

NOV 14 2016

SUSAN M. SPRAUL, CLERK
U.S. BKCY. APP. PANEL
OF THE NINTH CIRCUIT

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE NINTH CIRCUIT

In re:) BAP No. NV-15-1137-LDoKi
)
 KATHLEEN LYNNE RAY,) Bk. No. 14-16060-mkn
)
 Debtor.)
)
)
 KATHLEEN LYNNE RAY,)
)
 Appellant,)
)
 v.) **MEMORANDUM***
)
 DEUTSCHE BANK NATIONAL)
 TRUST COMPANY,)
)
 Appellee.)
)

Argued and Submitted on October 21, 2016
at Las Vegas, Nevada

Filed - November 14, 2016

Appeal from the United States Bankruptcy Court
for the District of Nevada

Honorable Mike K. Nakagawa, Bankruptcy Judge, Presiding**

Appearances: Appellant Kathleen Lynne Ray argued pro se;
 Gregory L. Wilde of Tiffany & Bosco PA argued for
 Appellee Deutsche Bank National Trust Company.

* This disposition is not appropriate for publication. Although it may be cited for whatever persuasive value it may have (see Fed. R. App. P. 32.1), it has no precedential value. See 9th Cir. BAP Rule 8024-1.

** One of the matters on appeal was heard by the Honorable Gary Spraker, United States Bankruptcy Judge for the District of Alaska. Both of the orders on appeal were entered by Judge Nakagawa.

1 Before: LAFFERTY, DORE,*** and KIRSCHER, Bankruptcy Judges.

2 **INTRODUCTION**

3 In 2010, Appellant's real property was sold at a foreclosure
4 sale, and a Trustee's Deed Upon Sale was recorded in favor of
5 Appellee. Nevertheless, Appellant continued to reside in the
6 real property at all times relevant to this appeal.¹ Appellee
7 has twice obtained writs of restitution for the real property but
8 has been unable to execute on those writs due to three bankruptcy
9 filings and at least three unsuccessful lawsuits filed by
10 Appellant against Appellee in various courts, along with related
11 appeals. In those lawsuits, Appellant asserted that she was the
12 victim of a mortgage scam, that Appellee lacked standing, that
13 the foreclosure sale was invalid, and that Appellee's former
14 counsel had a conflict of interest because he was allegedly
15 related to the perpetrator of the mortgage scam and had served as
16 a "clerk" (extern) to another bankruptcy judge.

17 In the instant bankruptcy case, Appellee moved for relief
18 from stay to proceed with its eviction action. Appellant did not
19 file an opposition to the motion but requested additional time to
20 file one. The bankruptcy court denied the request for an
21 extension of time and granted Appellee's motion for relief from
22 stay on grounds that the real property was not property of the
23

24 *** Hon. Timothy W. Dore, United States Bankruptcy Judge for
25 the Western District of Washington, sitting by designation.

26 ¹ After this appeal was filed, Appellant was evicted from
27 the real property, but according to Appellee, she broke into the
28 real property and removed personal belongings. Appellee agreed
to allow Appellant limited access. At oral argument, Appellant
indicated she was still residing in the property.

1 estate. Appellant moved for reconsideration, which the
2 bankruptcy court denied.

3 Because the bankruptcy court did not abuse its discretion in
4 denying Appellant's motion for an extension of time to file an
5 opposition, granting relief from stay, or denying
6 reconsideration, we AFFIRM.²

7 **FACTUAL BACKGROUND**

8 Appellant Kathleen Ray was the obligor on a promissory note
9 dated May 6, 2005 in favor of First Franklin, a division of
10 National City Bank of Indiana, in the principal amount of
11 \$448,000. The note was secured by a deed of trust against Ray's
12 real property in Las Vegas, Nevada (the "Property"). Appellee
13 Deutsche Bank National Trust Company, as Trustee for FFMLT Trust
14 2005-FF8, Mortgage Pass-Through Certificates, Series 2005-FF8
15 ("Deutsche Bank") was the assignee of the beneficial interests
16 under the note and deed of trust.³

17
18 ² On May 11, 2016, Appellant filed in this appeal a "Notice
19 of Significant Changed Circumstances." In that document,
20 Appellant asserted (1) that Appellee has no colorable claim of
21 title to the real property; and (2) that the writs of restitution
22 obtained by Appellee were void due to procedural irregularities
23 that may have violated Appellant's rights. Appellant attached to
24 this document a copy of the amended complaint in her adversary
25 proceeding filed against Deutsche Bank and others on March 23,
2016, and an undated motion to dismiss the unlawful detainer
actions, apparently intended to be filed with the Las Vegas
Justice Court. Because none of the arguments or attached
documents were before the bankruptcy court when it ruled on
Appellant's motions, we do not consider them.

26 ³ Ray alleges that Deutsche Bank lacked standing because
27 its claim to an interest in the Property arose "following a
28 series of suspicious and unperfected transfers." However, as
discussed below, Deutsche Bank's standing to seek relief from

(continued...)

1 Ray defaulted on payments due under the note in September
2 2008. In March 2009 Ray filed a chapter 7⁴ petition in the
3 U.S. Bankruptcy Court for the District of Nevada. Ray received a
4 discharge in that case on July 28, 2009. The bankruptcy court
5 granted Deutsche Bank relief from stay as to any interest
6 retained by the chapter 7 trustee on March 16, 2010.

7 On June 25, 2010, the Property was sold at public sale, and
8 Deutsche Bank recorded its Trustee's Deed Upon Sale on July 21,
9 2010. On February 10, 2011, Deutsche Bank commenced an unlawful
10 detainer proceeding against Ray in Las Vegas Justice Court.
11 Deutsche Bank obtained a judgment and a writ of restitution
12 authorizing Ray's eviction.⁵ Ray appealed, and the Nevada
13 Supreme Court affirmed the trial court.

14 During the course of her first bankruptcy, and before she
15 received her discharge, Ray sued Deutsche Bank and others in the
16 Eighth Judicial District Court for Clark County, Nevada,
17 asserting various claims including breach of contract, breach of
18 fiduciary duty, fraud, and violations of TILA and RESPA. The
19

20 ³(...continued)
21 stay is established by the fact it now holds a Trustee's Deed
22 Upon Sale evidencing its ownership interest in the Property.

23 ⁴ Unless otherwise indicated, all chapter and section
24 references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532.
25 "Rule" references are to the Federal Rules of Bankruptcy
26 Procedure, and "Civil Rule" references are to the Federal Rules
27 of Civil Procedure.

28 ⁵ In Nevada, a judgment for possession in an unlawful
29 detainer action is referred to as a writ of restitution of the
30 premises. See NRS 40.360; see also Chapman v. Deutsche Bank
National Trust Co., 302 P.3d 1103, 1107-08 (Nev. 2013); Gibby's
Inc. v. Aylett, 615 P.2d 949, 950-51 and n.2 (Nev. 1980).

1 trial court dismissed the complaint in September 2009 and, on
2 February 15, 2012, the Nevada Supreme Court issued an order
3 affirming the dismissal.

4 Ray filed a chapter 13 petition on September 27, 2011. She
5 converted the case to chapter 7 on October 19, 2011. Deutsche
6 Bank was granted relief from stay on December 19, 2011. The
7 chapter 7 trustee moved to dismiss the case on grounds that Ray
8 was ineligible for a chapter 7 discharge due to her having
9 received a discharge in a chapter 7 case filed less than eight
10 years previously. The bankruptcy court granted that motion on
11 July 30, 2012.

12 In December 2011 Ray moved to reopen her first chapter 7
13 case, purportedly to discharge debts to the IRS and to file an
14 adversary complaint against Deutsche Bank. The motion was
15 granted on April 23, 2012.

16 Meanwhile, on April 10, 2012, Ray sued Deutsche Bank in the
17 U.S. District Court for the District of Nevada. Ray's complaint
18 in that action raised a variety of legal theories and attempted
19 to assert claims for equitable relief as well as claims for
20 damages. The district court granted Deutsche Bank's motion to
21 dismiss Ray's claims based on the claim preclusive effect of the
22 state court rulings against her. Ray appealed the dismissal
23 order; the Ninth Circuit Court of Appeals summarily affirmed.

24 On July 10, 2012, Ray filed an adversary complaint against
25 Deutsche Bank in the reopened case. The bankruptcy court
26 dismissed that complaint on grounds that the claims asserted were
27 or could have been asserted in the district court proceeding that
28 was then pending, and such claims were thus precluded.

1 On June 4, 2014, Deutsche Bank filed a second unlawful
2 detainer complaint and was issued a temporary writ of restitution
3 on August 27, 2014. On September 9, 2014, less than two weeks
4 later, Ray filed the instant chapter 13 petition. She listed the
5 Property on Schedule A with a value of \$206,000. She did not
6 list a secured claim against the real property but listed a
7 "disputed" unsecured debt of \$428,490.07 to Specialized Loan
8 Servicing, which she described as "discharged mortgage on home."⁶

9 On February 5, 2015, Deutsche Bank moved for relief from the
10 automatic stay (the "Stay Motion"), setting the matter for a
11 hearing on March 11, 2015. Ray did not file an opposition within
12 14 days prior to the hearing as required under Rule 9014(d) of
13 the Local Rules of Bankruptcy Practice of the United States
14 District Court for the District of Nevada. On February 26 (the
15 due date for any opposition), through counsel, Ray filed a motion
16 for an extension of time to respond to the Stay Motion and to
17 continue the hearing ("Motion to Extend"). Ray asserted, without
18 providing any admissible evidence, that Deutsche Bank's then
19 counsel, Raymond Jereza, had a conflict because he was related to
20 Sonia Rodis, one of the convicted perpetrators of a mortgage
21 fraud scheme of which Ray claimed to have been a victim. Ray
22 also argued that her counsel and Deutsche Bank's counsel had been
23 conferring about the fact that Ray was the victim of mortgage
24 fraud and that there were questions about Deutsche Bank's
25 interest in the Property. Ray asserted she needed more time to
26

27 ⁶ According to the bankruptcy court docket, Ray has not yet
28 confirmed a chapter 13 plan.

1 continue due diligence and to make an offer to refinance the
2 Property. On the hearing date, Ray filed a "Supplement" to the
3 Motion to Extend, restating those points and indicating that she
4 could not attend the hearing because she had to be with her ill
5 mother in California, although her counsel did appear. Ray also
6 asserted that she had a setoff claim against Deutsche Bank. The
7 bankruptcy court did not rule on the Motion to Extend prior to
8 the hearing.

9 The matter was heard by a visiting judge, the Honorable Gary
10 Spraker. Ray's counsel appeared at the hearing and explained:

11 That we're asking for this extension in good
12 faith, to complete our due diligence, as well as our
13 client not being here today. She's also the victim of
14 a crime, which resulted in one of the perpetrators
15 recently being sentenced to jail. They're not in the
16 first position to lift the stay. An HOA currently has
17 a super priority lien. The creditor may not even have
18 a colorable claim to title due to a series of
19 transactions which occurred subsequent to a purported
20 change of title involving the Bank of New York Mellon
21 and two subsidiaries of Bank of America. Three
22 separate entities have claimed a colorable title after
23 the super priority lien.

24 Judge Spraker denied the Motion to Extend and granted the
25 Stay Motion, finding that the Property was not property of the
26 estate and that sufficient cause existed to terminate the stay to
27 proceed with eviction. The bankruptcy court declined to grant
28 in rem relief under § 362(d)(4) because it determined there was
not enough evidence to support a finding of intent to hinder,
delay, defraud, or a scheme to defraud. The bankruptcy court
also did not waive the 14-day stay period of Rule 4001(a)(3).⁷ A

27 ⁷ Ray moved for a seven-day extension of this deadline,
28 which the bankruptcy court denied, and Ray appealed. A motions
(continued...)

1 written order was entered on March 18, 2015.

2 On March 16, 2015, Ray filed a motion for reconsideration
3 pursuant to Civil Rule 59, incorporated in bankruptcy via
4 Rule 9023. On March 18, she filed an amended motion for
5 reconsideration. In the motion, Ray argued that (1) the
6 bankruptcy court abused its discretion in denying Ray's Motion to
7 Extend; (2) the bankruptcy court erred in conducting the hearing
8 because the homeowner's association, which had a "super priority"
9 lien, had not been noticed;⁸ and (3) the court should disqualify
10 Deutsche Bank's counsel on the basis of "undisclosed conflicted
11 familial relations." Ray did not offer any substantive reason
12 why the bankruptcy court abused its discretion in granting the
13 Stay Motion.

14 On April 7, 2015, the bankruptcy court entered an order
15 denying the motion to reconsider without prejudice.⁹ Noting that
16 Deutsche Bank's counsel had been served at an incorrect address,
17 the bankruptcy court's order explicitly permitted Ray to
18 recalendar the motion. Ray did not do so; she filed the instant
19 appeal instead.

20 JURISDICTION

21 The bankruptcy court had jurisdiction under 28 U.S.C. § 1334

22

23 ⁷(...continued)
24 panel dismissed that appeal as moot on June 18, 2015.

25 ⁸ In her opening brief, Ray states that the issue of
26 service on the HOA was "rendered moot by the payment of the
lien."

27 ⁹ The order also denied Ray's motion for declaratory relief
28 regarding separate matters. That portion of the order is not
part of this appeal.

1 and 28 U.S.C. § 157(b) (2) (G). We have jurisdiction under
2 28 U.S.C. § 158.

3 **ISSUES**

4 1. Did the bankruptcy court abuse its discretion in
5 denying Ray's Motion to Extend?

6 2. Did the bankruptcy court abuse its discretion in
7 granting the Stay Motion?

8 3. Did the bankruptcy court abuse its discretion in
9 denying Ray's motion for reconsideration?

10 **STANDARD OF REVIEW**

11 We review for abuse of discretion the bankruptcy court's
12 denial of a motion for an extension of time to file an
13 opposition, its order granting relief from stay, and its order
14 denying reconsideration. See Ahanchian v. Xenon Pictures, Inc.,
15 624 F.3d 1253, 1258 (9th Cir. 2010); Leafty v. Aussie Sonoran
16 Capital, LLC (In re Leafty), 479 B.R. 545, 550 (9th Cir. BAP
17 2012). A bankruptcy court abused its discretion if it applied
18 the wrong legal standard or its findings were illogical,
19 implausible or without support in the record. TrafficSchool.com,
20 Inc. v. Edriver Inc., 653 F.3d 820, 832 (9th Cir. 2011).

21 **DISCUSSION**

22 **A. The bankruptcy court did not abuse its discretion in denying**
23 **Ray's Motion to Extend.**

24 The bankruptcy court is authorized under Rule 9006(b) at any
25 time, in its discretion, to extend filing deadlines "for cause
26 shown." A bankruptcy court has substantial discretion to control
27 its own calendar. Danjaq LLC v. Sony Corp., 263 F.3d 942, 960-61
28 (9th Cir. 2001). Four factors are relevant to whether the

1 bankruptcy court abused its discretion in denying a continuance:

2 (1) the extent of Ray's diligence in her efforts to ready her
3 defense prior to the date set for hearing; (2) the likelihood
4 that the need for a continuance could have been met if the
5 continuance had been granted; (3) the extent to which granting
6 the continuance would have inconvenienced the court and the
7 opposing party; and (4) the extent to which Ray might have
8 suffered harm as a result of the bankruptcy court's denial.

9 Berry v. U.S. Tr. (In re Sustaita), 438 B.R. 198, 211 (9th Cir.
10 BAP 2010), aff'd, 460 F. App'x 627 (9th Cir. 2011) (citing United
11 States v. 2.61 Acres of Land More or Less, 791 F.2d 666, 670 (9th
12 Cir. 1985)).¹⁰

13 On appeal, Ray argues that the Stay Motion was filed in bad
14 faith while counsel were conferring on the issues, leaving her
15 with an "unusually strained deadline" to respond and that a short
16 continuance would not have prejudiced anyone. She argues that
17 the bankruptcy court should have granted the continuance so she
18 could complete her "due diligence" on the issues.¹¹

19 _____
20 ¹⁰ Ray recites the standard applicable to continuances
21 under Civil Rule 6 that motions for continuance should normally
22 be granted in the absence of bad faith or prejudice to the
23 adverse party. However, this standard is not applicable to
24 motions brought in bankruptcy under Rule 9006(b). Luxury Jewels,
LLC v. Akers (In re Aroonsakool), 2014 WL 1273696, at *6 (9th
Cir. BAP Mar. 28, 2014).

25 ¹¹ Ray also argues that the bankruptcy court abused its
26 discretion in denying the request so that Judge Nakagawa could
27 hear the matter. However, this argument was not raised in
28 connection with the original motion in the bankruptcy court.
Thus, we do not consider it. See United Student Funds, Inc. v.
Wylie (In re Wylie), 349 B.R. 204, 213 (9th Cir. BAP 2006)

(continued...)

1 The bankruptcy court did not make explicit findings as to
2 the relevant factors, but we may affirm on any basis supported by
3 the record, Caviata Attached Homes LLC v. U.S. Bank
4 (In re Caviata Attached Homes, LLC), 481 B.R. 34, 44 (9th Cir.
5 BAP 2012), and the record here supports the conclusion that
6 denial of the Motion to Extend was not an abuse of discretion.
7 Deutsche Bank demonstrated in its moving papers that Ray had no
8 interest in the Property. As such, the reasons offered for
9 requesting a continuance - that the parties were working out a
10 resolution, that an HOA held a superior lien, that Deutsche Bank
11 lacked colorable title, that Deutsche Bank's former counsel had a
12 conflict, and that Ray could not attend the hearing - were
13 irrelevant to the court's disposition of the Stay Motion. A
14 continuance would not have changed the fact that Ray had no
15 interest in the Property.

16 Analyzing the factors recited above: (1) as to Ray's
17 diligence in preparing a defense, these parties have a lengthy
18 history of litigation in which Ray has attempted to assert the
19 same arguments offered here, which have been rejected by other
20 courts; in other words, Ray has had many opportunities over many
21 years to formulate a defense; (2) as to whether the need for a
22 continuance would have been met, a continuance would not have
23 changed the dispositive fact that Ray had no interest in the
24 Property; (3) regarding prejudice to Deutsche Bank and the court,

25
26 ¹¹ (...continued)
27 (Absent exceptional circumstances, the panel generally will not
28 consider arguments raised for the first time on appeal). In any
event, Ray offers no reason to believe that Judge Nakagawa would
have ruled differently.

1 a short continuance probably would not have substantially
2 prejudiced either, but Deutsche Bank had spent much of the past
3 seven years attempting to enforce its security interest in the
4 Property, with its attendant costs, and some prejudice to
5 Deutsche Bank may fairly be inferred; and (4) as to prejudice to
6 Ray, she had no interest in the Property and no plausible defense
7 to the Stay Motion, thus the denial of a continuance did not
8 prejudice her.

9 The bankruptcy court did not abuse its discretion in denying
10 the Motion to Extend.

11 **B. The bankruptcy court did not abuse its discretion in**
12 **granting relief from stay.**

13 Under § 362(d), the bankruptcy court "shall" grant relief
14 from stay upon a showing of "cause." If property is not property
15 of the estate, that is cause for relief. See Edwards v. Wells
16 Fargo Bank (In re Edwards), 454 B.R. 100, 106 (9th Cir. BAP
17 2011). Ray had no legal right to occupy the Property, as
18 Deutsche Bank had obtained a temporary writ of restitution less
19 than two weeks prior to Ray's most recent bankruptcy filing. See
20 Chapman v. Deutsche Bank National Trust Co., 302 P.3d 1103,
21 1107-08 (Nev. 2013) (purpose of unlawful detainer action is to
22 restore possession to one from whom it is being unlawfully
23 withheld; if court determines that occupant has no legal defense
24 to unlawful detainer, it will issue a summary order for
25 restitution of the premises); see also Eden Place, LLC v. Perl
26 (In re Perl), 811 F.3d 1120, 1130 (9th Cir. 2016), cert. denied
27 sub nom. Perl v. Eden Place, LLC, 84 USLW 3558 (U.S. Oct. 3,
28 2016) (under California law, an unlawful detainer judgment and

1 writ of possession bestow legal title and all rights of
2 possession upon the plaintiff).

3 Relief from stay proceedings are primarily procedural. Veal
4 v. American Home Mortgage Serv., Inc. (In re Veal), 450 B.R. 897,
5 914 (9th Cir. BAP 2011). Hearings on such motions are handled in
6 a summary fashion: the bankruptcy court need only determine
7 "whether there are sufficient countervailing equities to release
8 an individual creditor from the collective stay. . . . a
9 creditor's claim or security is not finally determined in the
10 relief from stay proceeding." Id. (citing Johnson v. Righetti
11 (In re Johnson), 756 F.2d 738, 740-41 (9th Cir. 1985)).

12 On appeal, Ray does not address the standard to be applied
13 in ruling on a motion for relief from stay or the fact that she
14 no longer has any rights in the Property. We find no abuse of
15 discretion in the bankruptcy court's rulings. To establish its
16 standing to move for relief from stay, Deutsche Bank needed to
17 show only that it had a colorable claim to enforce its rights
18 against the Property. In re Edwards, 454 B.R. at 104-05 (citing
19 In re Veal, 450 B.R. at 914) (additional citations omitted).

20 In re Edwards involved facts nearly identical to those
21 presented here. The creditor, Wells Fargo Bank, N.A. ("Wells
22 Fargo"), moved for relief from stay to continue an eviction.
23 Prepetition, Wells Fargo had obtained title to the subject real
24 property pursuant to a trustee's deed upon sale and had obtained
25 a writ of possession in an unlawful detainer proceeding in a
26 California court. The debtor challenged Wells Fargo's standing
27 and alleged that Wells Fargo had unlawfully foreclosed and
28 attempted to evict the debtor. The bankruptcy court rejected

1 these arguments and granted relief from stay. The debtor
2 appealed, and we affirmed. The Panel held that Wells Fargo was
3 the "presumptive current record owner" pursuant to the trustee's
4 deed upon sale, and that Wells Fargo had acquired additional
5 rights and remedies when it obtained the unlawful detainer
6 judgment and writ of possession. 454 B.R. at 105-06. The Panel
7 thus held that Wells Fargo had established a colorable claim to
8 an ownership interest in the real property sufficient to
9 establish standing as a real party in interest. Id. at 105-06.

10 Here, Deutsche Bank obtained title to the Property under the
11 Trustee's Deed Upon Sale in 2010 and obtained a writ of
12 restitution in state court. Thus, Deutsche Bank is the
13 presumptive current owner of the Property and obtained a right to
14 possession in state court before Ray filed the instant bankruptcy
15 case. As such, Deutsche Bank had a colorable claim to the
16 Property. As to the merits, Deutsche Bank established "cause"
17 for relief by showing that neither the estate nor Ray had any
18 interest in the Property.

19 At the hearing on the Stay Motion, Ray's counsel did not
20 elaborate on how any purported mortgage fraud or relationship
21 between the convicted fraud perpetrator and Deutsche Bank's
22 counsel impacted the issues relevant to whether the stay should
23 be lifted. Similarly, the HOA's senior lien had no bearing on
24 whether the court should lift the stay to permit Deutsche Bank to
25 proceed with eviction.

26 Deutsche Bank argues that in rem stay relief was warranted
27 under § 362(d)(4), but Deutsche Bank did not cross-appeal the
28 bankruptcy court's order. In any event, the bankruptcy court

1 correctly denied in rem relief under that section, because, as
2 the owner of the Property, Deutsche Bank is no longer a creditor
3 whose claim is secured by an interest in the Property under
4 § 362(d)(4). See Ellis v. Yu (In re Ellis), 523 B.R. 673, 678-79
5 (9th Cir. BAP 2014).

6
7 **C. The bankruptcy court did not abuse its discretion in denying
8 Ray's motion for reconsideration.**

9 Civil Rule 59(e) allows for reconsideration if the
10 bankruptcy court "(1) is presented with newly discovered
11 evidence, (2) committed clear error or the initial decision was
12 manifestly unjust, or (3) if there is an intervening change in
13 controlling law. There may also be other, highly unusual
14 circumstances warranting reconsideration." Sch. Dist. No. 1J v.
15 AC & S, Inc., 5 F.3d 1255, 1263 (9th Cir. 1993) (citation
omitted).

16 In her motion for reconsideration, Ray presented no argument
17 that was not or could not have been made in connection with the
18 Stay Motion. She presented no newly discovered evidence, error,
19 or intervening change in controlling law. As noted, she argued
20 that the bankruptcy court abused its discretion in denying an
21 extension of time to respond and in granting stay relief when the
22 HOA had not been noticed. Ray also argued that the bankruptcy
23 court should disqualify Deutsche Bank's counsel on the basis of
24 his alleged conflict. As discussed above, the bankruptcy court
25 did not abuse its discretion in ruling immediately on the Stay
26 Motion, and the remaining arguments have no bearing on the
27 propriety of that decision. In short, Ray did not establish any
28 grounds for reconsideration.

1 On appeal, Ray argues that the bankruptcy court should not
2 have denied the motion because Deutsche Bank's counsel would have
3 been served electronically and notice was served on the addresses
4 listed for counsel by the State Bar of Nevada and Clark County
5 Business License Dept. Ray also points out that the motion for
6 reconsideration was unopposed. These arguments are beside the
7 point: the bankruptcy court denied the motion without prejudice
8 to Ray's re-calendar of the motion upon proper notice, but Ray
9 chose not to do so.¹²

10 **CONCLUSION**

11 For the foregoing reasons, the bankruptcy court did not
12 abuse its discretion in denying Ray's Motion to Extend, granting
13 relief from the automatic stay, or denying Ray's motion for
14 reconsideration. Accordingly, we AFFIRM.

24 ¹² In her brief on appeal, Ray argued that her bankruptcy
25 case should have been transferred to another court due to the
26 appearance of impropriety resulting from Deutsche Bank's former
27 counsel's involvement in the case. At oral argument, Ray
28 indicated she was withdrawing this request. In any event, no
such relief was requested in the bankruptcy court. Thus we would
not have considered this argument. See In re Wylie, 349 B.R. at
213.