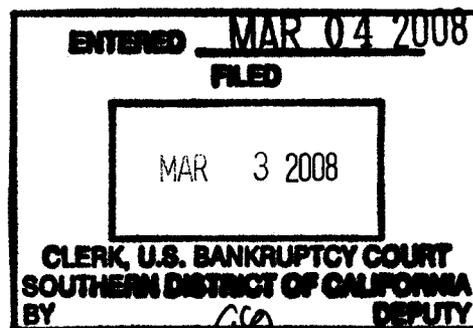


WRITTEN DECISION - NOT FOR PUBLICATION



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

11	In re)	Case No. 04-02530-B13
)	
12	CHRISTOPHER M. PACHECO and)	ORDER ON COUNSEL'S
	JANINA R. PACHECO,)	REQUEST FOR FEES
13)	
)	
14	Debtors.)	
)	

This matter came on regularly for hearing on the Chapter 13 Trustee's Motion to Dismiss. That matter was resolved. Debtors' counsel requested \$550 in fees for the opposition, which exceeded the presumptive fee then in effect of \$425. The Court took the request under submission because the full Court was then in the process of reviewing all the Chapter 13 presumptive fees, and has since done so.

This case was filed in March, 2004. Efforts were made in 2006 to have the plan payments made by an earnings withholding order (EWO) served on Debtor's employer, but those efforts were unavailing. In November, 2006 the trustee filed a motion to

1 dismiss, which was heard in January, 2007. Further efforts were
2 made to have payments made through on EWO. In the meantime, a
3 relief from stay motion resulted in an adequate protection order.

4 On August 15, 2007, another motion to dismiss was filed by
5 the Chapter 13 Trustee. While that was pending, the lender
6 sought and got relief from stay for breach of the adequate
7 protection order. The motion to dismiss was initially heard on
8 October 23, 2007, then was continued one week to October 30,
9 after which it was resolved.

10 At the hearing on October 30, after counsel made his request
11 for \$550 in fees, the Court asked what was unusual or unique
12 about the opposition in this case that would take it outside the
13 ordinary, regularly compensated at the presumptive fee. Counsel
14 responded that he had to meet with his clients multiple times to
15 prepare and present this opposition. Counsel made clear then, as
16 well as on earlier occasions that he believed the presumptive
17 fees were generally insufficient. Indeed, many of the then-
18 applicable presumptive fees have been increased since.

19 The Court has reviewed the docket of this case, the
20 opposition filed by counsel for the debtors, and considered
21 counsel's argument. The Court has found nothing that establishes
22 something unusual, unique or extraordinary about the opposition
23 to the August 2007 motion to dismiss. Accordingly, the
24 presumptive fee is appropriate which, at the time, was \$425.

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Accordingly, fees for counsel's opposition to the motion to dismiss are allowed in the amount of \$425.00.

IT IS SO ORDERED.

Dated: MAR -3 2008



PETER W. BOWIE, Chief Judge
United States Bankruptcy Court