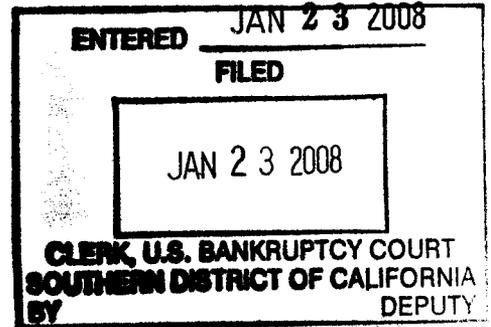


1 WRITTEN DECISION - NOT FOR PUBLICATION



8 UNITED STATES BANKRUPTCY COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

11 In re ) Bankruptcy No. 05-14824-B7  
12 ) Adversary No. 06-90302  
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MARIZA SUAREZ,  
Debtor.

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TRACY BARRETT,  
Plaintiff,

v.  
MARIZA SUAREZ,  
Defendant.

ORDER AFTER LIMITED  
REMAND

21 Remand to a trial court of its decision in a case, asking  
22 the trial court to certify "that the appeal is not frivolous (but  
23 presents a substantial question)" sometimes puts the trial judge  
24 in an awkward position. This is one of those times.

25 The debtor's notice of appeal gives no hint of the issues  
26 she wants to pursue on appeal. The central issue in the case

1 before this Court was a legal one, concerning whether the nature  
2 of the state court judgment award of attorneys fees and costs,  
3 without some underlying injury, could constitute an injury for  
4 purpose of 11 U.S.C. § 523(a)(6), all as set out in the Court's  
5 Memorandum Decision. The facts were not in real dispute because  
6 they had already been determined by the state court. The issue  
7 for this Court, in the broader sense, was whether the findings  
8 made by the state court supported a finding of  
9 nondischargeability.

10 From this Court's perspective, the legal issue may or may  
11 not involve "a substantial question". However, the Court does  
12 not see how a transcript of the trial itself would aid the  
13 appellate court in its review of the appeal. The Court did not  
14 announce any findings orally in court. Moreover, the Court  
15 received written argument from counsel for both sides after the  
16 evidentiary part of the brief trial was concluded.

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