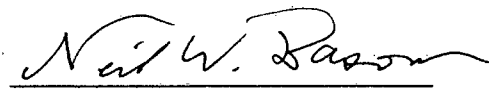
2 (2) Any discharge entered in this case is vacated.

3 (3) Notwithstanding the dismissal of this case, this Court retains jurisdiction to the
4 extent provided by LBR 1017-2(f).

5 (4) Nothing in this dismissal order should be construed as mooted any pending
6 motions that seek *in rem* or retroactive relief from the automatic stay. Without further
7 notice, and with or without any written order, this Court may determine that any other
8 pending motion or adversary proceeding is mooted by the dismissal of this case. *See In*
9 *re Carraher*, 971 F.2d 327, 328 (9th Cir. 1992); *In re Casamont Investors, Ltd.*, 196 B.R.
10 517, 522-26 (9th Cir. BAP 1996).

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25 Date: April 22, 2019

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Neil W. Bason
United States Bankruptcy Judge

1 **IN PRO PER:**

310-488-3173

2 **JOSE JOEL AGUILAR**

3 **GUILLERMINA AGUILAR**

4 **1320-1324 WEST 25th STREET**

5 **LOS ANGELES, CA. 90007**

6 **PLAINTIFFS APPEARING WITHOUT AN ATTORNEY:**

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8
9 **SUPREME COURT OF THE UNITED STATES**
10 **1 FIRST STREET, N. E.**
11 **WASHINGTON, DC 20543**

12 **In re:**

) **CASE No.**

13 **JOSE JOEL AGUILAR**

14 **GUILLERMINA AGUILAR**

APPELLANTS

)

) **PERMISSION TO FILE A PETITION FOR**

) **WRIT OF CERTIORARI ON DELAYED**

15 **JOSE JOEL AGUILAR**

16 **GUILLERMINA AGUILAR**

PLAINTIFFS

)

) **TIMELY FILING BASED ON APPLICANT'**

) **SUFFERING OF COVID-19 VIRUS**

17
18 **vs.**

19 **OCWEN LOAN SERVICING, LLC**

20 **PHH MORTGAGE CORPORATION**

21 **SPECIALIZED LOAN SERVICING, LLC**

22 **MORTGAGE ELECTRONIC**

23 **REGISTRATION SYSTEMS, INC, KATHY**

24 **KATHY A. DOCKERY, Chapter 13 Trustee**

25 **LAW OFFICE OF LES ZIEVE,**

DEFENDANTS

)

) **INFECTIOUS DISEASE.**

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26 **TO THE CLERK OF THE SUPREME COURT OF THE UNITED STATES AND TO ALL**
27 **JUSTICES AND TO ALL PARTIES INVOLVED AND ALL ATTORNEYS OF RECORD.**

28 **Appellants hereby move The Supreme Court of the United States for permission to file this**
Petition for Writ of Certiorari due to the lower courts ignoring of the facts on Appellant's case.

1 The main reasons of any kind of delay has to do with Appellant Jose Joel, Aguilar contraction
2 of the Covid-19 Virus through the ongoing Pandemic that made unable to work on the Petion.
3

4 Appellants ask this Honorable Supreme Court of the United States to consider the reason.
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8 We declare under penalty of perjury and under the laws of the State of California and under
9 the laws of the United States of America that the foregoing is true and correct to the best of my
10 Knowledge.
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12 Executed at Los Angeles, CA on this 08th of February of 2021
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14 Respectfully Submitted,

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16 Jose Joel Aguilar
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19 Guillermina Aguilar
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DECLARATION OF PROOF OF SERVICE
for
APPELLANTS JOSE JOEL AND GUILLERMINA AGUILAR

I am a resident of the State of California, over the age of eighteen years, not a party to the within action. My business address is 2827 Westwood Blvd, Los Angeles, CA 90064 on 02/08/21 I have served the within named documents APPELLANTS PERMISSION TO FILE PETITION FOR WRIT OF CERTIORARI and PETITION FOR WRIT OF CERTIORARI Served by U. S. Certified Mail to the following parties:

Law Offices of BRYAN CAVE LEIGHTON PAISNER, LLP
Sara L. Markert Attorneys for Ocwen Loan Servicing, LLC PHH Mortgage, Inc.
Mortgage Electronic Registration Systems, Inc. Joined by Bonial and Associates &
Law offices of LES ZIEVE represented by Law offices of Bradford E. Klein
Law Offices of Austin P. Nagel Attorneys for Specialized Loan Servicing, LLC
Attorney for Specialized loan Servicing, LLC Ms. Kristen Ramirez
Law Offices of KOZENY & MCCUBBIN, L. C. Stephanie Lewis aka Lois Lewis

Kathy A. Dockery Chapter 13 Trustee (TR) Efiling@LATrustee.com
801 Figueroa Street, Suite 1850
Los Angeles, CA 90017
Phone: 213-996-4400 Served by U. S. Certified Mail and By E-mail

APPELLANTS JOSE JOEL AGUILAR AND GUILLERMINA AGUILAR IN PRO PER:

I am readily familiar with the firm's practice of collecting and processing correspondence for mailing, Faxing, E-mailing, Telephonic Means or personal hand delivery. Under the practice it would deposited with United States Postal Service on the same day Overnight-Fed-Ex with postage fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter or delivery or faxed date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California and under the laws of the United States of America that the foregoing herein said is true and correct to the best of my knowledge.

Executed on at Los Angeles on February 08, 2021 at Los Angeles, California.



VICTOR RIVERA

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