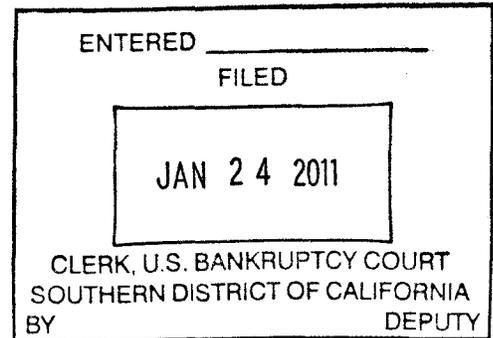


1 **WRITTEN DECISION - NOT FOR PUBLICATION**



9 UNITED STATES BANKRUPTCY COURT

10 SOUTHERN DISTRICT OF CALIFORNIA

11 In re) Case No. 10-13256-PB11

12 DAVID SCOTT CARPENTER,) ORDER ON APPLICATION TO

13 Debtor.) EMPLOY COUNSEL

14

15 Alma Carpenter filed a Chapter 13 petition on December 16,

16 2009. It was quickly dismissed on January 5, 2010. With the

17 assistance of counsel, Chang and Diamond, she promptly refiled

18 on January 14, 2010. The reason for her filings was that she and

19 David Carpenter had been sued in state court and that proceeding

20 resulted in a significant judgment against her, but not against

21 David. The judgment creditor, Stephen Luna, pursued efforts to

22 collect against Alma Carpenter's assets, particularly her

23 interest in real property at 139 Parnassus Circle.

24 It was determined fairly quickly that Alama's debts exceeded

25 the statutory debt ceilings for eligibility to be a Chapter 13

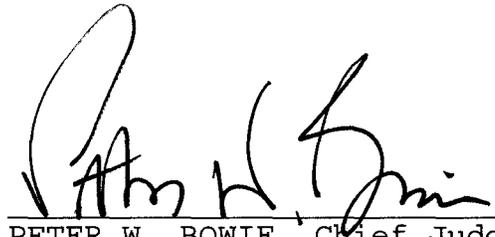
26 debtor. Alma filed a request to dismiss on March 10, 2010. Luna

1 Accordingly, the Court concludes that while there may have
2 been a potential conflict of interest for the firm in their
3 representation of Alma and, currently, of David, that potential
4 does not require the firm's disqualification of David in the
5 instant case. Accordingly, the Smaha firm may be employed as
6 counsel for David Carpenter.

7 IT IS SO ORDERED.

8 DATED: JAN 24 2011

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PETER W. BOWIE, Chief Judge
United States Bankruptcy Court