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8 *Attorneys for the J.T. Thorpe Settlement Trust and*
Thorpe Insulation Company Asbestos Settlement Trust

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10 **UNITED STATES BANKRUPTCY COURT**
CENTRAL DISTRICT OF CALIFORNIA
11 **LOS ANGELES DIVISION**

12 In re
13 J.T. THORPE, INC.
14 and
15 THORPE INSULATION COMPANY,
16 Debtors.

Chapter 11
Case Nos. 2:02-bk-14216-BB and 2:07-bk-
19271-BB
Adv. Case Nos. 2:12-ap-02182-BB and 2:12-
ap-02183-BB
On Remand

17 J.T. THORPE SETTLEMENT TRUST and
18 THORPE INSULATION COMPANY
19 ASBESTOS SETTLEMENT TRUST,

20 Plaintiffs,

21 v.

22 MICHAEL J. MANDELBROT and
THE MANDELBROT LAW FIRM,

23 Defendants.
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**REQUEST BY J.T. THORPE
SETTLEMENT TRUST AND THORPE
INSULATION COMPANY ASBESTOS
SETTLEMENT TRUST FOR ENTRY OF
AN ORDER SETTING HEARING AND
BRIEFING SCHEDULE REGARDING
DOCKET NUMBERS 1804 AND 1806**

No hearing required

Date: TBD
Time: TBD
Place: Courtroom 1539
255 E. Temple St.
Los Angeles, CA 90012
Judge: Honorable Sheri Bluebond

1 J.T. Thorpe Settlement Trust and Thorpe Insulation Company Asbestos Settlement Trust,
2 plaintiffs in the above-referenced adversary proceedings (the “**Trusts**”) hereby submit this
3 “Request for Entry of an Order Setting Hearing and Briefing Schedule Regarding Docket
4 Numbers 1804 and 1806” and in support thereof, respectfully represent and state as follows:

5 1. Docket numbers 1804 and 1806 are, respectively, the self-styled “Special Notice of
6 Judicial Misconduct to U.S. Trustee” (the “**Special Notice**”) and “Beneficiaries Request for
7 Judicial Notice re Justice Department Statement of Interest; Presiding Judge Sheri Bluebond’s
8 Insider Dealing and Bad Faith; Misappropriation of Trust Funds to Insider Gary Fergus” (the
9 “**Judicial Notice Request**” and, together with the Special Notice, the “**Mandelbrot Filings**”) filed
10 in Case No. 2:02-bk-14216-BB¹ by attorney Michael J. Mandelbrot (“**Mandelbrot**”).

11 2. Although not styled as a motion, the Special Notice requests that the Judge in this
12 case, the Hon. Sheri Bluebond, recuse herself from these cases and preserve various supposed
13 communications. The Judicial Notice Request is not expressly filed in support of any specific
14 pending matter, but indicates that it is intended “to inform the Court, the Justice Department and
15 all Trust Fiduciaries of extensive J.T. Thorpe Inc fraud.” Judicial Notice Request at 1.

16 3. The Mandelbrot Filings are replete with unsupported assertions that are false,
17 defamatory, scandalous, and irrelevant. They are consistent with actions Mandelbrot has taken in
18 connection with a private blog he maintains as a part of his firm website that contains false,
19 defamatory, and unsupported allegations of supposed misconduct by various fiduciaries,
20 employees, and lawyers of the Trusts.

21 4. The apparent purpose of the Mandelbrot Filings and the blog posts are to intimidate
22 and harass the Court and the Trusts following Mandelbrot’s settlement with the Trusts in 2014 in
23 which he agreed, among other things, that he was “permanently barred from filing claims” with
24 the Trusts, and that he would transfer all existing claims with respect to which he served as
25 counsel to another attorney, and that he would not remain as co-counsel with respect to any of

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27 ¹ The Trusts are concurrently filing this Request in Case No. 2:02-bk-14216-BB and Adv. Case
28 No. 2:12-ap-02182-BB, as Mandelbrot also filed Docket No. 1806 in that adversary case.

1 those then-pending claims. *Findings of Fact and Conclusions of Law*, entered April 9, 2015 in
2 Adv. No. 2:12-02182-BB, Dkt. No. 235, at para 3.a, b & d.

3 5. The foregoing Findings of Fact and Conclusions of law, together with the related
4 orders enforcing the 2014 settlement, are now final. Although Mandelbrot appealed this Court's
5 order approving and enforcing the settlement following a remand proceeding in which this Court
6 re-affirmed its prior orders, Mandelbrot dismissed and abandoned his appeal in the District Court,
7 making this Court's orders and findings with respect to the settlement final.

8 6. Accordingly, in addition to the statements being false and defamatory, Mandelbrot
9 lacks standing to appear before this Court on behalf of any beneficiary because he agreed he
10 would not represent any claimants.

11 7. The purpose of this Request is to advise Mandelbrot and other interested parties
12 who may have reviewed the Mandelbrot Filings that the Trusts intend to file a motion to strike the
13 Mandelbrot Filings and, on the basis thereof and his other impermissible activities that the Trusts
14 will describe, seek related relief as the Court may find appropriate with respect to Mandelbrot,
15 including, without limitation, seeking a suspension or withdrawal of his privilege to file matters in
16 this Court and/or his admission to practice before this Court (the "**Motion to Strike**").
17 Accordingly, the Trusts request that the Court enter an order setting a hearing and briefing
18 schedule with respect to the Motion to Strike.

19 8. The Trusts respectfully request that the hearing be set for November 28, 2018 at
20 10:00 a.m., or at such other time as the parties may be heard (the "**Hearing**"), with the following
21 briefing schedule: (i) the Trusts shall file the Motion to Strike 21 days prior to the Hearing,
22 (ii) Mandelbrot shall file any response to the Motion to Strike 14 days prior to the Hearing, and
23 (iii) the Trusts shall file any reply in support of the Motion to Strike 7 days prior to the Hearing.

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1 9. The Trusts reserve all rights with respect to Mandelbrot and his conduct.
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3 DATED: October 1, 2018

Respectfully submitted,

4 /s/ Daniel J. Bussel

5 Daniel J. Bussel (State Bar No. 121939)

6 Thomas E. Patterson (State Bar No. 130723)

Sasha Gurvitz (State Bar No. 301650)

7 KLEE, TUCHIN, BOGDANOFF & STERN LLP

8 *Counsel for the J.T. Thorpe Settlement Trust and Thorpe*
9 *Insulation Company Asbestos Settlement Trust*
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1999 Avenue of the Stars, Thirty-Ninth Floor Los Angeles, CA 90067.

A true and correct copy of the foregoing document entitled (*specify*): **REQUEST BY J.T. THORPE SETTLEMENT TRUST AND THORPE INSULATION COMPANY ASBESTOS SETTLEMENT TRUST FOR ENTRY OF AN ORDER SETTING HEARING AND BRIEFING SCHEDULE REGARDING DOCKET NUMBERS 1804 AND 1806** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) October 1, 2018 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST

Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) October 1, 2018, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Sheri Bluebond
U.S. Bankruptcy Court
Roybal Federal Building
Bin outside of Suite 1534
255 E. Temple Street
Los Angeles, CA 90012

Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 1, 2018

Date

Shanda D. Pearson

Printed Name

/s/ Shanda D. Pearson

Signature

ADDITIONAL SERVICE INFORMATION (if needed):

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