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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re

KENT DAVIS HALL and SUSAN
BERNADETTE HALL,

Debtors.

Chapter 7

Case No. 07-5601-PHX-SSC

**ORDER QUASHING ORDER TO
SHOW CAUSE**

This matter came before the Court on a “Motion to Reinstate” filed by Kent and Susan Hall, the Debtors herein, on November 15, 2007. The Court granted the Order, but had serious concerns about certain allegations in the Motion regarding the failure of Mr. Bret Maidman, the Halls’ attorney at the time, to adequately represent them. The Court issued an Order to Show Cause issued by the Court on November 20, 2007. The matter came on for hearing on December 18, 2007, at which time no party appeared. The hearing was continued to January 16, 2008. On December 31, 2007, Mr. Gary Ringler filed a Motion to Substitute Attorney, requesting that the Court allow him to replace Mr. Maidman as the Halls’ attorney. The Court entered an Order granting the Motion on January 7, 2008.

At the continued Order to Show Cause hearing on January 16, 2008, no one appeared in the courtroom,¹ so the matter was continued to February 5, 2008. The

1. Subsequently, Mr. Gary Ringler contacted the Courtroom Deputy to notify her that he and the debtors had appeared at the hearing telephonically. Apparently due to technical difficulties, however, the Court had been unable to ascertain that anyone was present on the telephone.

1 hearing was subsequently rescheduled to February 13, 2008, at which time the Debtors and
2 their new counsel, Mr. Ringler, appeared.² Mr. Ringler stated on the record that Mr.
3 Maidman had agreed to turn over the retainer paid to him by the Debtors, to be used by Mr.
4 Ringler in his representation of the Debtors. The Debtors stated that they were very pleased
5 with Mr. Ringler, and wished to have him continue to represent them. The Court, however,
6 still had concerns that Mr. Maidman had failed to respond, orally or in writing, to the Court's
7 Order to Show Cause. The Court ordered that by February 20, 2008, Mr. Maidman was to
8 turn over to Mr. Ringler the \$1,000 retainer the Debtors had paid him. The Order to Show
9 Cause hearing was continued to March 17, 2008. The Court further ordered that Mr.
10 Maidman file his Response to the Order to Show Cause prior to the continued hearing, noting
11 that he could do so under seal if desired.

12 On February 29, 2008, Mr. Ringler filed his "Report re: Receipt of
13 Retainer Refund and Second Amended 2016 Statement." Mr. Ringler's Report stated that on
14 February 19, 2008, he had received \$1,000 representing the refund of the Debtors' initial
15 retainer, from the personal funds of Mr. Maidman. The funds were deposited into Mr.
16 Ringler's trust account to be utilized in the representation of the Debtors going forward.

17 Mr. Maidman failed to file any Response to the Court's Order to Show
18 Cause, under seal or otherwise. No one appeared at the March 17, 2008 continued hearing on
19 the Order to Show Cause. The Court's Minute Entry for March 17, 2008 reflected that the
20 Court would take under advisement the issue of how to proceed as to Mr. Maidman.

21 The Court has determined that continuing to hold Order to Show Cause
22 hearings is not an appropriate way to proceed. Mr. Maidman has refunded the retainer paid to
23 him by the Debtors, who are able to use the funds to have Mr. Ringler represent them. The
24 Debtors have expressed satisfaction with Mr. Ringler's representation. The Court is currently
25 exploring alternatives other than hearings to determine how to proceed as to Mr. Maidman.

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28 **2.** Mr. Ringler appeared in the Courtroom, and the Debtors appeared by telephone.

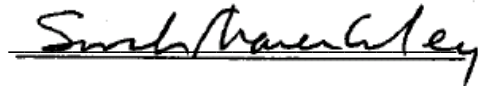
1 The Order to Show Cause is hereby quashed without prejudice, with the understanding that
2 the Order may be reissued if necessary. Now, therefore,

3 IT IS ORDERED that the Order to Show Cause is quashed without
4 prejudice;

5 IT IS FURTHER ORDERED that this matter shall no longer be deemed
6 under advisement.

7 The Court shall explore other avenues to resolve the remaining issues with
8 Mr. Maidman.

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10 Done this 22nd day of May, 2008.

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13 The Honorable Sarah Sharer Curley

14 United States Bankruptcy Court.

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17 BNC to notice only to the Debtors, Mr. Maidman, Mr. Ringler, and the United States Trustee.
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