

1 and counsel would not be available for an evidentiary hearing in
2 this matter until that trial was concluded. So no date has been
3 set, although this Court is ready to hear the matter within two
4 weeks.

5 Counsel for the United States Trustee asked if this Court
6 would issue some form of order requiring the preservation of the
7 causes of action or any proceeds derived from them pending
8 resolution of ownership of the claims - the debtor or the estate.

9 After further review and consideration, the Court declines
10 to issue such an order at this time. The Court is concerned with
11 its jurisdiction to issue such an order over "property" that has
12 not been determined to be property of the estate. For the
13 guidance of the parties in interest, however, the Court notes
14 that based only on the four corners of the record, and without
15 the benefit of direct and cross-examination or credibility
16 assessments, it appears likely that the claims are currently
17 property of the bankruptcy estate that have not been abandoned by
18 the Chapter 7 trustee. Cusano v. Klein, 264 F.3d 936 (9th Cir.
19 2001). Whether that will be the Court's finding and conclusion
20 after an evidentiary hearing remains to be determined after
21 consideration of competent evidence.

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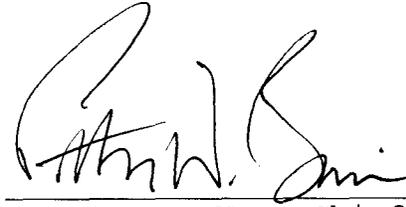
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1 Counsel for Ms. Mariscal is to promptly notify the Court of
2 any trial setting at the trial call on April 18.

3 IT IS SO ORDERED.

4 DATED: APR 17



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6 PETER W. BOWIE, Chief Judge
7 United States Bankruptcy Court
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