

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Mel Marin v. Michael Koch

Marin v. Koch · No. 24-CV-1564 JLS (BLM) · Decided June 27, 2025

SUMMARY

The United States District Court for the Southern District of California dismissed Mel Marin’s appeal from a bankruptcy court order denying reconsideration of the dismissal of Jordana Bauman’s Chapter 13 case. The court held that Marin lacked Article III standing and was not sufficiently aggrieved because his asserted interests in the subject property were unsupported and conjectural. The court denied the appellee’s motion to strike as moot and granted the trustee’s motion to substitute attorney.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 27, 2025
DOCKET	24-CV-1564 JLS (BLM)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Mel Marin appealed from the Bankruptcy Court's order denying debtor Jordana Bauman's motion for reconsideration of the order dismissing her Chapter 13 bankruptcy case. The district court dismissed the appeal for lack of Article III standing and because Marin was not an aggrieved party under the bankruptcy appellate standing doctrine.
STANDARD OF REVIEW	The appellant bears the burden of demonstrating both Article III standing and that he is aggrieved by the bankruptcy court order. Federal courts must examine jurisdictional issues such as standing sua sponte.
PRECEDENTIAL VALUE	Unknown
PARTIES	Mel Marin v. Michael Koch, Chapter 13 Trustee

TOPICS

- standing
- appellate jurisdiction
- appellate procedure
- chapter 13
- bankruptcy

PRACTICE AREAS

Bankruptcy

Appellate procedure

Civil procedure

Real estate

QUESTIONS PRESENTED

1. Whether Marin had Article III standing to appeal the Bankruptcy Court's order.
2. Whether Marin was an aggrieved party entitled to appeal under the bankruptcy appellate standing doctrine.
3. Whether the trustee's motion to strike should be decided when the appeal was dismissed for lack of jurisdiction.

HOLDINGS

1. Marin lacked Article III standing because he failed to demonstrate a concrete, particularized, actual or imminent injury to a legally protected interest that was fairly traceable to the Bankruptcy Court's order and redressable by a favorable appellate decision.
2. Marin was not an aggrieved party entitled to appeal because he did not show that the Bankruptcy Court's order diminished his property, increased his burdens, or detrimentally affected his rights.
3. The trustee's motion to strike was moot because the appeal was dismissed without reaching the merits.

KEY QUOTATIONS

"To appeal a bankruptcy court order, the appellant bears the burden of demonstrating both (1) Article III standing and (2) that he is "aggrieved" by the order he seeks to appeal." (at 7-8)

"Because Marin's asserted interests in the property are both unsupported by the record and fail to demonstrate that he is "directly and adversely affected pecuniarily" by the Bankruptcy Order, the Court finds that Appellant Marin has not met his burden here of demonstrating he is "aggrieved" by the order he seeks to appeal." (at 11-16)

"In light of the foregoing, this appeal is DISMISSED for lack of standing. Consequently, the Trustee's Motion to Strike (ECF No. 37) is DENIED AS MOOT." (at 17-20)

FACTUAL BACKGROUND

Marin participated in Bauman's Chapter 13 case by filing an amicus brief, seeking removal of the trustee, opposing a motion to lift the automatic stay, and joining opposition to dismissal. He claimed an ownership or creditor interest in the Albatross Property, but the record showed that Wells Fargo had foreclosed on and sold the property to John Bahr before Marin's purported deed and that Bahr had recorded the deed. Marin nevertheless appealed the denial of Bauman's reconsideration motion, asserting that the bankruptcy orders damaged his ownership and possession interests.

PROCEDURAL HISTORY

Jordana Bauman filed a Chapter 13 bankruptcy petition in the Southern District of California Bankruptcy Court. The Bankruptcy Court granted relief from the automatic stay, dismissed the case, imposed a four-year refiling

bar, and later denied Bauman's motion for reconsideration. Marin, Bauman's brother, filed the district-court appeal asserting interests as a creditor or title holder of property formerly associated with Bauman. The district court concluded that Marin had not shown a legally protected, nonconjectural injury or that the order directly and adversely affected him pecuniarily, dismissed the appeal, denied the motion to strike as moot, and granted the trustee's motion to substitute attorney.

DISPOSITION

dismissed

CASES CITED

- In re E. Coast Foods, Inc., 80 F.4th 901, 905-06 (9th Cir. 2023)
- Clifton Cap. Grp., LLC v. Sharp, 144 S. Ct. 1064 (2024)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- In re P.R.T.C., Inc., 177 F.3d 774, 777 (9th Cir. 1999)
- B.C. v. Plumas Unified Sch. Dist., 192 F.3d 1260, 1264 (9th Cir. 1999)
- In re E.R. Fegert, Inc., 887 F.2d 955, 957-58 (9th Cir. 1989)
- Rosales-Martinez v. Palmer, 753 F.3d 890, 894 (9th Cir. 2014)
- United States v. Lazarenko, 476 F.3d 642, 650 (9th Cir. 2007)
- SEC v. Sec. Nw., Inc., 573 F.2d 622, 626 (9th Cir. 1978)
- In re Leavitt, 171 F.3d 1219 (9th Cir. 1999)
- In re Blendheim, 803 F.3d 477 (9th Cir. 2015)
- In re Marin, No. 24-4690-JBM13 (Bankr. S.D. Cal. May 30, 2025), Dkt. No. 169
- Marin v. Bahr, No. 23-CV-336 (S.D. Cal. Apr. 10, 2025)
- Marin v. Bahr, No. 23-CV-336, Dkt. No. 77
- In re Lee, BAP Nos. CC-15-1240-DTaKu, CC-15-1272-DTaKu, 2016 WL 1450210, at *7 (B.A.P. 9th Cir. Apr. 11, 2016)
- Am. Ironworks & Erectors, Inc. v. N. Am. Constr. Corp., 248 F.3d 892, 898-99 (9th Cir. 2001)
- Ybarra v. McDaniel, 656 F.3d 984, 998 (9th Cir. 2011)
- Zimmerman v. City of Oakland, 255 F.3d 734, 740 (9th Cir. 2001)
- Smith v. Clark County School District, 727 F.3d 950, 955 (9th Cir. 2013)
- In re Hooper, BAP Nos. CC-11-1269-PaMkCa, CC-11-1272-PaMkCa, 2012 WL 603766, at *9 (B.A.P. 9th Cir. Feb. 14, 2012)
- Kona Enters., Inc. v. Estate of Bishop, 229 F.3d 887, 890 (9th Cir. 2000)
- Bey v. Malec, No. 18-CV-02626-SI, 2020 WL 3058336, at *2 (N.D. Cal. June 9, 2020)

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