

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF ALASKA

In re:

ARIEL CRUZ CRISTOBAL and  
CATHERINE MOORE CRISTOBAL *aka*  
CATHERINE MOORE HILL-CRISTOBAL,

Debtors.

Case No. J10-00293-DMD  
Chapter 13

Filed On  
4/26/11

**MEMORANDUM REGARDING MOTION FOR APPROVAL**

On January 13, 2010, this court entered a stipulated order in Case No. J09-00465, In re: Kendall. Pursuant to that order Brock Weidner was to make no further Chapter 13 filings without advance approval of the court. Since that time, the U.S. Trustee has alleged that Weidner has violated the order on a number of occasions. Weidner has filed a motion that would vacate the stipulated order. This court has also issued an order to show cause for contempt against Weidner. The hearing on both motions is set for May 11, 2011 at 9:00 a.m. Mr. Weidner now seeks to file an “emergency” Chapter 13 in the interim. According to Mr. Weidner, it is a simple case involving only one creditor, the IRS. He seeks to file to stop a garnishment against Randy Lee Decker’s wages.

The U.S. Trustee opposes the motion. She is concerned that Weidner has not properly investigated the debtor’s finances. She states that the statute of limitations may soon run on some of the tax debts in question. She noted that Mr. Weidner failed to move to shorten notice of his motion. Only through the court’s intervention was the motion placed on the calendar so rapidly. She is concerned about his ability to prepare a proper means test. She also noted that Mr. Weidner filed his motion in the wrong case.

I am taking judicial notice of the pleadings in In re: Stewart, Case No. 10-00664; In re: Tran Case No. 10-00572; In re: Cristobal, Case No. 10-00293, and In re: Kendall, 09-00465. These pleadings reveal substantial problems with Mr. Weidner’s past Chapter 13 practices. Mr. Weidner alleges that he has reformed and is now conscientious in his work. That could be the case. I am

loathe to allow him to file a Chapter 13 case for Mr. Decker, however, with the red flags raised by the U.S. Trustee. I am therefore denying his emergency motion.

DATED: April 26, 2011

BY THE COURT

/s/ Donald MacDonald IV  
DONALD MacDONALD IV  
United States Bankruptcy Judge

Serve: Debtors  
B. Weidner, Esq.  
K. Hill, Esq., Asst. U.S. Trustee  
L. Compton, Case Trustee  
Case Manager

4/26/2011