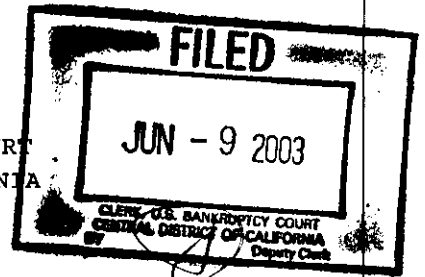


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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
RIVERSIDE DIVISION  
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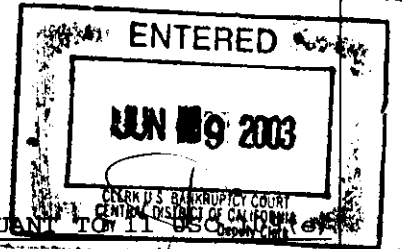
CLERK U.S. BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
Case No. 03-10787-1  
BY \_\_\_\_\_

In re:

RYON A. GAMBILL,

Debtor.

Chapter 13  
BY \_\_\_\_\_



ORDER GRANTING FAST BUCKS, INC.'s MOTION TO DISMISS PURSUANT TO 11 U.S.C. § 541(c)(2)

AND GRANTING A 180 DAY BAR ON DEBTOR REFILEING

COME ON FOR CONSIDERATION, the Motion of Fast Bucks, Inc., a New Mexico corporation to Dismiss, filed June 3, 2003, and after hearing on proper shortened notice granted and served on June 3, 2003, the Court finds as follows:

- 1) Debtor appeared and was represented by counsel Gregory Shanfeld and Julian Summers.
- 2) Fast Bucks, Inc., filed its proof of claim June 3, 2003, which evidences its judgment on December 2, 2002, from the Superior Court of California, County of Riverside, 46200 Oasis Street, Indio, CA 92201-5961 in the amount of \$1,841,782.02. Such judgment was final and has not been appealed. The judgment is accorded full faith and credit as is supported by the Rooker-Feldman Doctrine found in District of Columbia Court of Appeals v. Feldman, 103 S. Ct. 1303, 460 U.S. 462, 75 L.Ed.2d 206 (1983).
- 3) Debtor filed his chapter 13 bankruptcy on May 19, 2003, under 11 U.S.C. 101 et seq. and chapter 11 U.S.C. 1301 et seq.

1 4) Debtor had knowledge of the judgment when he filed his  
2 bankruptcy. The debts for calculation eligibility under 11  
3 USC§ 109(e) are determined as of the date of the May 19, 2003,  
4 petition. In Re Scovis, 249 F.3d 975, 984 (9<sup>th</sup> Cir. 2001). As  
5 of that date Debtor owed Fast Bucks, Inc. a liquidated and  
6 non-contingent unsecured claim of \$1,841,782.02. Debtor's  
7 dispute of Fast Buck, Inc.'s claim and such judgment being  
8 subject to Debtor's motion to vacate in the state court does  
9 not alter the Court's analysis for eligibility under chapter  
10 13. Such claim is included in calculations under 11 U.S.C. §  
11 109(e).

12 5) Due to Debtor's actions of filing a chapter 13 while subject  
13 to FastBucks, Inc.'s judgment supports this court's finding  
14 his bad faith filing of a chapter 13 bankruptcy petition.

15 **IT IS THEREFOR ORDERED** Ryon Gambill's instant case number RS03-  
16 17759 is **DISMISSED**.


17 **IT IS FURTHER ORDERED** Ryon Gambill's filing his chapter 13 was  
18 done so in bad faith and he shall be barred from filing for relief  
19 under any chapter of the Bankruptcy Code (11 U.S.C. 101 et seq.) for  
20 180 days from the date of the entry of this order.

21 **IT IS FURTHER ORDERED** Ryon Gambill may file a motion to  
22 reconsider the Court's bar on refiling bankruptcy, ~~and~~ <sup>2</sup> if he prevails  
23 in vacating Fast Bucks, Inc.'s judgment against him.

24 **IT IS FINALLY ORDERED** that the 10-day stay provisions of  
25 Bankruptcy Rule 1004(a)(3) are waived and this order is effective upon  
entry.

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Signed this 9<sup>th</sup> day of June, 2003

  
\_\_\_\_\_  
DAVID NAUGLE  
UNITED STATES BANKRUPTCY JUDGE

1 Prepared by:

2 Stephen L. Solomon  
3 General Counsel, Corporate Secretary, & VP Administration  
4 Fast Bucks, Inc., a New Mexico corporation  
5 7920 Belt Line Road, Suite 600  
6 Dallas, Texas 75254-8154  
7 Tel. 972-490-3330, Ext. 101  
8 E-Fax 801-912-6888  
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