

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

In Re: TPP ACQUISITION, INC. d/b/a  
The Picture People

Debtor(s) §  
§ Case No.: 16-33437-hdh-11  
§  
§  
§  
§

APPLICATION FOR ADMISSION *PRO HAC VICE*

1. Name: Gschwind Andrew M  
*Last First MI*
2. Firm Name: Ventura County Counsel's Office
3. Address: 800 S. Victoria Ave, L/C #1830  
Ventura, CA 93009
4. Phone: 805-654-2594 FAX: 805-654-2185  
Email: andrew.gschwind@ventura.org
5. Name used to sign *all* pleadings: Andrew Gschwind
6. Retained by: County of Ventura
7. Admitted on 06/21/2004 and presently a member in good standing  
of the bar of the highest court of the state of California  
and issued the bar license number of 231700
8. Admitted to practice before the following courts:  

<i>Court:</i>	<i>Admission Date:</i>
<u>U.S.D.C., C.D.Cal.</u>	<u>08/2016</u>
<u>U.S.D.C., N.D.Cal.</u>	<u>07/2004</u>
<u>U.S.D.C., D. Mass.</u>	<u>10/1996</u>

*Continued.*



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9. Are you presently a member in good standing of the bars of the courts listed above?

Yes  No

If "No," please list all courts which you are no longer admitted to practice:

10. Have you ever been subject to a grievance proceeding or involuntary removal proceeding while a member of the bar of any state or federal court?

Yes  No

If "Yes," please provide details:

11. Other than minor traffic offenses, have you ever been charged, arrested, or convicted of a criminal offense or offenses?

Yes  No

If "Yes," please provide details:

I was convicted of a misdemeanor DUI in early 2006, I believe. The conviction was expunged approximately two years later.

12. Please list all cases in the United States Bankruptcy Court, Northern District of Texas in which you have filed for *pro hac vice* in the past three years:

<i>Date of Application</i>	<i>Case No. and Style</i>
<u>n/a</u>	<u>n/a</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

13. Local counsel of record: County has requested leave to proceed without local counsel

14. Local counsel's address: n/a

*Continued.*

I respectfully request to be admitted to practice in the United States Bankruptcy Court for the Northern District of Texas for this cause only.

I certify that I have read *Dondi Properties Corp. V Commerce Savs. & Loan Ass'n*, 121 F.D.R. 284 (N.D. Tex. 1988) (en banc), and the local civil and bankruptcy rules of this court and will comply with the standards of practice adopted in *Dondi* and with the local civil and bankruptcy rules.

I am an ECF filer. I also certify that I have served a true and correct copy of this document upon each attorney of record and filed the application via ECF with the payment of \$25.00

I am not an ECF filer. I also certify that I have served a true and correct copy of this document upon each attorney of record and the original upon the US Bankruptcy Court accompanied with the \$25.00 filing fee on \_\_\_\_\_.

Andrew Gschwind  
\_\_\_\_\_  
Printed Name of Applicant

06/11/2019  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Applicant

1 LEROY SMITH, Cal. State Bar No. 107702  
County Counsel, County of Ventura  
2 ANDREW GSCHWIND, Cal. State Bar No. 231700  
Assistant County Counsel  
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6 Attorneys for Priority Creditor  
Ventura County Tax Collector  
7

8 UNITED STATES BANKRUPTCY COURT  
9 FOR THE NORTHERN DISTRICT OF TEXAS  
10 DALLAS DIVISION

11 In re:  
12 TPP ACQUISITION, INC. d/b/a  
13 The Picture People,  
14 Debtor.

Case No.: 16-33437-hdh-11

Chapter 11

PRIORITY CREDITOR COUNTY OF  
VENTURA’S REQUEST FOR LEAVE  
TO PROCEED WITHOUT LOCAL  
COUNSEL IN CLAIM OBJECTION  
HEARING

Hearing Date: July 11, 2019  
Hearing Time: 2:00 p.m. (CT)

Accompanying Document(s): Application  
for Admission Pro Hac Vice; [Proposed]  
Declaration of Mary Barnes; [Proposed]  
Response to Liquidation Trustee’s Fourth  
Omnibus Claims Objection

21 Priority creditor the Ventura County Tax Collector (hereinafter, the “County”)  
22 respectfully requests leave of the presiding United States Bankruptcy Court judge, the  
23 Honorable Harlin D. Hale, to proceed without retaining local counsel in this proceeding  
24 for the limited purpose of responding to the liquidating trustee’s Fourth Omnibus  
25 Objection to Claims – i.e., specifically, regarding its objection to the County’s late-filed  
26 claim.

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28 ///

**SUCCINCT STATEMENT OF FACTS**

Debtor TPP Acquisition, Inc. d/b/a/ The Picture People (“TPP”) operated two photography studios or stores in Ventura County, California – one inside a mall at 3301 East Main Street, No. 2278, in Ventura, California, and one inside a mall at 1555 Simi Town Center Way, No. 635, in Simi Valley, California. ([Proposed] Declaration of Mary Barnes (“Barnes Decl.”), ¶ 2.)

TPP owes taxes to the County for six different calendar years – 2002, 2003, 2004, 2006, 2015 and 2016. (Barnes Decl., ¶ 3.) TPP owes the County a total of \$12,831.70 in taxes and fees, which is the amount of the County’s claim in this action. (*Id.*)

Ventura County Deputy Tax Collector Mary Barnes is now the designated employee for handling all bankruptcy claims and matters in the Tax Collector’s office, and she handles numerous such claims each year in addition to her regular, other duties. (Barnes Decl., ¶ 1.) Between mid-2016 and mid-2017 the Tax Collector’s office accrued a backlog of chapter 11 claim filing documents that could not be timely processed because of a significant loss of staff and reassignment of duties. (Barnes Decl., ¶ 4.) Because of these office changes, the Tax Collector did not become aware of the government bar date in this proceeding (March 1, 2017) until after it had passed. (*Id.*)

As soon as Ms. Barnes became aware of this matter, she immediately mail-filed a notice of claim (Claim No. 469) on September 7, 2017; it was stamped received on September 11, 2017, by TPP’s claims agent. (Barnes Decl., ¶ 5.) No objection was made to the County’s claim in this action until May 15, 2019, 20 months after the filing of the County’s claim.

**REQUEST TO PROCEED WITHOUT LOCAL COUNSEL**

Pursuant to Local Bankruptcy rule 2090-4, the County respectfully seeks leave of court to proceed in this action without retaining local counsel for the limited purpose of responding to the liquidating trustee’s Fourth Omnibus Objections to Claims. The relatively small amount of the County’s claim in this proceeding, approximately \$12,800, as well as the fact that this claim was admittedly filed late, makes the retention of local

1 counsel in this proceeding a losing proposition for the County from a cost-benefit  
2 perspective. If the County is required to retain local counsel in order to protect its claim,  
3 i.e., its right to unpaid taxes, the real value of its claim would be greatly reduced, as the  
4 cost of local counsel would significantly reduce any amount received by the County.

5 Also, the County requests leave to proceed without local counsel solely for the  
6 limited purpose of responding to the liquidating trustee’s claim objection at the upcoming  
7 July 11, 2019, claim objection hearing and for no other purpose, such as initiating an  
8 adversary proceeding or trial.

9 Finally, the County is represented by experienced counsel in this action who is  
10 admitted in multiple states and multiple district courts and has also appeared and filed  
11 pleadings in the United States Bankruptcy Court for the Central District of California and  
12 the District of Delaware. Undersigned counsel will represent the County in a professional  
13 manner in accordance with both the Federal Rules of Bankruptcy Procedure and the local  
14 rules of this court.

15 For these reasons, the County respectfully requests leave to proceed as stated  
16 without retaining local counsel.

17 LEROY SMITH  
18 County Counsel, County of Ventura

19 Dated: June 13, 2019

20 By /s/ Andrew Gschwind  
21 ANDREW GSCHWIND  
22 Assistant County Counsel

23 Attorneys for Ventura County Tax Collector