

1 further delay resolution of this matter, whether by settlement or
2 otherwise. That was not the Court's intent, but Debtor may well
3 be correct. That is not an intended consequence of the Order,
4 and this subsequent Order is intended to address it.

5 Preliminarily, it is inappropriate for a party to a
6 proceeding to write the Court without also sending copies to the
7 other parties at the same time. Indeed, communications by a
8 party with the Court should be conducted by formal pleading filed
9 with the Court and served on the parties. Accordingly, the Court
10 has attached Mr. Bonn's communication to this Notice and Order,
11 which will be filed in the Court's docket of this case, and which
12 will be served on the parties to this case by the Court.

13 In addition, the Court hereby gives notice that a status
14 conference will be held in this matter on May 12, 2014 at 10
15 a.m., in Department 4, 325 West F Street, San Diego, CA. All
16 parties should attend prepared to discuss how this matter should
17 proceed to resolution in the very near future.

18 Lastly, parties and counsel should note that Mr. Bonn has
19 provided a new phone number of the bottom of the first page of
20 his letter.

21 IT IS SO ORDERED.

22 DATED: APR - 2 2014

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PETER W. BOWIE, Judge
United States Bankruptcy Court

WRITTEN RESPONSE - NOT FOR PUBLICATION – NOT FOR DISTRIBUTION

Judge Peter Bowie
US Bankruptcy Court
Jacob Weinberger US Courthouse
325 West F Street
San Diego, CA 92101

March 24, 2014

RE: Objection to court's unilateral decision to remove submissions or case from calendar / Request for immediate re-instatement [see enclosed copy 3/21/2014 of subject matter / & Support Explanation]

Dear Judge Bowie,

I do not know what protocol is required here so please forgive me if I get it wrong. However, my understanding is that the court is making a unilateral decision to remove pending Pro Se motions / case status off the court's calendar and therefore cause me potentially more burden in time and expense as well as signal my adversaries that endless delays and obstructions are now acceptable to the court (and me). I strenuously object to the court's decision because I was never informed of this pending action and the consequences of it are prejudicial, harmful and telegraph potential life endangering delays.

Whether or not my attorney directed the court's hand, I was never duly consulted or informed about it and that raises important attorney-client communication issues that need to be addressed immediately.

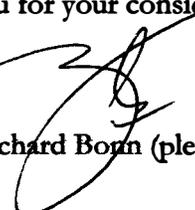
I appreciate and respect the court and its decisions (even when I do not agree with them because I have faith in my judge's integrity), however, in this instance, the notice states "...the court has not been notified of any resolution of the case," and to my mind's eye, the court first has a duty to call for a status conference and get to the bottom of the progress before making any such decisions on its own. The notice might also imply my attorney had a duty to keep the court informed so I need to know if that duty was breached. If this is just a case of the court easing the Clerk's job, then I suggest that reason does not warrant trumping my rights or case respect or need for urgency. Therefore, I respectfully but strenuously request the court reverse its decision, set the entire case back the way it was, call for an immediate status conference, and demand all attorneys be present so that we can all get on the same page. I, too, want to know what is really going on in my own case!

Furthermore, I request the court schedule an off-record courtesy meeting between me and my counsel in chambers to discuss issues of communications, legal duty of counsel, court expectations, and other aspects needed to ensure integrity and urgent forward action. The court and law expects my attorney to keep me informed and that is not happening so I ask the court's help in resolving this issue informally.

It is not my intention to go around my attorney but it clearly appears I have no choice here. Additional explanatory supports and concerns with respect to these requests are provided separately and attached hereto—this letter and respective explanations are strictly intended as confidential to the Judge alone and are not otherwise intended for distribution or toward affecting any prejudicial or inappropriate behavior but merely as a communication to facilitate the court's understanding.

Thank you for your consideration in this matter.

Sincerely,


Zxelan Richard Born (please update your file with new phone number = 442-888-0773)

SUPPORTING EXPLANATION — Zxelan Richard Bonn – Confidential To Judge Bowie
The supports for my request include the following:

1. ATTORNEY COMMUNICATIONS AND CASE STATUS—I was never informed by my counsel that this case was not running on track or that submission aspects would, could or should be taken off calendar. My attorney wanted to “substitute out” after settlement negotiations became difficult a while back but kept going and I have assumed he was still working diligently. My counsel was directed to submit the final stipulation draft to ECMC for signatures several weeks ago and if it was subsequently rejected, then to get a line-by-line list of precise disagreement issues sent to me for review. At this point, it was my understanding all but one unreconcilable issue had been resolved—and that one issue was suppose to be handed over to the court for ruling so a final stipulation could be amended and so Ordered. About two weeks ago, having gotten no response from my counsel, I sent a registered letter to him with instructions to immediately update me on case status, etc. within 7-days—the deadline exhausted a couple of days before the court’s notice was issued. I have no idea what’s going on.

2. CLERK NOTICING—For some mysterious reason, several months ago, the Court Clerk removed me from getting court notices. I contacted the Clerk by phone and asked to resume notification but this is the very first notice I have received regarding my case in many months. What this means is that regardless of what my attorney or others may have been doing (or not doing) I have had no independent court communications to help me verify progress or flag potential issues or this problem may have been avoided. And my attorney has not kept me up to date or aware of progress or setbacks.

3. CHAMBER ASSISTANCE—I am not sure if my attorney is acting properly or not per the Bar, etc., at this point, but after months of me making document and other requests to him and him ignoring them and my calls, and now this added issue, I am starting to question his ability to competently conclude this case without at least some court “eyebrowing” and “watchdogging”. This new revelation signals to me that there is a deeper problem that needs to be addressed now.

4. URGENCY—Five reasons for ensuring case urgency need to be considered immediately:

- First, Social Security declared me 100% permanently disabled. By federal law, my student loan must be discharged. There is no substantive cause or reason for this case to continue.
- Second, I am currently surviving on SSI income (about \$800 monthly) and cannot survive much longer on it. I am forced to try and overcome my disability toward securing a “livable income” before I am officially made homeless/subjected to premature death. There are two problems: 1) an income would destroy my SSI safety net (what little there is of it—but it is eventually reversible, if need arises), and 2) an income could destroy my entire future (which is not reversible) should it exceed the “poverty guidelines” before this case concludes—thus I am forced by an unreasonable and unjust delay of “fresh start relief” to stay in harm’s way—the absurd risk of a \$2,700 monthly loan payment for a cripple man is beyond unreasonable, plainly unfathomable and completely prohibitive of any attempts at self-survival employment
- Third, the doctors have documented this case and respective stresses have severely damaged my physical health and continue to do so—it needs to stop ASAP.
- Forth, I have no more money to hire another attorney and this attorney promised to file a motion and end my case instantly, which did not occur (he opted for the settlement route instead). I do not wish it but if I am now being forced Pro Se again, then I cannot possibly be expected to file all sorts of new motions to reopen “old calendar motions”, especially given I have no understanding of this technical issue and lack needed Pro Se funds—it’s a bit absurd.
- Fifth, this case is nearing 3-years old and it needs to move out of the court with a proper discharge conclusion. Given all the facts, the court needs to put a hot fire under everyone now, including my own attorney. Instead, the court’s actions appear to signal to all that time is not of the essence and we have years to go—that’s just unfair and unjust to me, given big picture facts!

1 WRITTEN DECISION - NOT FOR PUBLICATION

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8 UNITED STATES BANKRUPTCY COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

11	In re)	Case No. 11-08757-PB7
)	Adv. No. 11-90413-PB
12	ZXELAN RICHARD BONN,)	
)	ORDER ON MATTERS
13)	UNDER SUBMISSION
	Debtor,)	
14)	
	ZXELAN RICHARD BONN,)	
15)	
	Plaintiff,)	
16)	
	v.)	
17)	
	SALLIE MAE, INC.,)	
18	NATIONAL UNIVERSITY, and)	
	EDUCATIONAL CREDIT MANAGEMENT)	
19	CORPORATION, et al,)	
)	
20	Defendants.)	
)	

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22 Some time ago. Back when the debtor was appearing pro se,
23 the Court took under submission motions filed by debtor and by
24 one of the defendants. Since that time, debtor has employed
25 counsel. At subsequent status conferences, counsel for the
26 parties have appeared and represented to the Court that they were

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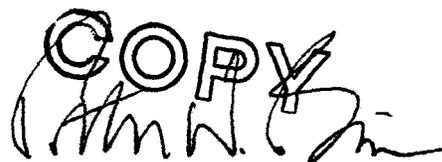
1 working on global settlement and, accordingly, were requesting
2 further continuances.

3 To date, the Court has not been notified of any such
4 resolution of the case. Given the passage of time and that the
5 Court is unable to ascertain what, if anything, the parties need
6 from the still-pending motions, the Court has determined to take
7 those matters off calendar, without prejudice to any party
8 applying to restore any such motion to the Court's active
9 calendar upon properly noticed motion, made after obtaining a
10 hearing date from the Court's Courtroom Deputy.

11 Accordingly, all matters in this adversary proceeding which
12 are presently under submission shall be an hereby are taken off
13 calendar and are no longer under submission.

14 IT IS SO ORDERED.

15 DATED: MAR 21 2014

COPY


18 PETER W. BOWIE, Judge
19 United States Bankruptcy Court
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In re Bankruptcy Case: Zxelan Richard Bonn Case No: 11-08757-PB7
Adversary: Zxelan Richard Bonn v. Sallie Mae, Inc. et al. Adversary No: 11-90413-PB

CERTIFICATE OF MAILING

The undersigned, a regularly appointed and qualified clerk in the office of the United States Bankruptcy Court for the Southern District of California, at San Diego, hereby certifies that a true copy of the attached document, to wit:

NOTICE AND ORDER SETTING STATUS CONFERENCE

was enclosed in a sealed envelope bearing the lawful frank of the bankruptcy judges and mailed to each of the parties at their respective addresses listed below:

Zxelan Richard Bonn
475 Chestnut Ave., Apt. C
Carlsbad, CA 92008

Julian McMillan
2751 Roosevelt Rd., Ste. 204
San Diego, CA 92106

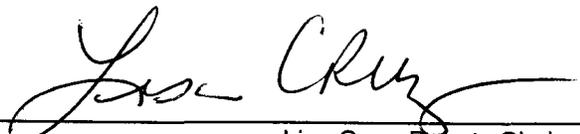
Laura E. Duffy
880 Front St., Rm. 6293
San Diego, CA 92101-8893

Robert S. Lampl
21031 Ventura Blvd., Ste. 640
Woodland Hills, CA 91364-2203

Nathan Arrington
600 West Broadway, Ste. 2600
San Diego, CA 92101

Timothy Burke
1136 Fremont Ave., Ste. 108
South Pasadena, CA 91030

Said envelope(s) containing such document was deposited by me in a regular United States Mail Box in the City of San Diego, in said District on April 1, 2014.



Lisa Cruz, Deputy Clerk