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11
12 **UNITED STATES BANKRUPTCY COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14 **LOS ANGELES DIVISION**

15 In re

16 ERIC T.Y. HSU, and MAN LING
17 CHENG,

22 Debtor.

Case No.: 2:03-26874-RN

Chapter 7 Case

18 **ORDER RE MOTION OF BANK OF**
19 **TAIWAN FOR AMENDMENT TO**
20 **FINDINGS OF FACT AND**
21 **CONCLUSIONS OF LAW PURSUANT**
22 **TO FEDERAL RULE OF CIVIL**
23 **PROCEDURE 52(B) OR,**
24 **ALTERNATIVELY, MOTION FOR**
25 **RECONSIDERATION PURSUANT**
26 **TO FEDERAL RULE OF CIVIL**
27 **PROCEDURE 59**

DATE: February 19, 2008

TIME: 2:00 p.m.

CTRM: 1645

25 On February 19, 2008, at 2:00 p.m., the Motion of Bank of Taiwan for Amendment
26 to Findings of Fact and Conclusions of Law Pursuant to Federal Rule of Civil Procedure
27 52(B) or, Alternatively, Motion for Reconsideration Pursuant to Federal Rule of Civil
28 Procedure 59 (the "Motion") came on for a continued hearing before the United States

LODGED
FEB 22 2008
COURT CLERK

FILED
MAR 19 2008
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY Deputy Clerk

ENTERED
MAR 20 2008
CLERK U.S. BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
BY Deputy Clerk

1 Bankruptcy Court. Lei Lei Wang Ekvall, Esq., of Weiland, Golden, Smiley, Wang Ekvall
2 & Strok, LLP and Charles C.H. Wu, Esq., of Wu & Cheung, LLP, appeared on behalf of
3 the Bank of Taiwan (the "Bank"). Sam X.J. Wu, Esq. and Larry M. Kushner, Esq.,
4 appeared on behalf of Eric T.Y. Hsu and Man Ling Cheng (collectively, the "Debtors").

5 Having reviewed the papers filed in support of and in opposition to the Motion and
6 having considered the oral arguments made by the parties at the hearings on the
7 Motion, and good cause appearing therefrom,

8 The Court finds that manifest injustice ^{would have} occurred in connection with the Debtor's
9 Objection to Claim of Taiwan (the "Objection"). ^{^ if the parties did not have the right} Based on the foregoing, ^{to cross-examine}
^{the other parties,}

10 **IT IS HEREBY ORDERED** that the Motion is granted as follows: ^{witnesses who}
^{submitted their direct testimony}
11 1. Pursuant to Federal Rule of Civil Procedure 59, which is made applicable ^{in the}
^{form of}
12 to the matter by Federal Rule of Bankruptcy Procedure ("Bankruptcy Rule") 9023, and ^{declarations}

13 Bankruptcy Rule 3008, the Order Sustaining Debtor's Objection to Claim #2 of Bank of
14 Taiwan entered on December 14, 2007, and the Findings of Fact and Conclusions of
15 Law entered on December 14, 2007, are vacated to allow for ^{cross-examination and}
^{rebuttal testimony} ~~an evidentiary hearing~~ (the
16 "Trial") to take place with respect to the Objection on a date and time to be set by the
17 Court at the Pretrial Conference scheduled for June 19, 2008, at 1:30 p.m.

18 2. All ^{relevant} adversary proceeding rules (Bankruptcy Rules 7001—7087) shall apply
19 to this matter.

20 3. The parties shall meet and confer as required by ^{Federal Rule of Bankruptcy}
~~the Bankruptcy Rules~~ ^{Procedure 7026 and Local Bankruptcy Rule 7026-1}
21 no later than April 21, 2008.

22 4. ^A ~~The~~ joint pretrial stipulation and order shall be filed by no later than
23 May 12, 2008.

24 5. The parties shall complete all depositions by June 2, 2008

25 6. No further direct testimony will be permitted at the evidentiary hearing.

26 Notwithstanding the foregoing, witnesses may testify on redirect.

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7. The parties are encouraged to mediate this matter.

DATED: *March 19, 2008*



THE HONORABLE RICHARD M. NEITER
United States Bankruptcy Judge

APPROVED AS TO FORM:

LAW OFFICES OF SAM X.J. WU, APC

SAM X.J. WU
Attorney for Debtors, Eric T.Y. Hsu
and Man Ling Cheng

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PROOF OF SERVICE

STATE OF CALIFORNIA,
COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 650 Town Center Drive, Suite 950, Costa Mesa, California 92626.

On February 22, 2008, I served the foregoing document described as **ORDER RE MOTION OF BANK OF TAIWAN FOR AMENDMENT TO FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 52(B) OR, ALTERNATIVELY, MOTION FOR RECONSIDERATION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 59** on the interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list.

BY MAIL

I deposited such envelope in the mail at Costa Mesa, California. The envelope was mailed with postage thereon fully prepaid.

I deposited such envelope with the firm for collection and processing. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day with postage thereon fully prepaid at Costa Mesa, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Executed on February 22, 2008, at Costa Mesa, California.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under the penalty of perjury under the laws of the United States of America that the above is true and correct.

Terri Jones
Type or print name


Signature

SERVICE LIST

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U.S. Trustee
Office of the United States Trustee
Ernst & Young Plaza
725 S. Figueroa St., 26th Floor
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Chapter 7 Trustee

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Attorneys for Creditor, Bank of Taiwan

NOTE TO THE USERS OF THIS FORM:

Physically attach this form as the last page of the proposed Order or Judgment
Do not file this form as a separate document.

In re (Short Title)

ERIC T.Y. HSU, and MAN LING CHENG,

Debtor

Case No. 2:03-26874-RN

Chapter 7 Case

**NOTICE OF ENTRY OF JUDGMENT OR ORDER
AND CERTIFICATE OF MAILING**

TO ALL PARTIES IN INTEREST ON THE ATTACHED SERVICE LIST:

You are hereby notified, pursuant to Local Bankruptcy Rule 9021-1, that a judgment or order entitled (specify): **ORDER RE MOTION OF BANK OF TAIWAN FOR AMENDMENT TO FINDINGS OF FACT AND CONCLUSIONS OF LAW PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 52(B) OR, ALTERNATIVELY, MOTION FOR RECONSIDERATION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 59** as entered on (specify date):

MAR 20 2008

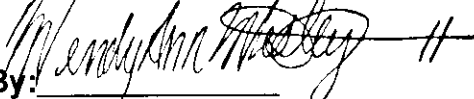
I hereby certify that I mailed a copy of this notice and a true copy of the order or judgment to the persons and entities on the attached service list on (specify date)

MAR 20 2008

DATED:

MAR 20 2008

Clerk of the Court

By: 

Deputy Clerk

SERVICE LIST

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U.S. Trustee
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