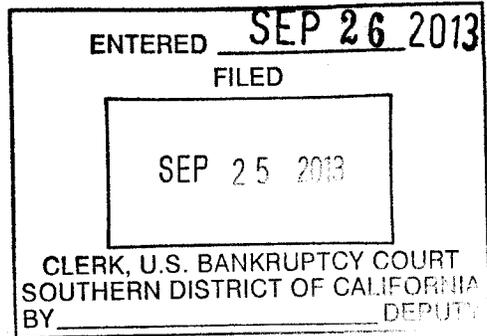


1 WRITTEN DECISION - NOT FOR PUBLICATION



8 UNITED STATES BANKRUPTCY COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10  
11 In re ) Case No. 10-20900-PB7  
12 JOSEPH CHARLES CAPOZZOLI and, ) Adv. Case No. 11-90088  
13 KRISTIE JACQUELINE CAPOZZOLI )  
14 Debtor. )

15 ORDER

16 LAWRENCE PASTERNAK, )  
17 Plaintiff, )

18 vs. )

19 JOSEPH CHARLES CAPOZZOLI and )  
20 KRISTIE JACQUELINE CAPOZZOLI, )  
21 and DOES 1 to 10 )  
22 Defendants )

23 Since this matter was taken under submission following trial  
24 and post-trial briefing, the United States Supreme Court filed  
25 its decision in Bullock v. BankChampaign, N.A., \_\_\_ U.S. \_\_\_, 133  
26 S.Ct. 1754 (2013). That opinion addresses the "defalcation"  
element of a cause of action for nondischargeability under 11

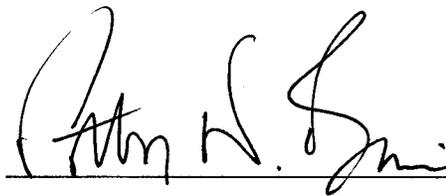
1 U.S.C. § 523 (a) (4).

2 In the instant case, plaintiff has asserted, among others a  
3 cause of action under § 523 (a) (4). Both sides should have the  
4 opportunity to address what effect, if any, the Supreme Court's  
5 recent decision may have on their respective contentions.

6 Accordingly, the matter is withdrawn from submission pending  
7 further briefing. Each side may submit their views on the  
8 effect, if any, of Bullock on or before October 28, 2013. Any  
9 such brief shall not exceed ten (10) pages, and no reply briefs  
10 are authorized. This is not an opportunity to reargue other  
11 issues, and any argument not relevant to the specific question of  
12 the effect of Bullock will not be considered.

13 IT IS SO ORDERED.

14 DATED: SEP 25 2013

15  
16 

17 PETER W. BOWIE, Judge

18 United States Bankruptcy Court  
19  
20  
21  
22  
23  
24  
25  
26