

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
21041 BURBANK BOULEVARD
WOODLAND HILLS, CALIFORNIA 91367

10/21/03
03-CV-005

03-BK-F

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GERALDINE MUND

October 14, 2003

Peter G. McCabe, Secretary
Committee on Rules of Practice and Procedure
of the Judicial Conference of the United States
Thurgood Marshall Federal Judiciary Building
Washington, D.C. 20544

Re: Comments on Proposed Amendments to
the Federal Rules of Practice and Procedure

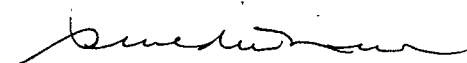
Dear Mr. McCabe:

I have the following comments on the proposed amendments to Federal rules:

Federal Rule of Civil Procedure 5.1 might read better if it starts with "A party who files a pleading," rather than "A party that files a pleading." But the real issue here is that it seems that this rule should be incorporated in the Bankruptcy Rules, as we receive constitutional challenges to both state and federal statutes and there is no requirement here that notice be given in a bankruptcy case.

By way of example, California passed Code of Civil Procedure § 715.050 which effectively terminates the automatic stay on an eviction action if judgment is obtained pre-petition. This has been challenged a variety of times when a landlord seeks to evict without relief from the automatic stay. Sometimes the Sheriff's Department is named, but that is a county agency, the state is almost never aware of the action. If I can provide any further information, please let me know.

Very truly yours,



GERALDINE MUND
United States Bankruptcy Judge