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8 Attorneys for Plaintiff,
9 JOHN ZAMORA

10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, SANTA ANA DIVISION**

12 IN RE

) Case No. 8:12-bk-13386 CB

13 **LANCE MITCHELL BENEDICT and**
14 **KAREN ANN BENEDICT,**

) Chapter 7

) Adv. No. _____

15 Debtors.

) **COMPLAINT FOR:**
16 **1. DETERMINATION OF NON-**
17 **DISCHARGEABILITY OF DEBT UNDER**
18 **11 U.S.C. § 523 (a)(6);**
19 **2. DETERMINATION OF NON-**
20 **DISCHARGEABILITY OF DEBT UNDER**
21 **11 U.S.C. § 523 (a)(4); AND**
22 **3. DETERMINATION OF NON-**
23 **DISCHARGEABILITY OF DEBT UNDER**
24 **11 U.S.C. § 523 (a)(2)**

25 **JOHN ZAMORA,**

26 Plaintiff,

27 v.

28 **LANCE MITCHELL BENEDICT and**
KAREN ANN BENEDICT

) [NO HEARING REQUIRED]

Defendants.

Plaintiff, John Zamora, alleges as follows:

JURISDICTION

1. The claims for relief asserted herein arise under 11 U.S.C. § 523 arise in and are related to the pending Chapter 7 case under Title 11 of the United States Code. This court has jurisdiction pursuant to 28 U.S.C. § 1334(a), 28 U.S.C. § 157(a) and General Order No. 266, dated October 9, 1984.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157 (b)(2)(I).

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VENUE

3. Venue is proper in this district pursuant to 28 U.S.C. §1408, as this adversary proceeding relates the bankruptcy proceeding pending in this Court.

PARTIES

4. Defendant Lance Mitchell Benedict is a debtor in the above-captioned Chapter 7 case (hereinafter referred to as the “Debtor”).

5. Defendant Karen Benedict is a debtor in the above-captioned Chapter 7 case (hereinafter referred to as the “Debtor”).

6. Plaintiff is an individual and a creditor of the Debtors. As such, he has standing to commence this proceeding.

BACKGROUND FACTUAL ALLEGATIONS

7. In September 2010, an individual named Paul Casey put Plaintiff in contact with defendant Lance Benedict, an automobile broker, for the purpose of locating a Turbo Porsche for him to acquire. At that time, Plaintiff agreed to pay defendant Lance Benedict a 5% commission upon the completion of the sale of the Turbo Porsche automobile. During that same month, defendant Lance Benedict informed Plaintiff that he had discovered a 2008 Turbo Porsche at an auto action that fit the description of the type of a late model Turbo Porsche Plaintiff desired.

8. On or about September 13, 2010, Plaintiff wired the amount of Ninety-two Thousand Dollars (\$92,000.00) to the bank account of Defendants’ company, Diamondback Motors, LLC, pursuant to defendant Lance Benedict’s instructions. Defendant Lance Benedict acquired the 2008 Turbo Porsche on behalf of Plaintiff. As a result of the acquisition, Plaintiff paid defendant Lance Benedict a commission.

9. Within a matter of a few days thereafter, Plaintiff met with defendants Lance Benedict and Karen Benedict at Paul Casey’s place of business, European Auto Center. At that time, defendant Lance Benedict presented the automobile and the documentation required to transfer the 2008 Turbo Porsche automobile to Plaintiff. Plaintiff placed that documentation into the glove compartment of the Turbo Porsche.

1 10. At that meeting, Plaintiff informed defendant Lance Benedict and Karen Benedict
2 that the 2008 Turbo Porsche may not be the vehicle that he ultimately wanted. Plaintiff informed
3 them that he was interested in a later/different model.

4 11. During that meeting, defendant Lance Benedict informed and represented to Plaintiff
5 that Plaintiff would have ninety (90) days to determine whether or not we wanted to keep the vehicle.
6 Defendant Lance Benedict informed Plaintiff he would fill out the registration with Plaintiff's name
7 on it, secure it to the window and fill out a DMV registration with Plaintiff's name on it, thereby
8 enabling Plaintiff to obtain automobile insurance for the vehicle. At that time, defendant Lance
9 Benedict and Karen Benedict both represented to Plaintiff that he had 90 days to pay the sales tax
10 and in the meantime the automobile's plates were still good up until November 1, 2010 and they felt
11 the automobile could be sold without having to incur any extra expenses.

12 12. Before taking the 2008 Turbo Porsche home, Plaintiff paid Paul Casey the sum of
13 \$6,8000.00 for a commission and for servicing he vehicle. Thereafter, Plaintiff picked up the vehicle.

14 13. In October 2010, Paul Casey contacted Plaintiff and advised him that he had a
15 potential purchaser for the 2008 Turbo Porsche. Plaintiff informed defendant Paul Casey that he
16 would drop off the 2008 Turbo Porsche in order for defendant Lance Benedict to take the vehicle
17 into Orange County to show it to the potential purchaser. At that time, Plaintiff told Paul Casey that
18 Plaintiff had a neighbor that may also be interested in acquiring the 2008 Turbo Porsche and that he
19 wanted the vehicle back, immediately, if no purchaser, for the right price could be found.

20 14. On or about October 26, 2010, Plaintiff dropped off the 2008 Turbo Porsche with
21 Paul Casey. At the time, the vehicle's documentation transferring the automobile to Plaintiff was in
22 the glove compartment. Plaintiff is informed, believes and thereon alleges that defendants Lance
23 Benedict and Karen Benedict picked up the vehicle from Paul Casey's place of business soon
24 thereafter.

25 15. On or about November 7, 2010, defendant Lance Benedict emailed Defendant Casey
26 and told Casey that he had an offer of \$87,500.00 for the 2008 Turbo Porsche.

27 16. On or about November 8, 2010, in a telephone conversation, Paul Casey informed
28 Plaintiff about the "potential deal." During that conversation, Plaintiff told Paul Casey that his

1 neighbor would buy the vehicle for more money and he instructed Paul Casey to get the vehicle back.
2 Plaintiff is informed, believes and thereon alleges that on or about November 8, 2010, Paul Casey
3 told defendant Lance Benedict to bring back the automobile, so that it could be returned to Plaintiff..

4 17. On or about November 9, 2010, defendant Lance Benedict emailed Paul Casey with
5 an offer that defendant Lance Benedict would give Plaintiff \$110,000.00 for the car by means of a
6 check and that Plaintiff would make \$12,000.00 from the transaction.

7 18. On or about November 9, 2010, Paul Casey contacted Plaintiff concerning defendant
8 Lance Benedict's desire to purchase the 2008 Turbo Vehicle for the sum of \$110,000.00. During
9 that conversation, Plaintiff informed Paul Casey that he would sell the vehicle to defendant Lance
10 Benedict, but that he would not release his interest in the vehicle until he had been paid.

11 19. Plaintiff is informed, believes and thereon alleges that defendant Lance Benedict
12 dropped off a check to Defendant Casey's office on or after November 10, 2010. Plaintiff is further
13 informed, believes and thereon alleges that the \$110,000.00 check was in the possession of Paul
14 Casey for several weeks.

15 20. After Paul Casey received the \$110,000.00 check, he contacted Plaintiff to inform him
16 about the check. Plaintiff told Paul Casey that he did not want a "post dated check" and that
17 Plaintiff wanted the vehicle back or have immediate cash. Plaintiff thereby instructed Paul Casey to
18 get the vehicle back as soon as possible.

19 21. Plaintiff is informed, believes and thereon alleges that on or about November 8, 2010,
20 defendant Lance Benedict created documentation to transfer the 2008 Turbo Porsche to a new buyer,
21 without obtaining authority from Plaintiff. Plaintiff is further informed, believes and thereon alleges
22 that Defendant Lance Benedict destroyed the documents that conveyed the 2008 Turbo Porsche to
23 Plaintiff that were contained in the glove compartment.

24 22. In January of 2011, defendant Lance Benedict informed Plaintiff that he was placing
25 the \$110,000.00 into court. Plaintiff is informed, believes and thereon alleges that at no time has any
26 money been placed into court.

27 23. On January 24, 2011, Plaintiff filed a Complaint in Superior Court for the State of
28 California, County of Riverside against defendants Lance Benedict and Karen Benedict, Paul Casey,

1 Diamondback Motors, LLC, among others, for the recovery of the \$92,000 expended for the Turbo
2 Porsche.

3 24. Thereafter, on March 16, 2012, the Debtors filed for relief under Chapter 7 of Title 11
4 of the United States Code.

5
6 **FIRST CLAIM FOR RELIEF**

7 **DETERMINATION OF NON-DISCHARGEABILITY OF DEBT**

8 (11 U.S.C. § 523 (a)(6))

9 (against defendants Lance Benedict and Karen Benedict)

10 25. Plaintiff realleges the allegations in paragraphs 1 through 24 and incorporates said
11 paragraphs by this reference as though set forth in full herein.

12 26. In early November 2010, defendants Lance Benedict and Karen Benedict
13 wrongfully, intentionally, willfully and maliciously misappropriated Plaintiff's 2008 Turbo Porsche
14 by causing said vehicle to be sold to a third party without his knowledge or consent.

15 27. Further, Defendants wrongfully converted the proceeds from the sale in an effort to
16 intentionally deprive Plaintiff of said property to which he was lawfully and rightfully entitled.

17 28. Said wrongful acts were deliberate and intended to cause harm to Plaintiff.

18 29. Said wrongful acts necessarily produced harm to Plaintiff.

19 30. Said wrongful acts were without just cause or excuse.

20 31. As a direct and proximate result of said wrongful conduct, Plaintiff sustained
21 damages in the amount of \$92,000.

22
23 **SECOND CLAIM FOR RELIEF**

24 **DETERMINATION OF NON-DISCHARGEABILITY OF DEBTS**

25 (11 U.S.C. § 523(a)(4))

26 (against defendant Lance Benedict)

27 32. Plaintiff realleges the allegations in paragraphs 1 through 31 and incorporates said
28 paragraphs by this reference as though set forth in full herein.

1 33. By virtue of her engagement as Plaintiff's broker for the purpose of selling his 2008
2 Turbo Porsche, defendant Lance Benedict was a fiduciary with respect to said vehicle for which he
3 owed Plaintiff a duty to safeguard Plaintiff's property.

4 34. Defendant Lance Benedict breached his duty to Plaintiff by wrongfully converting the
5 2008 Turbo Porsche and/or the proceeds therefrom for his own financial gain.

6 35. As a direct and proximate result of said wrongful conduct, Plaintiff sustained
7 damages in the amount of \$92,000.

8
9 **THIRD CLAIM FOR RELIEF**

10 **DETERMINATION OF NON-DISCHARGEABILITY OF DEBT**

11 (11 U.S.C. § 523(a)(2)(A))

12 (against defendants Lance Benedict and Karen Benedict)

13 36. Plaintiff realleges the allegations in paragraphs 1 through 35 and incorporates said
14 paragraphs by this reference as though set forth in full herein.

15 37. By false pretenses and false representations, as alleged above, defendants Lance
16 Benedict and Karen Benedict obtained Plaintiff's 2008 Turbo Porsche. Specifically, they
17 represented that they would find a buyer therefor and pay Plaintiff with the proceeds therefrom.

18 38. At the time of said actions and representations, Defendants knew the falsity of their
19 pretenses and representations. The true facts were that they intended to take the proceeds from the
20 sale of the 2008 Turbo Porsche and keep the proceeds therefrom.

21 39. The false pretenses and false representations were made by Defendants with the
22 intention and purpose of deceiving Plaintiff into providing them with the 2008 Turbo Porsche.

23 40. Plaintiff relied on the representations of Defendants with regard to the purpose and
24 use of 2008 Turbo Porsche. Said reliance was reasonable, as he had no reason to disbelieve the truth
25 or veracity of said representations.

26 41. As a direct and proximate result of said wrongful conduct, Plaintiff sustained
27 damages in the amount of \$92,000.

28 ///

1 **WHEREFORE** Plaintiff, prays that judgment be entered as follows:

2 **FOR THE FIRST, SECOND AND THIRD CLAIMS FOR RELIEF:**

3 1. That the Court adjudge that the obligation to Plaintiff be determined to be non-
4 dischargeable;

5 2. For general damages in the amount of at least \$92,000;

6 3. For consequential damages, including but not limited to, damages for emotional
7 distress, subject to proof at trial;

8 4. For pre-judgment interest;

9 5. For exemplary and punitive damages;

10 6. For attorneys fees as allowed by law and costs incurred in pursuing this matter; and

11 7. For such other and further relief as the court deems just and proper.

12

13 Date: June 20, 2012

LAW OFFICES OF MICHAEL G. SPECTOR

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By: /s/ Michael G. Spector

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Michael G. Spector
Attorneys for Plaintiff
JOHN ZAMORA

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FORM B104 (08/07)

2007 USBC, Central District of California

ADVERSARY PROCEEDING COVER SHEET (Instructions on Page 2)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS John Zamora		DEFENDANTS Lance Mitchell Benedict and Karen Ann Benedict		
ATTORNEYS (Firm Name, Address, and Telephone No.) Law Offices of Michael G. Spector 2677 No. Main St., #800 Santa Ana, CA 92705 Offc: 714-835-3130		ATTORNEYS (If Known)		
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee		
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Determination of Non-Dischargeability of Debt				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width:100%; border: none;"> <tr> <td style="width:50%; vertical-align: top;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input checked="" type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <p style="text-align: center;">(continued next column)</p> </td> <td style="width:50%; vertical-align: top;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input checked="" type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input checked="" type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <p style="text-align: center;">(continued next column)</p>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input checked="" type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input type="checkbox"/> Check if this case involves a substantive issue of state law		<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$ 92,000.00		
Other Relief Sought				

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Lance Mitchell Benedict and Karen Ann Benedict		BANKRUPTCY CASE NO. 8:12-bk-13386CB
DISTRICT IN WHICH CASE IS PENDING Central	DIVISIONAL OFFICE Santa Ana	NAME OF JUDGE Catherine E. Bauer
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF) /s/ Michael G. Spector		
DATE 6/20/12	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Michael G. Spector	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Michael G. Spector - Bar No. 145035 Vicki L. Schennum (Of Counsel) - Bar No. 159628 Law Offices of Michael G. Spector 2677 No. Main St., #800 Santa Ana, CA 92705</p> <p>Offc: 714-835-3130 FAX: 714-558-7435 Email: mgspector@aol.com</p> <p><i>Attorney for Plaintiff</i></p>	<p>FOR COURT USE ONLY</p>
<p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</p>	
<p>In re:</p> <p>LANCE MITCHELL BENEDICT and KAREN ANN BENEDICT,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 8:12-bk-13386-CB</p> <p>CHAPTER: 7</p> <p>ADVERSARY NUMBER:</p>
<p>JOHN ZAMORA,</p> <p style="text-align: right;">Plaintiff(s)</p> <p style="text-align: center;">Versus</p> <p>LANCE MITCHELL BENEDICT and KAREN ANN BENEDICT,</p> <p style="text-align: right;">Defendant(s)</p>	<p>SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]</p>

TO THE DEFENDANT: A Complaint has been filed by the Plaintiff against you. If you wish to defend against the Complaint, you must file with the court a written pleading in response to the Complaint. You must also serve a copy of your written response on the party shown in the upper left-hand corner of this page. The deadline to file and serve a written response is _____. If you do not timely file and serve the response, the court may enter a judgment by default against you for the relief demanded in the Complaint.

A status conference in the adversary proceeding commenced by the Complaint has been set for:

<p>Hearing Date: _____</p>	<p>Place:</p> <p><input type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012</p> <p><input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501</p> <p><input checked="" type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701</p> <p><input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101</p> <p><input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367</p>
<p>Time: _____</p>	
<p>Courtroom: _____</p>	

You must comply with LBR 7016-1, which requires you to file a joint status report and to appear at a status conference. All parties must read and comply with the rule, even if you are representing yourself. You must cooperate with the other parties in the case and file a joint status report with the court and serve it on the appropriate parties at least 14 days before a status conference. A court-approved joint status report form is available on the court's website (LBR form F 7016-1.1) with an attachment for additional parties if necessary (LBR form F 7016-1.1a). If the other parties do not cooperate in filing a joint status report, you still must file with the court a unilateral status report and the accompanying required declaration instead of a joint status report 7 days before the status conference. The court may fine you or impose other sanctions if you do not file a status report. The court may also fine you or impose other sanctions if you fail to appear at a status conference.

**KATHLEEN J. CAMPBELL
CLERK OF COURT**

Date of Issuance of Summons and Notice of Status Conference in Adversary Proceeding: _____

By: _____
Deputy Clerk

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **SUMMONS AND NOTICE OF STATUS CONFERENCE IN ADVERSARY PROCEEDING [LBR 7004-1]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) _____, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (date) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date Printed Name Signature