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This case was not selected for publication in West's Federal Reporter. See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also U.S.Ct. of App. 9th Cir. Rule 36-3. United States Court of Appeals, Ninth Circuit.

In re Donald Charles SCHWARTZ, Debtor,  
David A. Wasney, Sr., Plaintiff–Appellant,  
v.  
Donald Charles Schwartz, Defendant–Appellee.

No. 12–17359. | Submitted Nov.  
21, 2014. \* | Filed Feb. 5, 2015.

#### Attorneys and Law Firms

[Klaus J. Kolb](#), Law Office of Klaus J. Kolb, Auburn, CA, for Plaintiff–Appellant.

[Michael K. Mehr](#), Esquire, Law Offices of Michael K. Mehr, Santa Cruz, CA, for Defendant–Appellee.

Appeal from the United States District Court for the Northern District of California, [Edward J. Davila](#), District Judge, Presiding. D.C. No. 5:09–cv–05831–EJD.

Before: [THOMAS](#) and [CHRISTEN](#), Circuit Judges, and SEABRIGHT, \*\* District Judge.

#### Footnotes

\* The panel unanimously concludes this case is suitable for decision without oral argument. See [Fed. R.App. P. 34\(a\)\(2\)](#).

\*\* The Honorable [J. Michael Seabright](#), United States District Judge for the District of Hawaii, sitting by designation.

\*\*\* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36–3.

#### MEMORANDUM \*\*\*

David A. Wasney, Sr., appeals the district court's order affirming the bankruptcy court's dismissal of his [11 U.S.C. § 523\(c\)](#) adversary complaint against Donald Schwartz as untimely under [Federal Rule of Bankruptcy Procedure 4007\(c\)](#). We have jurisdiction pursuant to [28 U.S.C. § 158\(d\)\(1\)](#), and we affirm.

Wasney concedes that his adversary complaint was filed one day after the bar date. He sought equitable tolling or other equitable relief. The bankruptcy court, however, lacked equitable power to grant Wasney relief from the untimely filing. See [Anwar v. Johnson](#), 720 F.3d 1183, 1187 (9th Cir.2013). “[W]e have repeatedly held that [[Rule 4007\(c\)](#)’s deadline] ... is ‘strict’ and, without qualification, ‘cannot be extended unless a motion is made before the 60–day limit expires.’ ” *Id.* (quoting [In re Kennerley](#), 995 F.2d 145, 146 (9th Cir.1993)) (other citations omitted).

Even if applicable, Wasney has not demonstrated “unique and exceptional circumstances” that might warrant relief from [Rule 4007\(c\)](#)’s strict time limit. *Id.* at 1187–88 & n. 6. Wasney’s counsel’s declaration does not establish that an emergency situation prevented the filing, or that a court explicitly misled him. See [In re \\*606 Kennerley](#), 995 F.2d at 148 (“[T]he unique circumstances exception would appear to be limited to situations where a court explicitly misleads a party.”). **AFFIRMED.**

#### All Citations

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