

ENTERED

October 21, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

IN RE:	§	
	§	CASE NO: 10-70594
JOSE SR. TREVINO	§	
and	§	CHAPTER 13
TERESA TREVINO,	§	
	§	
Debtors.	§	
	§	
TERESA TREVINO	§	
and	§	
JOSE SR. TREVINO,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	ADVERSARY NO. 13-7031
	§	
U.S. BANK TRUST, N.A.	§	
and	§	
CALIBER HOME LOANS, INC.,	§	
	§	
Defendants.	§	

JUDGMENT
Regarding ECF No. 434

On September 10, 2021, this Court entered a Judgment¹ resolving “The Caliber Parties’ Motion for Summary Judgment as to Application of Plaintiffs’ Counsel for Allowance of Compensation and Reimbursement of Expenses”² filed by U.S. Bank Trust, N.A., as trustee for LSF8 Master Participation Trust, and Caliber Home Loans, Inc. In its Judgment, the Court notified U.S. Bank Trust, N.A., as trustee for LSF8 Master Participation Trust, and Caliber Home Loans, Inc. that it “intends to grant Kellett & Bartholow PLLC and Stone Curtis PLLC’s request for entry of summary judgment against U.S. Bank Trust, N.A., as trustee for LSF8 Master Participation Trust, and Caliber Home Loans, Inc. pursuant to Federal Rule of Civil Procedure 56(f)(1), finding that Kellett & Bartholow PLLC and Stone Curtis PLLC are entitled to recover reasonable and necessary attorneys’ fees pursuant to this Court’s prior judgment awarding fees pursuant to 11 U.S.C. § 105(a) and 15 U.S.C. § 1692k(a)(3) and that in determining the necessity and reasonableness of their requested fees and expenses, there is no proportionality analysis required in connection with Teresa and Jose Trevino’s damages award.”³

As required by Rule 56(f)(1), the Court notified U.S. Bank Trust, N.A., as trustee for LSF8 Master Participation Trust, and Caliber Home Loans, Inc. that they had twenty (20) days from

¹ ECF No. 446.
² ECF No. 428.
³ ECF No. 446 at 4, ¶ 4.

entry of the Judgment to respond to the Court's notice.⁴ More than twenty days have passed since this Court entered its Judgment and U.S. Bank Trust, N.A., as trustee for LSF8 Master Participation Trust, and Caliber Home Loans, Inc. have not filed a response to this Court's notice. It is therefore:

ORDERED: that

1. Kellett & Bartholow PLLC and Stone Curtis PLLC's request for entry of summary judgment against U.S. Bank Trust, N.A., as trustee for LSF8 Master Participation Trust, and Caliber Home Loans, Inc. pursuant to Federal Rule of Civil Procedure 56(f)(1) as to:
 - a. a finding that Kellett & Bartholow PLLC and Stone Curtis PLLC are entitled to recover reasonable and necessary attorneys' fees pursuant to this Court's prior judgment⁵ awarding fees pursuant to 11 U.S.C. § 105(a) and 15 U.S.C. § 1692k(a)(3) is GRANTED;
 - b. a finding that in determining the necessity and reasonableness of Kellett & Bartholow PLLC and Stone Curtis PLLC's requested fees and expenses, there is no proportionality analysis required in connection with Teresa and Jose Trevino's damages award is GRANTED.
2. The amount, necessity, and reasonableness of Kellett & Bartholow PLLC and Stone Curtis PLLC'S fees and expenses remains a disputed issue which will be determined after a trial on the merits.
3. All relief not expressly granted is DENIED.

SIGNED October 21, 2021



Eduardo Rodriguez
United States Bankruptcy Judge

⁴ *Id.* ¶ 4(a).

⁵ ECF No. 342.