|  |
| --- |
| {{author.name.first}}{% if atty\_info\_in\_caption %} (CA Bar No. {{author.sbn}})  {{author.law\_firm}}{% endif %}  {{author.address.block()}}  Phone: {{phone\_number\_formatted(author.phone\_number)}} | Fax: {{phone\_number\_formatted(author.fax\_number)}}  Email: {{author.email}}  {% if not atty\_info\_in\_caption %}In pro per{% else %}Attorneys for {% for x in client %}{{x.role}} {{x.name.text}}{% endfor %}{% endif %} |

{{court\_info(court.short\_name)[‘court.pleading\_caption’]}}

|  |  |
| --- | --- |
| {{lead\_filing\_party|upper()}}{% if defined(‘lead\_filing\_party.entity\_type’) %}, {{lead\_filing\_party.entity\_type}}{% endif %}{% if pluralize\_filing\_party\_yes %} et al.{% endif %},  {{filing\_party\_role}}{% if pluralize\_filing\_party\_yes %}s{% endif %},  v.  {{lead\_responding\_party|upper()}}{% if defined(‘lead\_responding\_party.entity\_type’) %}, {{lead\_responding\_party.entity\_type}}{% endif %}{% if pluralize\_responding\_party\_yes %} et al.{% endif %},  {{responding\_party\_role}}{% if pluralize\_responding\_party\_yes %}s{% endif %}. | Case No.: {{case.number}}  **{{doc.title\_full}}**  {%p if include\_stat\_callout %}  [{{stat\_callout}}]  {%p endif %}  {%p if include\_concurrently\_filed\_docs\_notice %}  *Concurrently filed with {{custom\_entered\_concurrently\_filed\_docs}}*  {%p endif %}  {%p if doc.has\_hrg and doc.type != ‘Proposed Order’ %}  Hearing Info  Date: {% if hrg.date\_is\_uncertain %}TBD{% else %}{{hrg.date\_with\_weekday}}{% endif %} **|** {{hrg.time}}  Dept.: {{hrg.dept}} **|** Hon. {{hrg.judge}}  Case Filed: {{case.filing\_date}}  Trial Date: {% if case.trial\_date\_set\_yes %}{{case.trial\_date}}{% else %}Not Set{% endif %}  {%p endif %} |
| {%tr if counteraction\_filed %} |  |
| And Related Cross-Actions |  |
| {%tr endif %} |  |

{%p if doc.type == “Generic Pleading” %}

{% for x in client %}{{x.role}} {{x.name.text}} ({{x.short\_name}}){% endfor %} hereby submit(s) his/her/their {{doc.title\_full}}.

xxxxxxxxxxxxxxxx

{%p endif %}

{%p if doc.type == “Notice of Motion and Motion” %}

To Each Party And To The Counsel Of Record For Each Party:

Please Take Notice That on {% if hrg.date\_is\_uncertain %}TBD{% else %}{{hrg.date\_with\_weekday}},{% endif %} at {{hrg.time}}, or as soon thereafter as the matter may be heard in Department {{hrg.dept}} of the above-captioned court, located at the {{court\_info(court.short\_name)[‘court.branch\_name’]}}, {{court\_info(court.short\_name)[‘court.street\_address’]}}, {{court\_info(court.short\_name)[‘court.city’]}}, {{court\_info(court.short\_name)[‘court.state’]}} {{court\_info(court.short\_name)[‘court.zip’]}}, {% for x in client %}{{x.role}} {{x.name.text}}{% endfor %} will, and hereby does bring a {{ doc.lm\_proceeding\_title }} under xxxxx for an order xxxxx against/with respect to xxxxx on the grounds that xxxxx.

This xxxxx is based on the following documents filed concurrently herewith: {{custom\_entered\_concurrently\_filed\_docs}}; as well as on all papers and records docketed in this action, and on any evidence and argument offered at or before the hearing.

\*\*Notice of Mandatory Tentative Ruling Procedure\*\*

Pursuant to Local Rule 1.06(A), the court will make a tentative ruling on the merits of this matter by 2:00 p.m., the court day before the hearing. The complete text of the tentative rulings for the department may be downloaded off the court’s website. If the party does not have online access, they may call the dedicated phone number for the department as referenced in the local telephone directory between the hours of 2:00 p.m. and 4:00 p.m. on the court day before the hearing and receive the tentative ruling. If you do not call the court and the opposing party by 4:00 p.m. the court day before the hearing, no hearing will be held. (Sacramento County Superior Court Local Rule 1.06(D), adopted 1/1/2013; revised 1/1/2016.){%p endif %}

{%p if doc.type == “Declaration” %}

I, {{doc.declarant}}, declare as follows:

1. I am an adult over the age of eighteen and {% if defined(‘doc.declarant\_role’) %} {{author.law\_firm\_role}} {{author.law\_firm}}, attorneys in this action for {% for x in client %}{{x.role}} {{x.name.text}}{% endfor %} and am licensed to practice in all superior courts in the State of California{% elif doc.declarant\_role == ‘Named Party’ %}a named {{doc.declarant.role}} in this action{% elif doc.declarant\_role == ‘Other’ %}{{ doc.declarant\_capacity }}{% endif %}. I have personal, direct, and first-hand knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify under oath to the matters stated herein.
2. I submit this declaration {{ doc.support\_oppose }} {{ doc.lm\_proceeding\_movant }}’s {{ doc.lm\_proceeding\_title }} and pursuant to Code of Civil Procedure section 585, subsections (b) and (d).
3. Xxxxx.

**Party List**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Address | Phone | Fax | Email |
| {%tr for x in party\_contact%} |  |  |  |  |
| {{ x.name.text }} | {{ x.address.block() }} | {{ phone\_number\_formatted(x.phone\_number) }} | {{ phone\_number\_formatted(x.fax\_number) }} | {{ x.email }} |
| {%tr endfor %} |  |  |  |  |

1. xxxxx.

{%p endif %}

{%p if attach\_exhibits %}

# Exhibits

{%p for item in exhibits %}

1. Attached {% if standalone\_or\_index == ‘attached to the declaration/RJN’ %}hereto[[1]](#footnote-2) {% endif %}{% if standalone\_or\_index == ‘in a stand-alone, unified Index of Exhibits’ %}to the Index[[2]](#footnote-3) {% endif %}as **Exhibit {{ alpha(item.documentation\_reference) }}** is a true and correct copy of {{item.full\_desc}}.

{%p endfor %}

{%p endif %}

{%p if doc.type == “Memorandum of Points & Authorities” %}

# Introduction

xxxxx.

The evidence, the law, and the salutary public policy in favor of xxxxx furnish good and ample cause for the Court to grant the xxxxx and xxxxx.

# Statement of Facts & Procedural History

1. xxxxx.
2. xxxxx. (xxxxx.)
3. xxxxx. (xxxxx.)
4. xxxxx. (Ex. xxxxx.[[3]](#footnote-4))
5. xxxxx. (Decl. of xxxxx, ¶ xxxxx; Ex. xxxxx.)
6. xxxxx. (Decl. of xxxxx, ¶ xxxxx; Ex. xxxxx.)
7. xxxxx. (RJN xxxxx.)
8. xxxxx. (RJN xxxxx.)
9. xxxxx.

# Argument

xxxxx.[[4]](#footnote-5) (§ xxxxx; see also Ahart et al., Cal. Practice Guide: Enforcing Judgments and Debts (The Rutter Group 2019), ¶ xxxxx.[[5]](#footnote-6)) xxxxx.

{%p for heading in memo\_headings\_lvl\_1 %}

## {{heading}}

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### xxxxxxxxxxxxxxxx

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

The table below xxxxx:

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| --- | --- | --- |
| xxxxx | xxxxx | xxxxx |
| xxxxx | xxxxx | xxxxx |
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#### xxxxxxxxxxxxxxxxxx

Fusce est. Vivamus a tellus. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Proin pharetra nonummy pede.

##### xxxxxxxxxxxxxxxxxxx

Lorem ipsum dolor sit amet, consectetuer adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna.

{%p endfor %}

# Conclusion

For the reasons articulated above, the great weight of the evidence, controlling legal authorities, and core principles of fairness / equity / justice furnish abundant / plentiful / considerable / good / ample / cause / militate overwhelmingly in favor of / for the Court to grant the xxxxx.

The equities at bar inveigh forcefully against / imperative that / cry out for a resounding denial / align convincingly/conclusively/the Court would be well-grounded / decisively / overwhelmingly / unmistakably / acutely in favor of / it is critical that / commandingly / furnish a compelling case / incumbent upon the Court / the Court should sensibly / would be fully justified / imperative to / should decisively reject / has a duty to / should send a clear message that / should not tolerate / against the relief sought in the xxxxx should be denied with prejudice.

{%p endif %}

{%p if doc.type == “Request for Judicial Notice” %}

Vivamus a tellus. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Proin pharetra nonummy pede. Mauris et orci. Aenean nec lorem.

Lorem ipsum dolor sit amet, consectetuer adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna eros quis urna. Nunc viverra imperdiet enim. Fusce est.

In porttitor. Donec laoreet nonummy augue. Suspendisse dui purus, scelerisque at, vulputate vitae, pretium mattis, nunc. Mauris eget neque at sem venenatis eleifend. Ut nonummy.

{%p endif %}

{%p if doc.type == “Index of Exhibits” %}

xxxxx

{%p endif %}

{%p if doc.type == “Proposed Order” %}

The {{doc.lm\_proceeding\_title}} ({{doc.lm\_proceeding\_title\_short}}) brought by {{doc.lm\_proceeding\_movant.role|lower}} {{doc.lm\_proceeding\_movant}} ({{doc.lm\_proceeding\_movant.short\_name}}), by and through its designated representative and executive director, Dennis Lanni (Lanni), came before the Court on {% if hrg.date\_is\_uncertain %}TBD{% else %}{{hrg.date\_with\_weekday}}{% endif %}, at {{hrg.time}} in Department {{hrg.dept}}, Honorable {{hrg.judge}} presiding.

{{author.name.first}} of {{author.law\_firm}} appeared remotely for {{doc.lm\_proceeding\_movant.short\_name}};

*-- AND --*

⬜  there were no other appearances.

*-- OR --*

⬜  Angel Solis appeared in court / remotely for Petitioner City of Sacramento, a municipal corporation (the City);

⬜  Respondent Linda A. Fuller, in pro. per. (Fuller) appeared in court / remotely;

⬜  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ also appeared remotely.

The Court, having reviewed and considered the moving and opposing papers, evidence submitted by the parties, and any oral argument of counsel, and for good cause appearing,

THE COURT HEREBY ORDERS as follows:

1. The {{doc.lm\_proceeding\_title\_short}} is GRANTED in its entirety.
2. The Final Report & Accounting set forth in the Declaration of Dennis Lanni, and the actions described therein are hereby ratified, approved, and deemed proper and in full accordance with Rule 3.1184 of the California Rules of Court.
3. Receiver’s claim for “hard costs” risk premium reimbursement and Receiver’s and its counsel’s requested fees and costs are approved in full and are charged against funds in the receivership estate.
4. Receiver is authorized and instructed to disburse the entirety of receivership funds held in the estate’s account to Receiver as reimbursement for Receiver’s administrative costs and “hard costs” risk premium.
5. The receivership in this matter is terminated and HGF Inc., along with its designated representative, Dennis Lanni, are fully discharged from their responsibilities as court-appointed receiver as of the date of this Order. Receiver shall complete any and all remaining administrative tasks necessary to complete its work.
6. The receivership bond is terminated and the surety exonerated, as there are no outstanding liabilities or claims against the receivership estate after payment of those set forth hereinabove.
7. This Order is binding on all parties to the receivership, as well as all others with notice of the Application that might be impacted by this Court’s Order. In accordance with Rule 3.1184(c) of the California Rules of Court, notice of the Motion was provided to all parties, and all others that might have an interest in the property or claim against the receivership estate. Any non-party that is impacted by this Order was required to appear at the hearing on this motion. This Order will not impact a non-party’s due process rights; however, all actions of the receivership, even those impacting non-parties with notice, are now res judicata and cannot be challenged in a later action.
8. The actions of Receiver are approved and ratified, thus Receiver is freed from any potential liability. Receiver is not to be found liable in its capacity as Receiver, and under no circumstances is Dennis Lanni to be found liable in his personal capacity. This Order will serve as res judicata to any subsequent challenge – in this action or in any subsequent legal action – to Receiver’s actions undertaken over the course of the receivership, and any challenges to the Receiver’s work, or to this Court’s oversight and direction on that work are barred.
9. This Order will serve to fully terminate the receivership. The Court retains jurisdiction to reactivate the receivership for a period of 18 months pursuant to the terms of Health and Safety Code section 17980.7(c)(10).
10. xxxxx
11. This order is effective immediately.

SO ORDERED.

Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Hon. {{hrg.judge}}

Superior Court Judge

[*Submitted by {{author.law\_firm}},*

*Counsel for {{doc.lm\_proceeding\_movant.short\_name}}*]

{%p endif %}

{%p if doc.type == “Proof of Service” %}

Vivamus a tellus. Pellentesque habitant morbi tristique senectus et netus et malesuada fames ac turpis egestas. Proin pharetra nonummy pede. Mauris et orci. Aenean nec lorem.

**Personal Service**

Pursuant to CCP § 1011, I personally delivered or presented the envelope or package to the person(s) or entity(ies) at the address(es) or location(s) listed below. (1) For a party represented by an attorney, delivery was made (a) to the attorney personally; or (b) by leaving the documents at the attorney's office, in an envelope or package clearly labeled to identify the attorney being served, with a receptionist or an individual in charge of the office; or (c) if there was no person in the office with whom the notice or papers could be left, by leaving them in a conspicuous place in the office between the hours of nine in the morning and five in the evening. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not younger than 18 years of age between the hours of eight in the morning and eight in the evening.

**Messenger Service**

Pursuant to CCP § 1011(a), I served the document(s) in a sealed envelope or package and provided it to a professional messenger service to be personally served on the person(s) or entity(ies) at the address(es) listed below. A separate Declaration of Messenger is furnished below my signature block.

**USPS Priority Mail Express**

Pursuant to CCP §§ 1013(c) and 1013(d), I enclosed the document(s) in a sealed Priority Mail Express envelope or package provided by the United States Postal Service, with Priority Mail Express postage paid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it with a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail.

**Overnight Delivery Carrier**

Pursuant to CCP § 1013(c), I enclosed the document(s) in a sealed envelope or package provided by an overnight delivery carrier, with delivery fees paid or provided for, addressed to the person(s) or entity(ies) at the address(es) listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

**USPS First-Class Mail (placed for mailing)**

Pursuant to CCP §§ 1013(a) and 1013a(3), I enclosed the document(s) in a sealed envelope or package addressed to the person(s) or entity(ies) at the address(es) listed below, and placed it for collection and mailing, following this business’s regular practice. I am readily familiar with this business’ practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

**USPS First-Class Mail (deposited with USPS)**

Pursuant to CCP §§ 1013(a), 1013(b), 1013a(1), and 1013a(2), I enclosed the document(s) in a sealed envelope or package, with USPS First-Class Mail postage thereon fully prepaid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it in a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service.

**USPS First-Class Certified Mail**

Pursuant to CCP §§ 1013(a), 1013(b), 1013a(1), 1013a(2), and 1020(a), I enclosed the document(s) in a sealed envelope or package, with USPS First-Class Mail, Certified postage thereon fully prepaid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it in a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service.

**USPS First-Class Mail, Certified, Return Receipt Requested**

Pursuant to CCP §§ 1013(a), 1013(b), 1013a(1), 1013a(2), and 1020(a), I enclosed the document(s) in a sealed envelope or package, with USPS First-Class Mail, Certified, Return Receipt Requested postage thereon fully prepaid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it in a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service.

**USPS First-Class Mail, Tracked**

Pursuant to CCP §§ 1013(a), 1013(b), 1013a(1), and 1013a(2), I enclosed the document(s) in a sealed envelope or package, with USPS First-Class Mail postage thereon fully prepaid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it in a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service.

**USPS First-Class Registered Mail**

Pursuant to CCP § 1020(a), I enclosed the document(s) in a sealed Priority Mail envelope or package provided by the United States Postal Service, with Priority Mail postage thereon fully prepaid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it with a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Priority Mail.

**USPS Priority Mail?**

I enclosed the document(s) in a sealed Priority Mail envelope or package provided by the United States Postal Service, with Priority Mail postage paid, addressed to the person(s) or entity(ies) at the address(es) listed below, and deposited it with a post office, mailbox, subpost office, substation, or mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Priority Mail.

**Facsimile**

Pursuant to CCP §§ 1013(e) and 1013(f), and based on an agreement of the parties to accept service by fax transmission, I faxed the document(s) to the person(s) or entity(ies) at the fax number(s) listed below. No error was reported by the fax machine/service that I used. A copy of the record of the fax transmission, which I printed out, is attached hereto.

**Electronic Service (per Agreement/Consent)**

Pursuant to CCP § 1010.6; Cal. Rules of Court, rule 2.251 and under the express agreement of all parties hereto, or as otherwise authorized by law, I electronically served by transmitting an email from my email address – Anthony@DanielsonKim.com – to the party(ies) or person(s) at the electronic service address(es) listed below. I attached complete, true, and correct PDF copies of the document(s) to the email. The subject line of the email commenced with the words “ELECTRONIC SERVICE” in ALL CAPS typeface, and followed by identifying the short case name and the case number of the above-captioned action. The verbatim titles of the documents served were conspicuously listed and individually numbered in the body of the e-mail. The email transmission was reported as complete and without error, and a true and correct copy of the transmitted email is attached hereto.

**Along With A Courtesy Email Enclosing the Document(s)**

As a courtesy and in order to minimize any potential service dispute, I transmitted an email from my email address – Anthony@DanielsonKim.com – to the party(ies) or person(s) at the electronic service address(es) listed below. I attached complete, true, and correct PDF copies of the document(s) to the email. The subject line of the email commenced with the words “COURTESY ELECTRONIC SERVICE” in ALL CAPS typeface, and followed by identifying the short case name and the case number of the above-captioned action. The verbatim titles of the documents served were conspicuously listed and individually numbered in the body of the e-mail. The email transmission was reported as complete and without error, and a true and correct copy of the transmitted email is attached hereto.

**Service List**

|  |  |  |
| --- | --- | --- |
| {%tc for x in party\_contact %} | {{ x.address.block() }} Phone: {{ phone\_number\_formatted(x.phone\_number) }} Fax: {{ phone\_number\_formatted(x.fax\_number) }} Email: {{ x.email }}  Attorney for {{x.role}} {{ x.name.text }} | {%tc endfor %} |

xxxxxxxxxxxxxxxx

{%p endif %}

{% if sig\_block\_type == ‘author’ %}Respectfully submitted,

Dated: {% if sig\_block\_date\_field == ‘Today’ %}June 1, 2023{% elif sig\_block\_date\_field == ‘Different Date’ %}{{sig\_block\_alternate\_date}}{% else %}\_\_\_\_\_\_\_\_\_\_\_\_\_\_{% endif %}{% if doc.sign %}{{signature}}{% endif %} \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{{author.name.first}}

{%p if atty\_info\_in\_caption %}

{{author.law\_firm}}

Attorneys for {% for x in client %}{{x.role}} {{x.name.text}}{% endfor %}

{%p endif %}

{%p if not atty\_info\_in\_caption %}xxxxx, in pro per

{%p endif %}

{% endif %}

{%p if sig\_block\_type == ‘declarant’ %}

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: {% if sig\_block\_date\_field == ‘Today’ %}June 1, 2023{% elif sig\_block\_date\_field == ‘Different Date’ %}{{sig\_block\_alternate\_date}}{% else %}\_\_\_\_\_\_\_\_\_\_\_\_\_\_{% endif %}{% if doc.sign %}{{signature}}{% endif %} \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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{{doc.declarant}}

{%p endif %}

{%p if include\_notary\_acknowledgment\_form %}

A close-up of a document

Description automatically generated with medium confidence

{%p endif %}

1. . Any bolded “**R**” number (e.g., **R1**, **R60-R71**) cited in this document correlates to a page or range in the Bates-numbered exhibits (large red numbers at bottom left and right corners of each page) attached hereto. [↑](#footnote-ref-2)
2. . Any bolded “**R**” number (e.g., **R1**, **R60-R71**) cited in this document correlates to a page or range in the Bates-numbered Index of Exhibits (large red numbers at bottom left and right corners of each page) filed concurrently herewith. [↑](#footnote-ref-3)
3. . All citations or references to exhibits correlate to the Index of Exhibits (Index) filed concurrently herewith. [↑](#footnote-ref-4)
4. . Author’s Note: The foundational statute for the receivership at bar is Health & Safety Code section 17980.7, which is referred to for readability as “§ 17980.7,” and any reference to a “Rule” refers to the California Rules of Court. [↑](#footnote-ref-5)
5. . The Ahart et al. practice guide is updated biannually and has long been recognized as “a prominent treatise on the subject” of California judgment enforcement (*In re Cass* (Bankr. C.D.Cal. 2012) 476 BR 602, 613) and has been cited as persuasive authority over sixty times in reported appellate decisions in this state and dozens of times by district courts, bankruptcy courts, and the 9th Circuit. (See, e.g., *In re Hilde* (9th Cir. 1997) 120 F.3d 950, 955-956 [observing “we believe Judge Ahart's comments are cogent and persuasive”].) [↑](#footnote-ref-6)