SO ORDERED.

Dated: February 20, 2025

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Daniel P. Collins, Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re) Chapter 7 Proceedings
ADELL D. PORTCH,) Case No: 2:23-bk-02120-DPC
Debtor.	 UNDER ADVISEMENT ORDER RE MOTION TO DISQUALIFY KAHN & AHART, PLLC DBA BANKRUPTCY LEGAL CENTER AND DISGORGE ATTORNEYS' FEES (Not for Publication – Electronic Docketing ONLY) 1

Creditor J.P. Kush Construction, LLC ("Kush") having filed its Motion (the "Motion")² to Disqualify Kahn & Ahart, PLLC dba Bankruptcy Legal Center (the "Law Firm") and Disgorge Attorneys' Fees; the Law Firm having filed its Response;³ Kush having filed its Reply;⁴ this matter having come before the Court for hearing on February 6, 2025; the Law Firm having agreed it will not be paid from any ultimate sale or refinance of the homestead property; the Court having ordered the Law Firm to file its billing statements in connection with the Law Firm's representation of Adell D. Portch ("Debtor"); the Law Firm having filed its fee statements⁵ and a Notice of Errata;⁶ and good cause appearing; it is hereby

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This decision sets forth the Court's findings of fact and conclusions of law pursuant to Fed. R. Bankr. P. 7052.

Docket Entry ("DE") 101.

^{25 || 3} DE 109.

⁴ DE 111.

^{26 || 5} DE 118.

^{[| 6} DE 11

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ORDERED denying the Motion because the Law Firm's initial disclosure deficiencies have been cured and the Law Firm has agreed it will not be paid from a sale or refinance of Debtor's exempt homesteaded property, a homestead exemption which Kush expended considerable efforts challenging. Moreover, this Court has not found, nor have any parties cited this Court to a binding case requiring this Court to disqualify the Law Firm from representation of Debtor in a chapter 7 case where the Law Firm has not and cannot/will not seek to be paid any portion of its fees or costs from property of this chapter 7 estate. Kush cites cases where counsel was employed through court order with the expectation of being paid from the bankruptcy estate. No harm or inconvenience has been inflicted by the Law Firm's initial inadequate disclosures called for under § 329 of the Bankruptcy Code. Counsel for the Law Firm has expressed regret for her initially insufficient disclosures. The Court does not believe the facts of this case warrant punitive measures being assessed against the Law Firm.

DATED AND SIGNED ABOVE.