

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

6:17-10113 Abraham Meza, Jr.

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 24

Tentative Ruling:

1/3/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 57.92

Trustee Expenses: \$ 7.67

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Abraham Meza Jr.

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
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Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

6:17-18675 Alma Delia Ramos

Chapter 7

#2.00 Notice of Motion to set aside RE: Order Granting Motion for Relief From Stay Unlawful Detainer 21

CASE DISMISSED 12/14/17

EH__

Docket 23

Tentative Ruling:

1/3/18

BACKGROUND

On October 18, 2017, Alma Ramos ("Debtor") filed a skeletal Chapter 7 voluntary petition. On November 16, 2017, Santiago Properties, Inc. ("Landlord") filed a motion for relief from the automatic stay. On November 22, 2017, Debtor filed her opposition to Landlord's motion. On December 1, 2017, the Court entered an order granting the motion.

On December 7, 2017, Debtor filed a motion to set aside the order granting relief from the automatic stay. Subsequently, on December 14, 2017, Debtor's case was dismissed for failure to appear at either of the first two meetings of creditors.

DISCUSSION

As a preliminary matter, the Court notes that the instant motion was served

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

CONT... Alma Delia Ramos

Chapter 7

improperly. Specifically, the motion was not served on the Trustee, UST, and was served to Landlord at a PO Box, instead of on Landlord's attorney.

Additionally, the motion is blank – Debtor does not provide any argument or evidence as required by Local Rule 9013-(1)(c)(3). Because of the absence of any argument or evidence, and, additionally, because of the improper service, the Court cannot grant Debtor's motion.

TENTATIVE RULING

The Court will DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alma Delia Ramos	Pro Se
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Movant(s):

Alma Delia Ramos	Pro Se
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Trustee(s):

John P Pringle (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

6:13-26277 Charles Frederick Biehl

Chapter 7

#3.00 Chapter 7 Trustees Motion for Order Revoking Abandonment of Real Property of the Estate

EH__

Docket 222

Tentative Ruling:

1/3/18

BACKGROUND

On September 30, 2013, Charles Biehl ("Debtor") filed a Chapter 7 voluntary petition. Among the assets disclosed in the petition was certain real property located at 6 Dover Ct., Rancho Mirage, CA 92270 (the "Property"). Debtor valued the Property at \$1,050,000, identified liens on the Property in the amount of \$851,226, and claimed an exemption in the Property in the amount of \$75,000. Trustee however, asserts that his Broker Price Opinion valued the Property at \$875,000, and additionally asserts that a preliminary title report reveals secured debt affecting the Property in the total amount of \$1,326,889.79.

On August 5, 2016, JP Morgan Chase Bank ("Creditor") filed a motion for relief from the automatic stay. Debtor filed his opposition on September 6, 2016. On January 12, 2017, Creditor and Debtor entered into a stipulation providing Creditor relief from the automatic stay effective February 25, 2017.

Shortly after Creditor filed its motion for relief from the automatic stay, Trustee filed a notice of proposed abandonment of the Property. No opposition was received by the Court, and, as a result, the Property was deemed abandoned pursuant to Local Rule

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

CONT... Charles Frederick Biehl
6007-(1)(d).

Chapter 7

Trustee states that he currently has an offer to purchase the Property, subject to all liens, by Marta Rudat, the stepmother of Nicole Rudat,¹ for \$145,000. Trustee estimates that such a sale would net \$64,100 in proceeds for the estate. Trustee requests revocation of his abandonment of the Property. On December 19, 2017, Debtor filed his opposition to the request. On December 27, 2017, Trustee filed a reply.

DISCUSSION

Trustee argues that revocation of the abandonment of the Property is appropriate under Fed. R. Civ. P. Rule 60(b)(1)-(2), (6), incorporated into bankruptcy proceedings by Fed. R. Bankr. P. Rule 9024. Debtor argues that: (1) revocation of an abandonment of property is inappropriate in general; (2) that Trustee is time-barred from relying on Fed. R. Civ. P. Rule 60(b)(1)-(2); and (3) that Fed. R. Civ. P. Rule 60(b)(6) is inappropriate in this circumstance.

As a preliminary matter, the Court notes that Debtor is clearly correct in his argument that Trustee is time-barred from relying on Fed. R. Civ. P. Rule 60(b)(1)-(2). Fed. R. Civ. P. Rule 60(c) provides that motions under Fed. R. Civ. P. Rule 60(b)(1)-(3) must be made within one year. Here, Trustee's motion was filed well more than one year after the abandonment of the Property. It would appear that Trustee concedes that point as Trustee's reply contains no further argument regarding Fed. R. Civ. P. Rule 60(b)(1)-(2).

11 U.S.C. § 554, Fed. R. Bankr. P. Rule 6007 and Local Rule 6007 govern abandonment of property. None of the provisions, however, mention revocation of the abandonment of property, and there is no clearly defined process to secure a revocation of abandonment of property.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

CONT... Charles Frederick Biehl

Chapter 7

Trustee has acknowledged that "[g]enerally, abandonment of an asset is irrevocable" but asserts that "it may be revoked when appropriate circumstances exist." The Court agrees. While not cited by either party, the Ninth Circuit has previously stated that: "[r]evocation of abandonment is appropriate, however, where the trustee is given incomplete or false information of the asset by the debtor, thereby foregoing a proper investigation of the asset." *Cusano v. Klein*, 264 F.3d 936, 946 (9th Cir. 2001) (quotation omitted). The Ninth Circuit's position in *Cusano* would seem to foreclose the argument that revocation of abandonment of property can never be effectuated.

Nevertheless, it remains unclear when, and in what circumstances, revocation of an abandonment of property is appropriate. *See generally* Ginsberg & Martin on Bankruptcy § 5.06[B][2] (5th ed. 2017) (collecting cases). Trustee has identified three circumstances in which he believes revocation to be appropriate: (1) false or incomplete information provided by a debtor (as noted by *Cusano, supra*); (2) an unsecured asset; and (3) when abandonment occurs as a result of mistake or inadvertence and revocation will not cause undue prejudice.

Assuming, *arguendo*, that Trustee's position is correct, the Court does not believe that the any of the enumerated circumstances exist here. *But see In re Am. Remanufacturers, Inc.*, 439 B.R. 633, 636 (Bankr. D. Del. 2010) (quoting *Woods v. Kenan*, 173 F.3d 770, 778 (10th Cir. 1999) (standard for revocation of express abandonment is higher than standard for revocation of technical abandonment). First, while Trustee has asserted that Debtor testified inconsistently regarding the Property, the simple fact is that Debtor appears to have originally *overestimated* the estate's interest in the Property on his schedules. As outlined in Trustee's motion, after further investigation the Trustee concluded that the Property was worth less, and that the liens on the property were substantially greater, than indicated by Debtor. Therefore, to the extent that Debtor did provide any false or incomplete information to Trustee, such information certainly did not impede a proper investigation of the asset. Additionally, it is undisputed that the Property was scheduled.

In the motion, Trustee seems to entirely rely on the fact that abandonment was a "mistake" and that it would be equitable to revoke abandonment. First of all, the Court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

CONT...

Charles Frederick Biehl

Chapter 7

notes that "mistake" as a grounds for relief is tied to Fed. R. Civ. P. Rule 60(b)(1) and, as noted earlier, the Trustee is time-barred from moving under Rule 60(b)(1). *See In re Sas*, 488 B.R. 178, 184 (Bankr. D. Nev. 2013); *In re Johnson*, 361 B.R. 903, 910 (Bankr. D. Mont. 2007) ("The Court will not consider whether the trustee abandoned the assets as a result of mistake or inadvertence that may allow the Court to consider the elements of Fed. R. Bankr. P. Rule 9024, incorporating Fed. R. Civ. P. Rule 60(b)(1), as the motion to reopen and the motion for turnover have clearly been filed more than one year after Debtors' case was closed on June [] 27, 2003.").

Additionally, the Court notes that Trustee's abandonment of the Property was not a result of mistake or inadvertence. *See In re Bartels*, 449 B.R. 355 (Bankr. W.D. Wis. 2011); *Matter of Alt*, 39 B.R. 902 (Bankr. W.D. Wis. 1984) (both discussing mistake and inadvertence in the context of abandonment of property). Trustee has provided no evidence that he mistakenly calculated the estate's interest in the Property or that any other error caused the abandonment of the Property. Instead, the "mistake" alleged by Trustee is that he was unaware that he would receive an offer to purchase the property that appears to be disproportional to the value of the interest being purchased. If Trustee was not time-barred from pursuing the desired relief under Fed. R. Civ. P. Rule 60(b)(1), the circumstances identified by Trustee would not constitute the "mistake or inadvertence" contemplated by the provision.

Finally, the Court notes that the argument offered by Trustee under Fed. R. Civ. P. Rule 60(b)(6) is unclear and less than convincing. In the original motion, Trustee seems to assert that the estate, the buyer, and the Debtor would all benefit from a revocation of the abandonment. After Debtor opposed the motion, Trustee's appears to have switched his position, although the details of Trustee's new argument are less than clear. Trustee states that: "[h]ad the Trustee known before that Rudat or the proposed Buyer (Rudat's stepmother) were interested in purchasing the Property subject to existing liens, the Trustee would not have abandoned it." While this is undoubtedly an accurate statement, these circumstances do not warrant relief under Rule 60(b)(6). To hold otherwise would be to create an exception that swallows the rule, opening up the possibility of abuse in a variety of situations.

At the time of the abandonment of the Property, the Trustee had conducted an investigation of the Property and determined that the property was of inconsequential value to the estate. There is no indication that the evidence relied upon by Trustee at

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

CONT... **Charles Frederick Biehl**

Chapter 7

that time was materially inaccurate, and it appears that the Trustee's determination was correct. When a trustee makes a determination that an asset of the estate is of inconsequential value and abandons that assets, but later attempts to revoke the abandonment of the asset to allows for its administration, it is logically necessary that one of two things must be true: (1) the trustee's original determination that the asset was of inconsequential value must have been erroneous; or (2) the proposed buyer must be offering consequential value for an interest of inconsequential value. In the former situation, the trustee may potentially use Fed. R. Civ. P. Rule 60(b)(1). Trustee's position that the latter situation is covered by Fed. R. Civ. P. Rule 60(b)(6) would seem to create a situation where the Trustee could secure revocation of abandonment of an asset in virtually all situations. But, as noted earlier and acknowledged by Trustee, abandonment of an asset is final except in limited circumstances. *See generally* Ginsberg & Martin on Bankruptcy § 5.06[B][2] (5th ed. 2017) ("A trustee's abandonment is final and irrevocable unless based on fraud."). Because the position advanced by Trustee would appear to create an exception that swallows the rule, and because Trustee has not pointed to any exceptional circumstances that would warrant relief under Rule 60(b)(6), the Court is inclined to DENY the motion.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Charles Frederick Biehl

Represented By

Daryl L Binkley - DISBARRED -

Steven L Bryson

Movant(s):

John P Pringle (TR)

Represented By

James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

11:00 AM

CONT... Charles Frederick Biehl

Chapter 7

Elyza P Eshaghi
Brandon J Iskander
Lynda T Bui
Leonard M Shulman

Trustee(s):

John P Pringle (TR)

Represented By
James C Bastian Jr
Elyza P Eshaghi
Brandon J Iskander
Lynda T Bui
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

6:16-19799 Jaison Vally Surace

Chapter 7

Adv#: 6:17-01006 Pringle v. Qadir et al

#4.00 CONT Status Conference RE: Complaint by John P. Pringle against Walie A. Qadir, Marym Qadir, Najlla Qadir. (Charge To Estate). (Attachments: # 1 Adversary Coversheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 3/8/17, 6/28/17, 8/30/17, 11/1/17

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 12/29/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Defendant(s):

Walie A. Qadir

Represented By
Batkhand Zoljargal

Marym Qadir

Represented By
Batkhand Zoljargal

Najlla Qadir

Represented By
Batkhand Zoljargal

Plaintiff(s):

John P. Pringle

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT... Jaison Vally Surace

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248

Revere Financial Corporation, a California corpora v. Roger, MD

#5.00 CONT Status Conference RE: Complaint by Revere Financial Corporation, a California corporation, Jerry Wang against Douglas J Roger MD. false pretenses, false representation, actual fraud, 68 Dischargeability - 523(a)(6), willful and malicious injury, 67 Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 41 Objection / revocation of discharge - 727(c),(d),(e) **(Holding date)**

From: 11/26/14, 1/26/15, 1/28/15, 4/15/15, 7/22/15, 9/23/15, 1/27/16, 6/29/16, 9/28/16, 11/16/16, 2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 7/31/17, 10/4/17

Also #6

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/28/18 AT 2:00 P.M.**

Tentative Ruling:

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#6.00 CONT Motion to Dismiss Adversary Proceeding Claims of Plaintiff, Jerry Wang, and to Strike and for a More Definite Statement as to Plaintiff, Revere Financial Corporation
(Holding date)

From: 11/5/14, 12/3/14, 12/15/14, 1/28/15, 4/15/15, 7/22/15, 9/23/15, 1/27/16
6/29/16, 9/28/16, 11/16/16, 2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 7/31/17,
10/4/17

Also #5

EH__

Docket 10

***** VACATED *** REASON: ORDER ENTERED 12/20/17**

Tentative Ruling:

07/31/2017

BACKGROUND

On October 25, 2013, Douglas Jay Roger ("Debtor") filed his petition for chapter 7 relief. On September 22, 2014, Revere Financial Corporation ("Revere") and Jerry Wang ("Receiver") filed a complaint for determination of the dischargeability of debts pursuant to §§ 523(a)(2)(B), 523(a)(2)(A), 523(a)(4)(A), 523(a)(4) & 523(a)(6); and objecting to the Debtor's discharge pursuant to §§727(a)(3), 727(a)(4)(A), 727(a)(4)(B), 727(a)(5), & 727(a)(7) ("Complaint").

On October 6, 2014, the Debtor filed a Motion to Dismiss, to Strike, and for a More Definite Statement ("Motion"). The operative pleadings are as follows:

1. Memorandum by Jerry Wang in Opposition to Motion (Docket No. 13);
2. Memorandum by Secured Creditor Revere in Opposition to Motion (Docket No. 14);
3. Reply of Debtor to Jerry Wang's Opposition (Docket No. 15);
4. Reply of Debtor to Revere & Jerry Wang's Opposition (Docket No. 16);
5. Debtor's Supplemental Brief (Docket No. 19); and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

6. Chapter 7 Trustee's Opposition to Motion (Docket No. 34).

DISCUSSION

Civil Rule 12(b)(6) standards

Under Civil Rule 12(b)(6), made applicable in adversary proceedings through Rule 7012, a bankruptcy court may dismiss a complaint if it fails to "state a claim upon which relief can be granted." In reviewing a Civil Rule 12(b)(6) motion, the trial court must accept as true all facts alleged in the complaint and draw all reasonable inferences in favor of the plaintiff. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). However, the trial court need not accept as true conclusory allegations in a complaint or legal characterizations cast in the form of factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007); *Hartman v. Gilead Scis., Inc. (In re Gilead Scis. Sec. Litig.)*, 536 F.3d 1049, 1055 (9th Cir. 2008).

To avoid dismissal under Civil Rule 12(b)(6), a plaintiff must aver in the complaint "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). It is axiomatic that a claim cannot be plausible when it has no legal basis. A dismissal under Civil Rule 12(b)(6) may be based either on the lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory. *Johnson v. Riverside Healthcare Sys.*, 534 F.3d 1116, 1121 (9th Cir.2008).

The Debtor asserts primarily that (1) the Receiver has no "authority" to bring the action; and (2) to the extent that Revere's claim for damages includes fees and expenses incurred by the Receiver in its claim for damages, such claim is not proper because neither the Debtor nor Revere is obligated for the Receiver's fees and expenses. To the extent the Debtor prevails on this second argument, the Debtor also requests that the claim of Revere for fees and expenses incurred by the Receiver be stricken, and that Revere be required to set forth a more definite statement of its damages.

I. The Receiver's "Authority" to Bring the Action Against the Debtor

A. The Receiver Needed Authority from the Appointing Court to bring an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT...

**Douglas Jay Roger
*Action***

Chapter 7

Once a court appoints a receiver, "[i]t is the rule that: 'The functions and powers of a receiver are controlled by statute, by the order appointing him, and by orders subsequently made by the court. He has no powers beyond those so conferred.' *Downtown Sunnyvale Residential LLC v. Wells Fargo Bank, N.A.*, No. H038572, 2015 WL 263727, at *9 (Cal. Ct. App. Jan. 20, 2015) (citing 42 Cal.Jur.2d, Receivers, § 73; and see authority there collected.)" (*Morand v. Superior Court* (1974) 38 Cal.App.3d 347, 351 (*Morand*).) "Where a receiver's powers and duties are not directly prescribed by statute, they are dependent upon the court's order of appointment." (*Nulaid Farmers Assn. v. LaTorre* (1967) 252 Cal.App.2d 788, 791.) A receiver's powers " 'may be expanded or contracted by subsequent court order.' " (*Resolution Trust Corp. v. Bayside Developers* (9th Cir.1994) 43 F.3d 1230, 1242 (*Resolution Trust Corp.*), citing to *Cal-American Income Property Fund VII v. Brown Development Corp.* (1982) 138 Cal.App.3d 268, 273 (*Cal-American*).)

The Debtor cites to Cal. C.C.P. § 568 (CCP 568) and to *Morand* regarding the powers of receivers for the proposition that the Receiver has no authority to bring the instant action. CCP 568 provides, in pertinent part, that

The receiver has, under the control of the Court, power to bring and defend actions in his own name, as receiver; to take and keep possession of the property, to receive rents, collect debts, to compound for and compromise the same, to make transfers, and generally to do such acts respecting the property as the Court may authorize.

The Debtor argues that because the order appointing the Receiver did not enumerate the authority to file lawsuits as a power authorized by the Court, that the Receiver is without such authority until such time as he receives authorization from the Superior Court to file this action. Although authorities are scant, the authorities cited by the Debtor and found by this Court support the conclusion that for the Receiver to institute an action, the order appointing the Receiver must at a minimum contain language generally, if not specifically, authorizing/directing the commencement of actions. *See e.g. Harting v. Cebrian*, 10 Cal. App. 2d 10, 51 P.2d 195 (1935).

The Receiver, for his part, argues that he was directed to manage the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

receivership estate, including to "take possession, custody, and control" of various assets that comprise the "Receivership Estate" and to "[c]ollect all proceeds of the Receivership Estate, whether equity, income, payments, rents, revenue, sale, or otherwise." (Receiver Opp'n at 2). This language, however, is insufficient for the purpose of authorizing the Receiver to initiate legal actions. *See e.g. Harting v. Cebrian*, 10 Cal. App. 2d 10, 51 P.2d 195 (1935). In support of its position, the Receiver cites *Title Ins. & Tr. Co. v. Grider*, 152 Cal. 746, 94 P. 601 (1908). However, *Grider* dealt with two issues not present in the instant action – first, an attack on the underlying basis for the appointment of a receiver, and second, an assertion that the property at issue was not property that the Receiver was authorized to collect. Neither issue resolves the issue of whether the language of a receivership order authorizes the initiation of an action.

Based on the foregoing, the Court finds that the failure of the Receiver to allege that the receivership order provided him with the authority to initiate actions on behalf of the Receivership Estate is grounds for dismissal.

Although moot, assuming the Receiver did have authority to file the Complaint, as to the Receiver's claim for damages the Receiver has clarified that it does not seek its own fees, expenses, and costs. Instead, it seeks recovery of receivership assets. To the extent the Receiver's claim for damages is limited to recovery of assets of the receivership estate, such damages appear to fall squarely within the bounds of the Order Appointing Receiver. As such, the Receiver would need to amend the Complaint to clarify that its request for damages is limited to recovering assets of the receivership estate.

II. Revere is Not Liable to the Receiver for Fees and Costs and Thus Cannot Seek to Recover Such Fees and Costs as Damages

The Debtor argues that Revere has no basis to include fees and expenses of the Receiver. In response, Revere has cited to authorities indicating that in the event that the receivership estate is insufficient to pay the Receiver's fees and expenses, courts have, in some cases, found third parties liable to the receivers for the deficiency. The Debtor asserts that *Atl. Tr. Co. v. Chapman*, 208 U.S. 360, 374, 28 S. Ct. 406, 410, 52 L. Ed. 528 (1908), is dispositive of this issue.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

The Supreme Court, in *Atlantic Trust*, acknowledged that third parties may be held liable in certain circumstances but indicated that such cases were rare. The Supreme Court stated, in pertinent part:

It is true that cases are cited in which the party bringing a suit in which a receiver is appointed has been held liable for expenses incurred by the receiver in excess of the proceeds arising from the sale of the property. But in most, if not in all, of those cases, the circumstances were peculiar and were such as to make it right and equitable, in the opinion of the court, that that should be done.

Id. As the Debtor acknowledges, the Supreme Court did not hold that a third party could under no circumstances be liable for a receiver's fees and expenses. Instead, the Debtor asserts only that the specific cases cited by Revere in which a third party was held liable are not applicable to the facts alleged in the instant case. Here, the Debtor does not address the broad language of the Commercial Security Agreement (Complaint at Ex. 3 at 42) in which Revere has pointed to provisions of Debtor's loan documentation, which may provide Revere with a basis to recover for fees and expenses owed to the Receiver for his services. However, notwithstanding this point, the Complaint does not include allegations that the receivership estate will not have funds to fully compensate the Receiver such that Revere could claim any liability for his costs and fees. Nor does the Complaint set forth a claim based on the contractual language cited by Revere in its opposition. As such, the Court finds that the Complaint does not contain sufficient factual allegations to support a plausible claim for damages based on the Receiver's fees and costs.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion as to dismissal of the Receiver, and as to striking Revere's claim for damages to the extent it includes fees and costs owed to the Receiver.

The Motion is DENIED as to its request for dismissal without leave to amend. There has been no showing by Debtor to justify dismissal with prejudice. The Receiver and Revere shall have 60 days from the date of entry of the order on the Motion to amend the Complaint.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Movant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

3:00 PM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#7.00 Motion for Disqualification for Cause Discrimination, Hate Crime (Black), etc., et al against Judge Meredith A. Jury

From: 11/29/17

EH__

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Represented By
Nancy Korompis

Defendant(s):

Real Time Resolutions Inc

Represented By
Renee M Parker

THE BANK OF NEW YORK

Represented By
Renee M Parker

Riverside County Sheriff

Represented By
Ronak N Patel

Tavares

Pro Se

Movant(s):

Luevina Henry

Pro Se

Plaintiff(s):

Luevina Henry

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 03, 2018

Hearing Room 303

3:00 PM

CONT... Luevina Henry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-20114 Frank Garcia and Susan Garcia

Chapter 13

#1.00 Motion for Setting Property Value

EH__

Docket 13

Tentative Ruling:

01/04/2018

Summary of the Motion:

Notice: Proper

Opposition: None

Collateral: 2011 Chevrolet Colorado

Secured Lien Asserted: \$16,365.91 by Mechanics Bank (per POC)

Debtor's Assertion of FMV: \$9,851 (Kelly Blue Book Value, Ex. D)

Standard:

Upon motion of a party in interest, the bankruptcy court may determine the value of a secured claim. Fed. R. Bankr. P. 3012. Pursuant to § 506(a), an allowed claim may be bifurcated into its secured and unsecured components according to the value of the collateral. 11 U.S.C. § 506; *Shook v. CBIC (In re Shook)*, 278 B.R. 815, 822 (9th Cir. BAP 2002).

analysis

Debtors assert that the fair market value of the Property is \$9,851 based on an internet appraisal obtained from Kelly Blue Book. Creditor, though properly served, has not provided either evidence to controvert or objections to the evidence of the Debtors. As such, the Court finds that Claim No. 1 shall be bifurcated. The Court has derived the amount of the secured and unsecured portions from the figures provided in the proof of claim of Mechanics Bank (Claim No. 1) which asserts a secured claim for \$16,365.91. The Motion, in contrast, asserts that the claim amount is \$16,322 (without explanation). As the Debtors have provided no evidence or objection to controvert the amount claimed in Claim No. 1, the Court will bifurcate Claim No. 1 into a secured claim in the amount of \$9,851 and an unsecured claim in the amount of \$6,514.91.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

CONT... Frank Garcia and Susan Garcia

Chapter 13

Additionally, LBR 9013-1(h) provides that failure to timely respond to a motion may be deemed consent to the granting of the motion. Thus, as an alternative basis for granting the Motion, the Court deems Creditor's failure to file opposition as consent.

Tentative:

The Court is inclined to GRANT the Motion.

APPEARANCE WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Frank Garcia

Represented By
Paul Y Lee

Joint Debtor(s):

Susan Garcia

Represented By
Paul Y Lee

Movant(s):

Frank Garcia

Represented By
Paul Y Lee

Susan Garcia

Represented By
Paul Y Lee
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-18388 Gregorio Orozco Sotelo

Chapter 13

#2.00 CONT Confirmation of Chapter 13 Plan

From: 11/16/17, 12/14/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregorio Orozco Sotelo

Represented By
Lisa F Collins-Williams

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-18780 Jules Andre Nelson

Chapter 13

#3.00 Motion to vacate dismissal

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/29/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jules Andre Nelson

Represented By
Emilia N McAfee

Movant(s):

Jules Andre Nelson

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-18786 Edgar Raymond Domingue, Sr.

Chapter 13

#4.00 CONT Confirmation of Chapter 13 Plan

From: 11/30/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar Raymond Domingue Sr.

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19253 Arnel L Ganzon

Chapter 13

#5.00 Motion to vacate dismissal and reinstate chapter 13 case

EH__

Docket 20

*** VACATED *** REASON: ORDER ENTERED 12/5/17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arnel L Ganzon Pro Se

Movant(s):

Arnel L Ganzon Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19300 Jennifer Marie Silva

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 12/14/17

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/18/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Marie Silva

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19605 Victor Manuel Buelna and Adriana Alvizo

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Buelna

Represented By
David Lozano

Joint Debtor(s):

Adriana Alvizo

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19611 Larry Gene Hannah and Susan Harris Hannah

Chapter 13

#8.00 Motion to Avoid JUNIOR LIEN with BANK OF AMERICA N.A.

Also #9

EH__

Docket 15

Tentative Ruling:

01/04/2018

Summary of the Motion:

Notice: Proper

Opposition: None

Address: 15371 Mondamon Road, Apple Valley, CA 92307

First trust deed: \$288,533.66 with Ditech (per Ex. A)

Second trust deed (to be avoided): \$53,654.38 with BOFA (per Ex. B)

Fair market value: \$269,900 (BPO, Ex. D)

TENTATIVE

Based on the Debtor's evidence of the value of the Property, of the priority of the liens encumbering the Property, and proof that the Motion was properly served, which supports the Debtor's request to avoid the junior lien on the Property, the Court is inclined to GRANT upon receipt of a chapter 13 discharge.

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued to the next Chapter 13 calendar.

PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER WITHIN 7 DAYS, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE FORMS SECTION ON THE COURT'S WEBSITE.

Party Information

Debtor(s):

Larry Gene Hannah

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

CONT... Larry Gene Hannah and Susan Harris Hannah
Todd L Turoci

Chapter 13

Joint Debtor(s):

Susan Harris Hannah

Represented By
Todd L Turoci

Movant(s):

Larry Gene Hannah

Represented By
Todd L Turoci

Susan Harris Hannah

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19611 Larry Gene Hannah and Susan Harris Hannah

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Also #8

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Gene Hannah

Represented By
Todd L Turoci

Joint Debtor(s):

Susan Harris Hannah

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19614 Alfredo Manzo Arrieta and Mayte Hernandez- Arrieta

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfredo Manzo Arrieta

Represented By
Andy C Warshaw

Joint Debtor(s):

Mayte Hernandez- Arrieta

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19617 Maria Isabel Alvarado

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Isabel Alvarado

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19619 Erik Emanuel Manlove

Chapter 7

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
12/4/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erik Emanuel Manlove

Represented By
Yoon O Ham

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19628 Alejandro Salinas, Jr.

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Salinas Jr.

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19633 Lourdes Watters

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/8/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lourdes Watters

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19661 Edward James Singelyn

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward James Singelyn

Represented By
Bruce Babcock

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19679 Rafael Alvarado

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/11/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafael Alvarado

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19708 Chiu Ng

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chiu Ng

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19719 Frank J Cordova

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank J Cordova

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19722 Daniel Verduzco

Chapter 13

#19.00 Motion to Avoid Junior Lien with FCI Lender Services, 2005 Residential Trust 3-2, Countrywide Bank FSB

Also #20

EH__

Docket 14

Tentative Ruling:

01/04/2018

Summary of the Motion:

Notice: Proper

Opposition: Yes

Address: 24420 Robie Ct in Moreno Valley, CA 92551

First trust deed: \$277,791.30 with Bank of America

Second trust deed (to be avoided): \$115,756.89 with 2005 Residential Trust 3-2 ("Creditor")

Fair market value: \$270,000 (Appraisal)

TENTATIVE

Creditor by its opposition requests a continuance of at least 30 days to obtain a verified appraisal of the Property.

Debtor argues that because the Motion must be filed and heard prior to confirmation of the chapter 13 plan, a continuance of the Motion cannot be granted. However, the Debtor presumes that the plan will be confirmed on January 4, 2018. It is common practice to permit secured creditors an opportunity to obtain an appraisal prior to ruling on a motion to avoid junior lien. Debtor provides no authority for the proposition that such a continuance would be unjustified in circumstances such as these nor has the Debtor articulated any legal prejudice that would result from the continuance.

In sum, the Court finds no merit in the Debtor's reply. A continuance of the Motion

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

CONT... **Daniel Verduzco**
for the appraisal is warranted.

Chapter 13

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Movant(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19722 Daniel Verduzco

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

Also #19

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19765 Danny Josefy

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Josefy

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19785 Evonne Marie Woodard

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evonne Marie Woodard

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19787 Gloria Hayslet

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19802 Graciela Salcedo

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/18/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Graciela Salcedo

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19808 Marcus Edward Kanavalov, Sr

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcus Edward Kanavalov Sr Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19809 Lenton T. Hutton

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/18/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton T. Hutton

Represented By
Brian Nomi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19853 Diego Lopez

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diego Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19856 Eduardo Galvan

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/18/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Galvan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19861 Oscar Alvarez

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Alvarez

Represented By
Daniel B Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19868 Barbara Rammell

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbara Rammell

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19890 Katrina Renee McDowell

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katrina Renee McDowell

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19892 Lena Dolores Wade

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19893 Theresa Susanne Ysiano

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/18/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa Susanne Ysiano

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-19894 William Edward Walker and Carla Sue Walker

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Edward Walker

Represented By
Jenny L Doling

Joint Debtor(s):

Carla Sue Walker

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:30 PM

6:17-18258 Francisco R Tamayo

Chapter 13

#35.00 CONT Confirmation of Chapter 13 Plan

From: 11/9/17, 11/30/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco R Tamayo

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:13-13052 Charles R Campbell, II and Ruth Urie-Campbell

Chapter 13

#36.00 CONT Trustee's Motion to Dismiss Case

From: 12/14/17

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles R Campbell II

Represented By
Dale Parham - INACTIVE -
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Ruth Urie-Campbell

Represented By
Dale Parham - INACTIVE -
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:13-29303 William Raymond Black, Jr. and Sanci Jo Black

Chapter 13

#37.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Raymond Black Jr.

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Sanci Jo Black

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:14-23150 Vivian Munson

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case

From: 12/21/17

EH__

Docket 180

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Movant(s):

Rod (MH) Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:15-12176 Bonnie Jean Conant

Chapter 13

#39.00 CONT Trustee's Motion to Dismiss Case

From: 12/21/17

EH__

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bonnie Jean Conant

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:15-21412 Adrienne J Garcelli and Paul Garcelli

Chapter 13

#40.00 Trustee's Motion to Dismiss Case

EH__

Docket 105

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrienne J Garcelli

Represented By
Andy C Warshaw

Joint Debtor(s):

Paul Garcelli

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:16-13405 Ashley Nicole Ortiz

Chapter 13

#41.00 Trustee's Motion to Dismiss Case (Delinquency)

EH ____

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/27/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley Nicole Ortiz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:16-15304 Fabiola Puttre

Chapter 13

#42.00 CONT Trustee's Motion to Dismiss Case

From: 12/14/17, 12/21/17

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabiola Puttre

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 04, 2018

Hearing Room 303

12:31 PM

6:17-17061 Louise Laster

Chapter 13

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louise Laster

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:12-33658 Jose Luis Navarro and Alma Gloria Navarro

Chapter 13

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9107 Bold Ruler Lane, Riverside, CA 92509-3128

MOVANT: HSBC BANK USA

From: 11/28/17

EH__

Docket 79

***** VACATED *** REASON: ORDER ENTERED 12/29/17**

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT authority to offer loan workout options, and request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jose Luis Navarro

Represented By
Todd L Turoci

Joint Debtor(s):

Alma Gloria Navarro

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Jose Luis Navarro and Alma Gloria Navarro

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Erin M McCartney

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:13-28503 Jeffrey K Oliver and Holly R Oliver

Chapter 13

#2.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 23031 Vought St, Moreno Valley, CA 92553

MOVANT: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

EH__

Docket 108

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Limited

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(4) based on an unauthorized transfer of interest in the property on the petition date. Based on the evidence presented in the response, the Court does not, however, make a finding that Debtor was involved in a scheme to hinder, delay or defraud creditors. GRANT waiver of Rule 4001(a)(3) stay. DENY relief from § 1301(a) stay because it appears that the co-debtor stay is inapplicable. To the extent the co-debtor stay is applicable, no co-debtor has been served with the instant motion. GRANT requests under ¶¶ 2, 3, and 10. DENY requests under ¶¶ 8 and 11 for lack of cause shown.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jeffrey K Oliver

Represented By
Michael Smith
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Jeffrey K Oliver and Holly R Oliver

Chapter 13

Joint Debtor(s):

Holly R Oliver

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

JPMorgan Chase Bank, National

Represented By
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:14-14942 Nicholas M. Morales and Bertha A. Galvan

Chapter 13

#3.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 804 Tehama Ct Lake Elsinore CA 92530

MOVANT: WELLS FARGO BANK

From: 10/31/17, 11/28/17

EH__

Docket 82

***** VACATED *** REASON: ORDER ENTERED 12/27/17**

Tentative Ruling:

Tentative Ruling:

10/31/2017

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Nicholas M. Morales

Represented By
George J Paukert

Joint Debtor(s):

Bertha A. Galvan

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Nicholas M. Morales and Bertha A. Galvan

Chapter 13

George J Paukert

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:15-10334 Alberto H. Garcia and Gina Caceres

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43275 Corte Almeria, Temecula, CA 92592

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

EH__

Docket 56

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alberto H. Garcia

Represented By
Carey C Pickford

Joint Debtor(s):

Gina Caceres

Represented By
Carey C Pickford

Movant(s):

Wilmington Savings Fund Society,

Represented By
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:15-12404 Anthony E Turkson

Chapter 13

#5.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 12016 Quantico Dr, Riverside, CA 92505

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

Docket 89

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Deutsche Bank National Trust

Represented By
April Harriott
Keith Labell
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2008 Rampage 240 Travel Trailer

MOVANT: BANK OF THE WEST

EH__

Docket 82

***** VACATED *** REASON: ORDER ENTERED 1/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:16-13233 Sherry Ann Beardsley

Chapter 13

#7.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 1041 W 27th St, San Bernardino, CA 92405-3121

MOVANT: WELLS FARGO BANK NA

EH__

Docket 53

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Movant to confirm that arrears have been cured.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sherry Ann Beardsley

Represented By
Jeffrey D Larkin

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Mark D Estle
Bruce E Brown
Beverly Lorraine Evans
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-10088 Beatriz Esqueda

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 17242 Russo Ct, Fontana, CA 92336

MOVANT: DEUTSCHE BANK NATIONAL TRUST

EH__

Docket 43

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of Rule 4001(a)(3) stay. DENY relief from the § 1301(a) stay because the motion was not served on any co-debtor. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Beatriz Esqueda

Represented By
Rebecca Tomilowitz

Movant(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein
Jennifer C Wong

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Beatriz Esqueda

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-10101 Rizal Ligayo

Chapter 13

#9.00 CONT Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Toyota Rav4 (VIN 2T3WFREV1FW138281)

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

From: 12/19/17

EH__

Docket 30

Tentative Ruling:

12/19/2017

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). DENY request for relief from the automatic under § 362(d)(2) because the Court does not have evidence that the vehicle is not necessary for an effective reorganization. DENY relief from § 1301(a) stay for failure to serve co-debtor. GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rizal Ligayo

Represented By
Paul Y Lee

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Rizal Ligayo

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-10460 Julio Cesar Cacho and Rosalie Ann Cacho

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 24859 N Matterhorn Ct., Crestline, CA 92325

MOVANT: BROKER SOLUTIONS, INC

EH__

Docket 25

***** VACATED *** REASON: ORDER ENTERED 1/8/18**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Julio Cesar Cacho

Represented By
M Wayne Tucker

Joint Debtor(s):

Rosalie Ann Cacho

Represented By
M Wayne Tucker

Movant(s):

Broker Solutions, Inc. dba New

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Julio Cesar Cacho and Rosalie Ann Cacho

Chapter 13

Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 935 Goldenrod St., Corona, CA 92882 .

MOVANT: WELLS FARGO BANK NA

EH__

Docket 31

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Limited

Parties to provide status of adequate protection discussions, and Debtors to explain why evidence that they are current was not attached to motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Bruce Howard Ruggles

Represented By
John F Brady

Joint Debtor(s):

Ann Marie Ruggles

Represented By
John F Brady

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Brandye N Foreman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-11831 Gregory Dwight Vit

Chapter 13

#12.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 46048 Paseo Gallante, Temecula, CA 92592

MOVANT: BANK OF NEW YORK MELLON

From: 11/28/17

EH__

Docket 33

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Parties to indicate whether arrears have been cured or alternatively, whether APO
agreement has been reached.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gregory Dwight Vit

Represented By
Christopher J Langley

Movant(s):

Bank Of New York Mellon FKA

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-13804 John P Morris and Cassandra M Morris

Chapter 13

#13.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Mazda 5

MOVANT: JP MORGAN CHASE BANK NA

EH__

Docket 36

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John P Morris

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Cassandra M Morris

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... John P Morris and Cassandra M Morris

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Corolla VIN: 5YFBURHE1HP579809

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 24

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT relief from the § 1301(a) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-14906 Roger James Gardner

Chapter 13

#15.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 920 Paseo El Mirador, Palm Springs CA 92262

MOVANT: LOUIS J SILVESTRI AND LINDA SILVESTRI, TRUSTEE OF THE
LOUIS J SILVESTRI AND LINDA SILVESTRI FAMILY TRUST EST. 2/5/81

From: 9/12/17, 10/31/17

EH__

Docket 23

***** VACATED *** REASON: ORDER ENTERED 12/4/17**

Tentative Ruling:

09/12/2017
Service: Proper
Opposition: Yes

Movant has established cause to GRANT relief from the stay under § 362(d)(1) based on the Debtor's failure to make postpetition payments and GRANT waiver of 4001(a) (3) stay the request for termination of the co-debtor stay. Parties to discuss adequate protection and timing and likelihood of sale.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Roger James Gardner

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Louis J Silvestri and Linda Silvestri,

Represented By
Julian K Bach

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Roger James Gardner

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-15043 Sandra Lou Harter

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9628 7th Street, Phelan, California 92371

MOVANT: QUICKEN LOANS INC

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/22/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lou Harter

Represented By
Carey C Pickford

Movant(s):

Quicken Loans Inc.

Represented By
Bonni S Mantovani

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-15822 Alfredo Loera and Veronica O Loera

Chapter 13

#17.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3015 Pepper Tree Lane, San Bernardino, CA 92404

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 11/14/17, 11/28/17

EH__

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/26/17**

Tentative Ruling:

Tentative Ruling:

11/14/2017

Service is Proper
Opposition: Yes

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C.
§ 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.
DENY alternative request under ¶ 13 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alfredo Loera

Represented By
Paul Y Lee

Joint Debtor(s):

Veronica O Loera

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Alfredo Loera and Veronica O Loera

Chapter 13

Paul Y Lee

Movant(s):

Freedom Mortgage Corporation

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-16699 Cindy Louise Lawson

Chapter 13

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: (2013 BMW 3 SERIES)

MOVANT: ALLY FINANCIAL

EH__

Docket 18

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Movant(s):

Ally Financial Inc.

Represented By
Adam N Barasch

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-18080 Esperanza O Hernandez

Chapter 7

#19.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2006 Cadillac DTS Automobile; Vin:
1G6KD57936U183073

MOVANT: KINECTA FEDERAL CREDIT UNION

EH __

Docket 10

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and (2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Esperanza O Hernandez

Represented By
Ronald L Brownson

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Blackman

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-18579 Carmen Lopez

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1130 Rose Circle, Corona, CA 92882

MOVANT: PROF-2013-S3 LEGAL TITLE TRUST II, BY US BANK NATIONAL
ASSOC, AS LEGAL TITLE TRUSTEE

EH__

Docket 14

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and (2). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 9. DENY requests under ¶¶ 7 and 10 for lack of cause shown.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Carmen Lopez

Represented By
Roberto Gil

Movant(s):

PROF-2013-S3 LEGAL TITLE

Represented By
Nichole Glowin

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-18957 Rodolfo Zendejas

Chapter 7

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 12234 Avenue C, Yucaipa, CA 92399

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 9

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). DENY request under § 362(d)(2) for lack of cause shown. GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rodolfo Zendejas

Represented By
Robert R Tilton

Movant(s):

U.S. Bank National Association, as

Represented By
Kelly M Raftery

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19231 Jose Lewis Bobadilla, Jr.

Chapter 7

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: Property known as 6927 Cypress Grove Dr, Riverside, CA 92506-6216

MOVANT: PROF-2013-S3 LEGAL TITLE TRUST IV

EH__

Docket 14

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jose Lewis Bobadilla Jr.

Represented By
Gary S Saunders

Movant(s):

PROF-2013-S3 Legal Title Trust IV

Represented By
Darlene C Vigil

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19249 Horace Louis Williams and Arda Minette Williams

Chapter 7

#23.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 18557 Pinecone Lane, Riverside, CA 92504

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 12

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(2). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Horace Louis Williams

Represented By
Joel M Feinstein

Joint Debtor(s):

Arda Minette Williams

Represented By
Joel M Feinstein

Movant(s):

U.S. Bank National Association

Represented By
Darlene C Vigil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Horace Louis Williams and Arda Minette Williams

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Rosalba Orea and Constantino Orea

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19439 Jason James Popken

Chapter 7

#25.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Dodge Challenger, VIN: 2C3DZC98HH527411

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 9

Tentative Ruling:

1/9/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jason James Popken

Represented By
Terrence Fantauzzi

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19617 Maria Isabel Alvarado

Chapter 13

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 161 West 77th Street, Los Angeles, CA 90003

MOVANT: FORBIX CAPITAL CORP

CASE DISMISSED 1/4/18

EH__

Docket 13

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT relief from the automatic stay pursuant to § 362(d)(4) based on multiple filings affecting the property and an unauthorized transfer of an interest. GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY requests under ¶ 4, 8 and 11 for lack of cause shown. GRANT request under ¶ 10 upon recording of a copy of this order or giving appropriate notice of its entirety in compliance with applicable nonbankruptcy law.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Maria Isabel Alvarado

Pro Se

Movant(s):

Forbix Capital Corp.

Represented By
Robert Reganyan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Maria Isabel Alvarado

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19653 Lisa Yvonne Mellado

Chapter 7

#27.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2012 Chrysler 300, Vin 2C3CCACG5CH249871

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

Docket 9

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Lisa Yvonne Mellado

Represented By
Mona V Patel

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19708 Chiu Ng

Chapter 13

#28.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1353 W. Mill Street, #110, San Bernardino, Ca

MOVANT: WINDCHIME PROPERTIES LP

CASE DISMISSED 1/4/18

EH__

Docket 9

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT request for relief from the automatic stay pursuant to § 362(d) (4) based on multiple filings affecting the property. GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 9. DENY request under ¶ 7 for lack of cause shown. DENY request for relief from § 1301(a) stay because the motion was not served on any co-debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Chiu Ng

Pro Se

Movant(s):

WIND CHIME PROPERTIES, LP

Represented By
Helen G Long

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Chiu Ng

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-19856 Eduardo Galvan

Chapter 13

#29.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: Property known as 980 N. Pampas Ave., Rialto, CA 92376

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 10

***** VACATED *** REASON: CASE DISMISSED 12/18/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Galvan

Pro Se

Movant(s):

U.S. BANK NATIONAL

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-20147 Gilbert Richard Enriquez and Lisa Lynn Enriquez

Chapter 13

#30.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 13470 Preciado Avenue, Chino, CA 91710

MOVANT: GILBERT AND LISA ENRIQUEZ

EH__

Docket 13

Tentative Ruling:

1/9/2018

Service: Proper
Opposition: None

The Court is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Gilbert Richard Enriquez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Lisa Lynn Enriquez

Represented By
Raj T Wadhvani

Movant(s):

Gilbert Richard Enriquez

Represented By
Raj T Wadhvani

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

CONT... Gilbert Richard Enriquez and Lisa Lynn Enriquez
Lisa Lynn Enriquez
Represented By
Raj T Wadhvani
Raj T Wadhvani

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

10:00 AM

6:17-20404 Atina Castro

Chapter 7

#30.10 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1512 E. Highland Court, Ontario, CA

MOVANT: HONG YU FU

EH__

Docket 7

***** VACATED *** REASON: CASE DISMISSED 1/8/18**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C.
§ 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Atina Castro

Pro Se

Movant(s):

Hong Yu Fu

Represented By
Helen G Long

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

2:00 PM

6:17-19965 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#31.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ohlone Tribe of Carmel First

Represented By
Odeha L Warren

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#32.00 CONT Motion to Approve Use of Cash Collateral

From: 12/6/17

Also #33

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 09, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#33.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

Also #32

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

10:00 AM

6:17-18597 Karla Erika Garcia Salcido

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation Re: 2015 Nissan Sentra

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karla Erika Garcia Salcido

Pro Se

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

10:00 AM

6:17-18707 Shamicka N Jackson

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and CarMax Auto Finance
RE: 2008 Chevrolet Tahoe Hybrid \$18,977.94

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shamicka N Jackson

Represented By
Daniel King

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

10:00 AM

6:17-18859 Francisco Jose Vasquez

Chapter 7

#4.00 Reaffirmation Agreement Between Debtor and LBS Financial Credit Union Re:
2014 Suzuki C90 (Motorcycle)

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Jose Vasquez

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

10:00 AM

6:17-18909 Deborah Voorhis Harmon

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation re: 2014 Toyota FJ 4x4

EH__

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Voorhis Harmon

Represented By
Douglas A Plazak

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

10:00 AM

6:17-19074 Carol Olvera Rosales

Chapter 7

#6.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation
Re: 2015 Toyota Yaris

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol Olvera Rosales

Pro Se

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

6:09-30020 William Scott Graham and Rebecca Sue Graham

Chapter 7

#7.00 CONT Trustee's Final Report and Applications for Compensation

From: 11/29/17

EH__

Docket 55

Tentative Ruling:

01/10/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee, and Special Counsel have been set for hearing on the notice required by LBR 2016-1.

Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees:	\$3,695.78
Trustee Expenses:	\$19.81
Special Counsel Fees:	\$11,193.96
Special Counsel Costs:	\$3,743.20
Trustee GC Fees:	\$5,849.36
Trustee GC Costs:	\$1,217.78

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

11/29/2017

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT... William Scott Graham and Rebecca Sue Graham

Chapter 7

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee, have been set for hearing on the notice required by LBR 2016-1.

The only receipts in this case were generated through a settlement approved by the Court on June 13, 2017 [Dkt No. 49; settlement motion, Dkt. No. 46] Paragraph 11 of the settlement motion's statement of facts states the following:

The application also provided that payment of the Fees and Expenses shall be subject to the terms of the application and the approval of the Bankruptcy Court after the filing of either a combined motion for Bankruptcy Court approval of the settlement and the payments of the Fees and Expenses or a separate fee application in accordance with 11 U.S.C. §§ 328 and 330 and Local Bankruptcy Rules.

Paragraph 12 of the settlement motion states the following:

By an order entered on April 20, 2017, the Court granted the application but modified the terms of employment by providing that the payments of the Fees and Expenses shall be subject to the approval of the Bankruptcy Court after the filing of a separate fee application in accordance with 11 U.S.C. §§ 328 and 330 and Local Bankruptcy Rules.

As acknowledged by Trustee, this Court's order authorizing the employment of the Phillips Law Firm as special counsel explicitly required, through the Court's modification of Trustee's proposed order, the filing of a separate fee application if Trustee was to make any payments to the firm. Yet, such an application was not filed.

In the absence of the required fee application, the Court cannot approve the Trustee's proposed distribution to the extent that that proposed distribution includes payments to the Phillips Law Firm. The Trustee's final report, however, does not appear to contemplate payments to the Phillips Law Firm, but, rather, it appears that such payments have already been made in violation of this Court's order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT... William Scott Graham and Rebecca Sue Graham

Chapter 7

Given that the majority of the gross receipts in this case appear to have already been paid from the estate in violation of Court order, no further distributions can be authorized at this time.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Scott Graham

Represented By
Edward G Topolski

Joint Debtor(s):

Rebecca Sue Graham

Represented By
Edward G Topolski

Trustee(s):

Karl T Anderson (TR)

Represented By
Robert A Hessling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

6:16-15813 John E. Tackett and Ellen O. Tackett

Chapter 7

#8.00 Application to Employ Karl T. Anderson CPA, Inc. as Accountants for the Estate

EH__

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John E. Tackett

Represented By
Stefan R Pancer

Joint Debtor(s):

Ellen O. Tackett

Represented By
Stefan R Pancer

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, January 10, 2018

Hearing Room 301

11:00 AM

6:17-13853 Malik Muhammad Asif and Zobia Asif

Chapter 7

#9.00 Motion for extension of time to file a complaint objecting to discharge

EH __

Docket 138

Tentative Ruling:

01/10/2018

BACKGROUND

On May 8, 2017, Malik and Zobia Asif (collectively, the "Debtors") filed for chapter 11 relief. On June 23, 2017, based on representations and the record made by creditors at a Case Management Conference related to the status of the Debtors' Baja Fresh franchises, the Court converted the case to a case under chapter 7.

On November 24, 2017, the Office of the United States Trustee ("UST") filed a Motion for Extension of Time to File a Complaint Objecting to Discharge ("Motion"). In support of the Motion, the UST asserts that based on the Debtors' request for additional time to produce the documents necessary to the UST's evaluation of whether grounds exist to seek denial of discharge, a 60-day extension of the discharge and dismissal deadline is warranted.

Service of the Motion was proper and no opposition has been filed.

DISCUSSION

Pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 4004 and 1017, Trustee seeks to extend the deadline for Trustee and U.S. Trustee to file a complaint objecting to Debtor's discharge under 11 U.S.C. § 727 and the deadline to seek dismissal under § 707, for an additional 60 days to January 25, 2018.

Under FRBP 4004(a) and 1017(e), on a motion of any party in interest, the court may for cause extend the time to object to discharge or to seek dismissal. Fed. R. Bankr. P. 4004, 1017.

As a matter of practice what constitutes "cause" rests within the discretion of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, January 10, 2018

Hearing Room 301

11:00 AM

CONT... **Malik Muhammad Asif and Zobia Asif**

Chapter 7

the bankruptcy court. *See In re James*, 187 B.R. 395, 397 (Bankr. N.D. Ga. 1995). Also, Courts are generally unified in the view that the term "for cause" should receive a liberal construction. *Id.* Notwithstanding that fact, however, a creditor must exhibit some minimum degree of due diligence prior to seeking such an extension, and the Court should not allow the motion to serve as license for a baseless "fishing expedition." *Id.*; *See also In re Leary*, 185 B.R. 405, 406 (Bankr. D. Mass. 1995). To establish cause movant must (1) show that he had, with reasonable diligence, attempted to investigate the facts and circumstances, and (2) offer a reasonable explanation of why that investigation could not be completed within the allotted time. *See Bomarito*, 448 B.R. at 251.

The UST has presented evidence that they sought financial records of the Debtors and their entities on November 8, 2017. The UST asserts that they are informed and believe that the Debtors require additional time to produce the documents. The UST has further indicated that after meeting and conferring with Debtors' counsel, the Debtors indicated that they were agreeable to the extension.

TENTATIVE RULING

Accordingly, based on the record provided by the UST and the failure of the Debtors to file opposition, the Court is inclined to GRANT the relief requested and provide the UST an extension for the filing of a complaint under § 727, and/or for the filing of a motion to dismiss under § 707, to January 25, 2018.

APPEARANCES WAIVED. Movant to file an order within 7 days.

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, January 10, 2018

Hearing Room 301

11:00 AM

CONT... Malik Muhammad Asif and Zobia Asif

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

6:17-10724 Bausman and Company Incorporated

Chapter 7

#10.00 Application Second Interim (6/27/17-9/27/17) and Final Application of Procopio, Cory, Hargreaves & Savitch LLP for Allowance and Payment of Compensation and Reimbursement of Expenses as General Dip Counsel

EH__

Docket 146

***** VACATED *** REASON: CONTINUED TO 1/31/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bausman and Company Incorporated

Represented By
William A Smelko

Movant(s):

Bausman and Company Incorporated

Represented By
William A Smelko

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Best Best & Krieger
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

6:16-20927 Mee Soon Kim

Chapter 7

#11.00 Motion by Chapter 7 Trustee for Order: 1) Authorizing Sale of Real Property of the Estate Free and Clear of all Liens, Interests, Claims and Encumbrances to Attach to Proceeds; 2) Expunging Lis Pendens; 3) Approving Overbid Procedures; 4) Determining that Buyer is Entitled to 11 U.S.C. § 363(m) Protection; and 5) Waiving the 14 Day Stay Under Rule 6004

EH__

Docket 33

Tentative Ruling:

01/10/2018

BACKGROUND

On December 14, 2016, Mee Soon Kim ("Debtor") filed a petition for chapter 7 relief. Larry Simons is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate are certain real property assets located at 10076 Orchard Street ("Orchard Property") and 18562 Valley Blvd in Bloomington, CA (the "Valley Property") (collectively, the "Properties").

On December 19, 2017, the Trustee filed his Motion by Chapter 7 Trustee for Order: (1) Authorizing Sale of Real Property of the Estate Free and Clear of all Liens, Interests, Claims and Encumbrances to Attach to Proceeds; (2) Expunging Lis Pendens; (3) Approving Overbid Procedures; (4) Determining that Buyer is Entitled to 11 U.S.C. § 363(m) Protection; and (5) Waiving the 14 Day Stay Under Rule 6004 (the "Motion").

Service of the Motion was proper

DISCUSSION

Sale of Estate Property Pursuant to Section 363(b)

The trustee, after notice and a hearing, may sell property of the estate. 11 U.S.C. § 363(b)(1); *see also Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 352 (1985). The sale must be in the best interests of the estate and the price must be

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT...

Mee Soon Kim

Chapter 7

fair and reasonable. *In re Canyon Partnership*, 55 B.R. 520 (Bankr. S.D. Cal. 1985); *see also In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991)(sale must have fair/reasonable price, accurate/reasonable notice to creditors and sale made in good faith). The trustee must articulate some "business justification" for selling estate property out of the "ordinary course of business" before the court may approve the transaction. *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983); *In re Ernst Home Ctr., Inc.*, 209 B.R. 974, 979 (Bankr. W.D. Wash. 1997). Objections to sale that are based on inadequacy of price are often resolved the court ordering an auction, which may occur in open court. *Simantrob v. Claims Prosecutor, LLC (In re Lahijani)*, 325 B.R. 282, 287 (9th Cir. BAP 2005) *citing* Fed. R. Bankr. P. 6004(f).¹

In support of the proposed sale to Chai Choi ("Buyer"), the Trustee sets forth the following figures and analysis:

Sale Price ...	\$655,000
Tax encumbrances (estimated) ...	\$46,268.52
Unpaid postpetition property insurance fees ...	\$2,033.30
<u>Estimated Broker's commission ...</u>	<u>\$39,300</u>
Net Equity for the Estate (minus closing costs):	\$567,398.18

Based on these figures, the Trustee's estimate of net proceeds after cost of sale in excess of \$550,000 appears reasonable. Thus, the Trustee's business justification for the sale warrants granting of the Motion.

a) Bidding Procedures

Generally, bidding procedures must be untainted by self-dealing, encourage bidding and be fair/reasonable/serve the best interests of the estate. *See In re Crown*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT... Mee Soon Kim

Chapter 7

Corp., 679 F.2d 774 (9th Cir. 1982). The Trustee's proposed bidding procedures are reasonable and encourage bidding. Thus, the Trustee's procedures, as amended to provide for overbids in increments of \$1,000, are approved.

b) Sale Made in Good Faith

The proposed sale has been brought in good faith and has been negotiated on an "arms- length" basis. The court, in Wilde Horse Enterprises, set forth the factors in considering whether a transaction is in good faith. The court stated:

‘Good faith’ encompasses fair value, and further speaks to the integrity of the transaction. Typical ‘bad faith’ or misconduct, would include collusion between the seller and buyer, or any attempt to take unfair advantage of other potential purchasers. . . . And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale.

Id. at 842 (citations omitted).

Here, the Trustee marketed the Properties via his Broker, Simans and Neiman, which marketed on the MLS, the Southland Regional Association of Realtors MLS, Redfin.com, Zillow.com, and Trulia.com. The Broker received 4 offers for the Properties and the Buyer's offer was the best and highest offer (and was \$55,000 over the purchase price). The sale appears to be made in good faith.

c) Sale Free and Clear of non-Debtor Interests

A trustee may sell estate property "free and clear" of third party interests in the property, such as co-ownership interest, liens, claims and encumbrances. *See* 11 U.S.C. § 363(f). A sale free and clear of third party interests pursuant to section 363 is authorized only if one of the following conditions is met: (1) sale authorized by applicable nonbankruptcy law; (2) third party whose interest will be affected consents; (3) the affected interest is a lien and the sale price is greater than total value of all

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT... Mee Soon Kim

Chapter 7

liens on the property; (4) the affected interest is a bona fide dispute; or (5) the third party whose interest will be affected could be compelled to accept a money satisfaction of the interest. 11 U.S.C. § 363(f)(1)-(5).

The Trustee proposes to sell the Property free and clear of the interest of Jabro who obtained a lis pendens prepetition based on state court litigation against the Debtor. The Trustee asserts that the state court litigation has now been dismissed and thus requests that this Court expunge the lis pendens, or alternatively, that the Court authorize the sale free and clear of the Jabro Lis Pendens. The Court is not persuaded that the Notice of Motion and Motion sufficiently provided notice to Jabro of the possibility that his Lis Pendens could be expunged if he failed to file opposition to the Motion. Thus, by reason of due process, the Court is disinclined to expunge the Jabro Lis Pendens, notwithstanding the dismissal of the underlying state court litigation. However, the Court finds that the Trustee has provided sufficient evidence to sell free and clear of the Jabro Lis Pendens under § 363(f)(4) because the evidence indicates that should Mr. Jabro attempt to assert a secured claim against the Properties, such claim would be the subject of a bona fide dispute based on the dismissal of his state court action. On this basis, the Court is inclined to grant the sale of the Properties free and clear of the Jabro Lis Pendens, with the Jabro Lis Pendens to attach to the proceeds to the same extent, validity and priority.

d) Purchaser in "Good Faith" Pursuant to Section 363(m)

Section 363(m) provides that "[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith...." 11 U.S.C. § 363(m).

The Trustee has indicated in his declaration that the Buyer had a pre-existing agreement with Tae Kim (the prepetition transferee whose interests in the Properties have been avoided by the Trustee). However, the Trustee has also indicated that he had no relationship to the Buyer and that the Trustee did not propose a sale to the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT... Mee Soon Kim

Chapter 7

Buyer at the same price and instead had the Properties marketed at a higher price which the Buyer was willing to meet. However, the Court requires a declaration of the Buyer to qualify for § 363(m) protection.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the Motion as follows:

1. Authorizing the sale of the Property under § 363(b) to the Buyer or to a successful overbidder at the hearing in accordance with the terms of the Purchase Agreement;
2. Approving the sale free and clear of all liens, claims, interests, and encumbrances and authorizing the Trustee to pay tax liens, costs of sale and other expenses directly from the sale proceeds, including escrow fees, real estate commissions, and TRG insurance fees as set forth in the Motion;
3. Providing that the Trustee is authorized to execute and deliver any documents necessary to effectuate the proposed sale;
4. Authorizing the sale on an AS-IS, WHERE-IS basis, without warranties or representations;
5. Finding that notice was proper and sufficient;
6. Approving the overbid procedures; and
7. Waiving the fourteen day stay under FRBP 6004(h).

Finally, the Court shall also provisionally GRANT the request for a § 363(m) finding on the condition that a declaration of the Buyer be submitted prior to lodgment of the order on the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mee Soon Kim

Represented By
Minh Duy Nguyen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

11:00 AM

CONT... Mee Soon Kim

Chapter 7

Movant(s):

Larry D Simons (TR)

Represented By
David Seror
Michael W Davis

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror
Michael W Davis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:13-30477 Master Design Inc

Chapter 7

Adv#: 6:15-01370 Speier v. Test-Rite Products Corp. et al

#12.00 CONT Status Conference Re: Complaint by Steven M Speier against Test-Rite Products Corp., Test-Rite International (U.S) Co. Ltd., Test-Rite International Co. Ltd., Judy Lee, Chester Lee, Christina Ma. (Charge To Estate). Complaint for: (1) Fraudulent Transfer Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code § 3439.04(a)(1) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (2) Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(A) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (3) Fraudulent Transfer Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05 and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (4) Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(B) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (5) Conversion; (6) Unlawful Payment of Dividends; (7) Breach of Fiduciary Duty by Officer; (8) Breach of Fiduciary Duty by Controlling Shareholder; and (9) Declaratory Relief as to Alter Ego Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 3/2/16, 4/6/16, 4/27/16, 6/29/16, 7/20/16, 8/3/16, 9/28/16, 11/9/16, 3/29/17, 8/2/17, 11/8/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/14/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Defendant(s):

Test-Rite Products Corp.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT... Master Design Inc

Chapter 7

Julie A Garcia
John Y Kim
Aaron S Craig
Brian Wheeler

Test-Rite International (U.S) Co.

Represented By
Julie A Garcia
John Y Kim
Aaron S Craig

Test-Rite International Co. Ltd.

Represented By
Julie A Garcia
Aaron S Craig
Joon M Khang
John Y Kim
Brian Wheeler

Chester Lee

Represented By
Julie A Garcia
Joon M Khang
Aaron S Craig
Brian Wheeler

Christina Ma

Represented By
Julie A Garcia
Joon M Khang
Aaron S Craig
Brian Wheeler

Test-Rite International (US) Co. Ltd.

Represented By
Joon M Khang
Julie A Garcia
John Y Kim
Aaron S Craig
Brian Wheeler

Test-Rite Products Corp.

Represented By
Joon M Khang
Julie A Garcia

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT... Master Design Inc

Chapter 7

John Y Kim
Aaron S Craig

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Marc C Forsythe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:14-12990 Garrick Craig Smedman

Chapter 7

Adv#: 6:17-01121 Smedman et al v. STATE BOARD OF EQUALIZATION et al

#13.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01121. Complaint by Craig Smedman against STATE BOARD OF EQUALIZATION. (Fee Not Required \$350.00). Joint Plaintiff Veronica Lee Wilkins Nature of Suit: (91 (Declaratory judgment)),(72 (Injunctive relief - other)) (Evans, Neil)

From: 8/30/17, 9/27/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Garrick Craig Smedman

Represented By
Neil C Evans

Defendant(s):

STATE BOARD OF
California Department of Tax and

Pro Se
Represented By
Matthew C. Heyn

Joint Debtor(s):

Veronica Lee Wilkins

Represented By
Neil C Evans

Plaintiff(s):

Craig Smedman

Represented By
Neil C Evans

Veronica Lee Wilkins

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT... Garrick Craig Smedman

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#14.00 CONT Status Conf Re: Adversary case 6:17-ap-01197. Complaint by Itria Ventures, LLC against Malik Muhammad Asif, Zobia Asif. Fee Amount \$350
Complaint Objecting To Dischargeability of Debt Nature of Suit: (62
(Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))

CONT: 11/15/17, 12/6/17

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Plaintiff(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

Trustee(s):

Arturo Cisneros (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT...

Malik Muhammad Asif

Thomas H Casey

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#15.00 Motion for Default Judgment against Richard Earl Davis Jr.

Also #16

EH__

Docket 19

Tentative Ruling:

01/10/2018

TENTATIVE RULING

At the hearing on the Plaintiff's prior Motion for Default Judgment, the Court's tentative ruling provided, in pertinent part, as follows:

Plaintiff seeks default judgment be entered against Defendant Richard Earl Davis, Jr. (the "Debtor"). Service of the Motion AND of the Summons and Complaint were all effectuated on the Debtor at "2280 Market Street #220 in Riverside, CA". However, the Debtor's bankruptcy petition indicates his place of residence as "9325 Sunridge Drive in Riverside, CA 92508".

The Court's tentative ruling is to DENY the Motion without prejudice. Movant to lodge an order denying the motion and requesting that the Court issue an alias summons for Movant to serve the summons and complaint at the Debtor's residence as indicated on the bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Earl Davis, Jr

Chapter 7

petition. Deadlines shall be reset accordingly.

An alias summons was issued and the Plaintiff filed a proof of service indicating that the Alias Summons was executed. The instant Motion for Default Judgment was then filed on December 7, 2017. Both Proofs of Service indicate that the Debtor was now served at "9324 Sunridge Drive in Riverside, CA" Again, in a situation where the Debtor/Defendant is nonresponsive, the Plaintiff's ongoing failure to serve the Debtor at the correct address creates a due process issue which prevents this case from moving forward.

Separately, although the Debtor has disclosed the debt owed to Plaintiff in the amount of \$150,000 in his Schedule E/F pursuant to a State Court Judgment, the Court notes that the Plaintiff has failed to attach the underlying state court documents (e.g. the state court complaint and judgment) which are essential to final ruling on the Complaint. Additionally, the Plaintiff has not included points and authorities to indicate whether the motion is made under collateral estoppel principles.

The Court's tentative ruling is to DENY the Motion without prejudice. Movant to lodge an order denying the motion and requesting that the Court issue an alias summons for Movant to serve the summons and complaint at the Debtor's residence as indicated on the bankruptcy petition. Deadlines shall be reset accordingly.

Ongoing failure to correctly serve documents on the Debtor correctly may result in sanctions.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

Defendant(s):

Richard Earl Davis Jr

Pro Se

Two6 Sports Management

Pro Se

Movant(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Plaintiff(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Kandis Gumbs

Represented By
Alexander B Boris

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#16.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01066. Complaint by Angelo M Gumbs , Kandis Gumbs against Richard Earl Davis Jr, Two6 Sports Management . false pretenses, false representation, actual fraud))

From: 8/30/17, 11/1/17

Also #15

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

Defendant(s):

Richard Earl Davis Jr

Pro Se

Two6 Sports Management

Pro Se

Plaintiff(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Kandis Gumbs

Represented By
Alexander B Boris

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez
Adv#: 6:16-01176 Simons v. Navarro

Chapter 7

#17.00 Order to show cause why defendant's counsel should not be sanctioned

Also #18

EH __

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#18.00 CONT Status Conference RE: Complaint to Avoid and Recover Fraudulent Transfer

From: 9/7/16, 11/9/16, 1/11/17, 3/8/17, 4/12/17, 5/17/17, 6/7/17, 7/26/17, 9/27/17, 11/29/17

Also #17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbbash et al

#19.00 Motion Of Plaintiffs For Order Granting Leave To Late File Amended Adversary Complaint

EH__

Docket 28

Tentative Ruling:

01/10/2018

BACKGROUND

On April 11, 2017, Issa & Amal Musharbash ("Debtors") filed a Chapter 7 voluntary petition. On July 17, 2017, Phillip & Violette Musharbash ("Plaintiffs") filed a non-dischargeability complaint against Debtors. On August 16, 2017, Debtors filed an answer. On September 20, 2017, an initial status conference was held.

On September 29, 2017, Plaintiffs filed a motion for leave to file an amended complaint (the "Amendment Motion"). The Court granted the Amendment Motion and provided the Plaintiffs with a deadline of November 2, 2017, to file their amended complaint. The Plaintiffs in their declaration indicate that they inadvertently believed they had already filed the amended complaint alongside their Amendment Motion.

DISCUSSION

Fed. R. Civ. P. Rule 15(a)(1)-(2) states:

(1) A party may amend its pleading once as a matter of course within:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT...

Issa M Musharbash

Chapter 7

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f) whichever is earlier

(2) In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires.

Here, Debtors' answer was filed on August 12, 2017, and, therefore, the standard of Fed. R. Civ. P. Rule 15(a)(2) applies.

As is noted by Plaintiffs, "leave to amend should be granted unless amendment would cause prejudice to the opposing party, is sought in bad faith, is futile, or creates undue delay." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992).

Here, the Court previously determined that the Plaintiffs' request for amendment was justified. However, Plaintiffs failed to file their amended complaint by the Court ordered deadline of November 2, 2017. Now Plaintiff's request this Court's authority to permit their late filing of the amended complaint. Defendants, though properly served, have failed to file opposition and the Court does not perceive legal prejudice from permitting the late amendment, which amended complaint shall be filed by January 26, 2018. For these reasons, the Court is inclined to GRANT the request to permit the late-filing of the amended complaint with the condition that should Defendants appear at the hearing on 1/10/2018, they shall be reimbursed for costs of travel and lost wages, if any, for attendance at the hearings set for 1/10/2018.

TENTATIVE RULING

The Court is inclined to GRANT the motion as set forth herein.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 10, 2018

Hearing Room 303

2:00 PM

CONT... **Issa M Musharbash**

Chapter 7

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbbash

Pro Se

Amal Musharbbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Movant(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

6:12-18311 Linda Gail Majors

Chapter 13

#1.00 Motion RE: Objection to Claim Number 3 by Claimant New Penn Financial d/b/a Shellpoint Mortgage Servicing

EH__

Docket 109

Tentative Ruling:

1/11/18

Background:

On April 3, 2012, Linda Majors ("Debtor") filed a Chapter 13 voluntary petition. On July 2, 2012, Debtor's Chapter 13 plan was confirmed. On October 12, 2017, Debtor received a discharge.

On July 6, 2012, Chase Records Center filed a proof of claim for a debt in the amount of \$93,323.90, secured by Debtor's principal residence ("Claim 3"). Claim 3 included \$13,601.58 in pre-petition arrears. Claim 3 has been transferred four times since the claim was filed, and is currently held by New Penn Financial, LLC ("Creditor").

On November 30, 2017, Trustee filed an objection to Claim 3. Trustee requests that Claim 3 be decreased by \$13,485.26, and that Creditor return \$8,149.13 to the estate.

The factual background for Trustee's request is the following. On November 2, 2015,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... Linda Gail Majors

Chapter 13

Residential Credit Solutions, Inc. ("Residential"), the holder of Claim 3 at the time, filed a motion for court consent to enter into a loan modification agreement. On November 10, 2015, Trustee filed comments indicating conditional approval of the request. Among the conditions enumerated by Trustee was that Residential would amend Claim 3 within thirty days of a final loan modification. On December 21, 2015, Debtor, who was not the movant, filed a declaration of non-opposition for the motion for court consent to enter into a loan modification agreement. No order, however, was obtained.

Nevertheless, pursuant to Trustee's claim objection, it appears that the parties acted as if they had a properly consummated loan modification. Specifically, Trustee asserts that on October 12, 2017, Creditor acknowledged the loan modification and inquired whether any funds needed to be returned. Trustee appears to assert that the loan modification would have eliminated all but \$116.32 (the pre-petition late charges) of the pre-petition arrears. Trustee states that the effective date of the loan modification was September 1, 2015, and that after that date payments continued to Creditor on the basis of Claim 3, which was never amended. Trustee asserts that overpayments in the amount of \$8,149.13 resulted.

Applicable Law:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... **Linda Gail Majors**

Chapter 13

rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

Analysis:

Extensive case law supports the proposition that court authorization of a loan modification agreement is not a prerequisite to the agreement's enforceability, but, instead, such authorization simply provides additionally certainty and clarity to the contracting parties. *See, e.g., In re Wofford*, 449 B.R. 362, 364 (Bankr. W.D. Wis. 2011) ("At the same time, there does not appear to be any applicable law or rule that *requires* judicial approval of the terms of the loan modification itself."); *see also Stewart v. Bank of Am., N.A.*, 201 WL 7475613 (N.D. Cal. 2016); *Matter of Moore*, 2015 WL 5553534 (Bankr. S.D. Ga. 2015); *In re Smith*, 409 B.R. 1 (Bankr. D.N.H. 2009). Here, therefore, the loan modification is not invalid solely on the basis that the parties did not obtain a court order approving the agreement. Trustee has provided adequate evidence that an enforceable loan modification agreement was entered into by Debtor and Creditor.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... Linda Gail Majors

Chapter 13

Additionally, Trustee has provided adequate evidence that the loan modification resulted in a reduction of the pre-petition arrears from \$13,601.58 to \$116.32. Trustee's additional request, however, raises procedural concerns. As is acknowledged by Trustee in his e-mail correspondence with Debtor's attorney in Exhibit J, Trustee's request for turnover of funds by a non-debtor party typically requires an adversary proceeding pursuant to Fed. R. Bankr. P. Rule 7001(1). While the requirement of an adversary proceeding may be waived in certain circumstances, those circumstances are not present here. Specifically, Creditor is a large, national company and has not filed any opposition to the instant motion. Under these circumstances, the Court cannot deem the Creditor to have waived the due process protections it is entitled to under Rule 7001.

Tentative Ruling

The Court is inclined to SUSTAIN the objection to the extent it seeks a reduction of the pre-petition arrears of Claim 3 in the amount of \$13,601.58. The Court is inclined to OVERRULE the objection to the extent it seeks relief which falls under the protections of Fed. R. Bankr. P. Rule 7001(1).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Linda Gail Majors

Represented By
Anthony Wilaras

Movant(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... Linda Gail Majors

Chapter 13

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By

Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

6:12-21385 John Raymond Elbers and Nancy Ann Elbers

Chapter 13

#2.00 CONT Motion for Disgorgement of Attorneys' Fees

From: 12/14/17

Also #3

EH__

Docket 123

Tentative Ruling:

12/14/2017

BACKGROUND

On May 8, 2012, John and Nancy Elbers (collectively, "Debtors") filed their petition for chapter 13 relief. Amrane Cohen is the duly appointed chapter 13 trustee ("Trustee"). At the inception of the case, the Debtors were represented by Samuel Kelsall ("Kelsall"). On behalf of the Debtors, Kelsall filed the petition and took various actions in the case on behalf of the Debtors, including prosecution of a motion to avoid lien through an evidentiary hearing. The Trustee's records indicate that Kelsall incurred and received \$12,000 in total for his bankruptcy services on behalf of the Debtors.

On November 14, 2017, the Debtors filed a Motion For Sanctions/Disgorgement of Attorneys' Fees re Samuel Kelsall (the "Motion"). The Motion asserts that:

1. Kelsall received \$1,460 from Hyatt Legal Plans ("Hyatt") on behalf of the Debtors, and that check is dated August 17, 2012 (the "Hyatt Payment");
2. Kelsall received an additional \$40 from Hyatt which Kelsall asserts was for a consultation;
3. Kelsall filed a Disclosure of Compensation of Attorney for Debtor on May 8, 2012;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT...

John Raymond Elbers and Nancy Ann Elbers

Chapter 13

4. Kelsall did not file a supplement to his disclosed compensation at any time during the pendency of the case; and
5. At a hearing on August 17, 2012, on a Trustee's Motion to Dismiss, the Debtors represented to the Trustee that Kelsall had received an additional \$1,500 from Hyatt which Kelsall had failed to disclose.

Based on the alleged nondisclosure by Kelsall of the Hyatt Payment, the Trustee seeks an order requiring him to disgorge \$13,500 (or the total amount paid by the Debtors for the bankruptcy-related services). The requested disgorgement is sought under FRBP 2016(b) which requires disclosure of compensation and supplemental statements regarding amounts paid but not previously disclosed.

On December 5, 2017, Kelsall filed opposition to the Motion ("Opposition"). As regards the merits of the Motion, Kelsall asserts that the Trustee's evidence of the Hyatt Payment is deficient in that the records produced by Hyatt are not accompanied by a record or other documentation indicating which case the payment was made on (i.e. does not identify the Debtors or their case). Kelsall further argues that the numbers do not add up. In support, he asserts that the fee for a couples' bankruptcy filing would be a total of \$1,500, not including the additional \$40 for the consultation. Thus, the check for \$1,460 plus the \$40 consultation fee cannot have been for payment towards the Debtors' case because the actual amount owed by Hyatt on behalf of the Debtors would have been \$1,500 plus \$40.

In reply to Kelsall, the Trustee notes that Kelsall has indicated he cannot identify on whose behalf the Hyatt Payment was made. The Trustee argues that Kelsall's response further compounds the problems identified in the Motion because it demonstrates Kelsall's failure to properly account for funds received by his firm on behalf of his clients as required by the California Rules of Professional Conduct.

DISCUSSION

There is no legal dispute regarding the applicability of FRBP 2016. Instead, the instant matter is solely a factual dispute regarding whether or not Kelsall received the Hyatt Payment on behalf of the Debtors which would have triggered his duty to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... **John Raymond Elbers and Nancy Ann Elbers** Chapter 13

disclose compensation. Kelsall disputes that he received funds from Hyatt on behalf of the Debtors. Although Kelsall is correct that the check proffered by the Trustee does not identify the Debtors on the check, he does not provide evidence to indicate that the check was definitively received by his office on behalf of other clients. Moreover, the evidence indicates that the check was issued in 2012. Thus, several years have lapsed in the interim and the Trustee correctly points out that during that time it was Kelsall's duty to properly account for the Hyatt Payment. Finally, the letter from Hyatt dated April 26, 2017 provides evidence the funds were paid to Kelsall (and Kelsall has failed to object to this evidence). As such, Kelsall failed in his duty to disclose all compensation received.

TENTATIVE RULING

Based on the foregoing, the Court is inclined GRANT the Motion and order disgorgement.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Raymond Elbers	Pro Se
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Joint Debtor(s):

Nancy Ann Elbers	Pro Se
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Movant(s):

Amrane (RS) Cohen (TR)	Represented By Amrane (RS) Cohen (TR)
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Trustee(s):

Amrane (RS) Cohen (TR)	Represented By Amrane (RS) Cohen (TR)
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

6:12-21385 John Raymond Elbers and Nancy Ann Elbers

Chapter 13

#3.00 CONT Objection to Notice of Intent to File Trustee's Final Report and Obtain Discharge of the Trustee

From:12/14/17

Also #2

EH__

Docket 118

Tentative Ruling:

12/14/2017

BACKGROUND

As a threshold matter, the Court incorporates and takes judicial notice of the pleadings filed in connection with Docket No. 123, the Trustee's Motion for Disgorgement, and of the factual allegations made therein as they may regard the instant matter.

On September 26, 2017, the Trustee filed his Notice of Intent to File Trustee's Final Report and Account (the "Notice"). On October 25, 2017, the Debtors filed their objection to the Notice ("Objection"). The Debtors' objection specifically argues that (1) Kelsall's fees received in the case exceeded reasonable and customary fees and should not have been awarded, (2) Debtors did not receive service by mail (purportedly of the Fee Applications) filed by Kelsall and therefore did not have an opportunity to object, and (3) that Kelsall failed to disclose the \$1,500 received from Hyatt on behalf of the Debtors. Based on these allegations, the Debtors seek disgorgement.

DISCUSSION

As a threshold matter, the Debtors' Objection is not properly before the Court because the Debtors are seeking affirmative relief from Mr. Kelsall in an objection to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... John Raymond Elbers and Nancy Ann Elbers Chapter 13

the Trustee's Notice of Intent to File his Final Report. However, given that Mr. Kelsall filed a response and that the Debtors are in pro per, the Court will briefly address the arguments made.

The mailbox rule provides that the proper and timely mailing of a document raises a rebuttable presumption that the document has been received by the addressee in the usual time. It is a settled feature of the federal common law. *Hagner v. United States*, 285 U.S. 427, 430, 52 S.Ct. 417, 76 L.Ed. 861 (1932); *Rosenthal v. Walker*, 111 U.S. 185, 193, 4 S.Ct. 382, 28 L.Ed. 395 (1884); *Lewis v. United States*, 144 F.3d 1220, 1222 (9th Cir.1998).

Because the common law mailbox rule operates as a rebuttable presumption, the factfinder must determine whether Mr. Kelsall has presented sufficient evidence of mailing to invoke the presumption of receipt and, if so, whether the Debtors have presented sufficient evidence of non-receipt to rebut the presumption. *Schikore v. BankAmerica Supplemental Ret. Plan*, 269 F.3d 956, 963 (9th Cir. 2001).

Here, Mr. Kelsall has provided Ex. 10, the Application for Supplemental Fees, Ex. 12, the Notice of Hearing on Application for Payment of Interim or Final Fees, both with corresponding proofs of service. Both documents are signed under penalty of perjury and contain attached mailing lists which indicate that the Debtors were served at their residence. In contrast, the Debtors have provided no evidence to controvert the proofs of service. As such, the Court must find that the Debtors have failed to rebut Mr. Kelsall's evidence of mailing and therefore that the Debtors are presumed to have received Mr. Kelsall's applications for fees.

Next, having found that the Debtors received proper notice and service of Mr. Kelsall's fee applications, the Debtors cannot now object to Mr. Kelsall's fees. The time to object to the reasonableness of fees was when they received notice of the applications. As such, the Court need not address whether Mr. Kelsall's fees were reasonable.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:30 PM

CONT... John Raymond Elbers and Nancy Ann Elbers

Chapter 13

Finally, the Debtors have raised the issue of Mr. Kelsall's nondisclosure of the \$1,500 in payments from Hyatt. This matter is being concurrently addressed by the Trustee's Motion for Disgorgement. As such, there is no need to address the matter further on this Objection.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to OVERRULE the Debtor's Objection as not properly brought before the Court, and as an alternate grounds, on the merits for the reasons stated herein.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Raymond Elbers	Pro Se
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Joint Debtor(s):

Nancy Ann Elbers	Pro Se
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Trustee(s):

Amrane (RS) Cohen (TR)	Represented By Amrane (RS) Cohen (TR)
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:31 PM

6:12-21687 Larry J Neilsen and Brenda J Neilsen

Chapter 13

#4.00 Trustee's Motion to Dismiss Case failure to complete the plan within its terms

EH__

Docket 98

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/22/17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry J Neilsen

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

Joint Debtor(s):

Brenda J Neilsen

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

Trustee(s):

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:31 PM

6:12-27553 Mary Black-Williams

Chapter 13

#5.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 11/9/17

EH__

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Black-Williams

Represented By
Marjorie M Johnson

Trustee(s):

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:31 PM

6:12-29624 Thomas D Felch and Michelle M Felch

Chapter 13

#6.00 Trustee's Motion to Dismiss Case for failure to complete the plan within its terms

EH ____

Docket 143

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas D Felch

Represented By
Michael F Chekian

Joint Debtor(s):

Michelle M Felch

Represented By
Michael F Chekian

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:31 PM

6:12-36765 Karen Patricia Boyd

Chapter 13

#7.00 Trustee's Motion to Dismiss Case Due to Material Default

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Patricia Boyd

Represented By
David Lozano

Movant(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

6:17-19628 Alejandro Salinas, Jr.

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Salinas Jr.

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

6:17-18388 Gregorio Orozco Sotelo

Chapter 13

#9.00 CONT Confirmation of Chapter 13 Plan

From: 11/16/17, 12/14/17, 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregorio Orozco Sotelo

Represented By
Lisa F Collins-Williams

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

6:13-28940 Jose Castellanos and Hiliana Castellanos

Chapter 13

#10.00 Motion to vacate dismissal

EH__

Docket 91

Tentative Ruling:

1/11/18

BACKGROUND

On November 21, 2013, Jose & Hiliana Castellanos ("Debtors") filed a Chapter 7 voluntary petition. On December 17, 2013, Debtors' case was converted to Chapter 13. On March 6, 2014, Debtors' Chapter 13 plan was confirmed.

On July 5, 2017, Trustee filed a motion to dismiss for failure to submit tax returns to the Trustee. No opposition was filed by Debtors and, after a continuance, the motion was granted and the case was dismissed on November 13, 2017.

On November 28, 2017, Debtors filed a motion to vacate dismissal. Debtors' primary explanation why the tax returns were not tendered is that: (1) a filing extension to October 15th; and (2) that Debtors made their final plan payment on November 3, 2017. On November 29, 2017, Trustee filed comments indicating conditional approval of the motion, assuming that the tax returns were sent to the Trustee and the motion was served properly.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

CONT... Jose Castellanos and Hiliana Castellanos

Chapter 13

Fed. R. Bankr. P. Rule 9024, incorporating Fed. R. Civ. P. Rule 60(b)(1), provides for relief from an order for, among other things, "mistake, inadvertence, surprise, or excusable neglect." Debtors state that they asked their accountant to mail a copy of the tax returns to the Trustee, and that, at the time of the dismissal of their case, they had finished making plan payments.

Given the conditional approval of the Trustee and the evidence submitted by Debtor, the Court finds that the requested relief is proper assuming that the Trustee's conditions have been satisfied..

TENTATIVE RULING

The Court is inclined to GRANT the motion conditioned on the Trustee's confirmation that he has received the applicable tax returns.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Castellanos

Represented By
Mark E Brenner

Joint Debtor(s):

Hiliana Castellanos

Represented By
Mark E Brenner

Movant(s):

Jose Castellanos

Represented By
Mark E Brenner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

CONT... Jose Castellanos and Hiliana Castellanos

Chapter 13

Mark E Brenner

Hiliana Castellanos

Represented By
Mark E Brenner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

6:14-21228 Roy Kenneth Scott and Tashiea Scott

Chapter 13

#11.00 Motion to Dismiss or Convert to Chapter 13

EH__

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roy Kenneth Scott

Represented By
Sunita N Sood

Joint Debtor(s):

Tashiea Scott

Represented By
Sunita N Sood

Movant(s):

California Franchise Tax Board

Represented By
Brian D Wesley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:32 PM

6:17-19377 Sheryl Welsh

Chapter 13

#12.00 Show Cause Hearing Why Fees Should Not Be Disgorged

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheryl Welsh

Represented By
Hayk Grigoryan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:16-12692 Arturo Villagrana

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Villagrana

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:16-13388 James Leonard Blow, Jr. and Amanda Joyce Atkinson-Blow

Chapter 13

#14.00 CONT Trustee's Motion to Dismiss Case

From: 12/21/17

EH__

Docket 66

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/9/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Leonard Blow Jr.

Represented By
Jonathan D Doan

Joint Debtor(s):

Amanda Joyce Atkinson-Blow

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:16-20329 Gabriel Cruz

Chapter 13

#15.00 CONT Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

From: 7/24/17, 8/31/17, 10/5/17, 11/30/17, 12/14/17, 12/21/17

Also #16

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:16-20329 Gabriel Cruz

Chapter 13

#16.00 Trustee's Motion to Dismiss Case (Delinquency)

Also #15

EH ____

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:17-13809 Jose R. Castaneda and Miriam L Castaneda

Chapter 13

#17.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 22

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/27/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose R. Castaneda

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Miriam L Castaneda

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:17-14187 Andre J Booker and Carrie L Booker

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre J Booker

Represented By
Paul Y Lee

Joint Debtor(s):

Carrie L Booker

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#19.00 CONT Trustee's Motion to Dismiss Case

From: 12/21/17

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

12:33 PM

6:17-16923 Jaelyn Roylene Young

Chapter 13

#20.00 Trustee's Motion to Dismiss Case (Delinquency)

EH ____

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

1:00 PM

6:17-18957 Rodolfo Zendejas

Chapter 7

#21.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 12234 Avenue C, Yucaipa, CA 92399

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 1/9/18

EH__

Docket 9

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). DENY request under § 362(d)(2) for lack of cause shown. GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rodolfo Zendejas

Represented By
Robert R Tilton

Movant(s):

U.S. Bank National Association, as

Represented By
Kelly M Raftery

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 11, 2018

Hearing Room 303

1:00 PM

CONT... Rodolfo Zendejas

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 17, 2018

Hearing Room 303

9:30 AM

6:13-25725 Bernadette Chapman

Chapter 11

Adv#: 6:17-01046 Chapman v. U.S. Bank, NA et al

#1.00 Settlement Conference (MJ Case)

EH__

Docket 0

Party Information

Debtor(s):

Bernadette Chapman

Represented By
Todd L Turoci

Defendant(s):

U.S. Bank, NA

Represented By
Sonia Plesset Edwards
Gwen H Ribar

Wenjing Dai

Represented By
Robert O Marshall

Plaintiff(s):

Bernadette Chapman

Represented By
Todd L Turoci
Julie Philippi

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, January 18, 2018

Hearing Room 303

10:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#1.00 CONT Motion For Order Restricting Debtor's Use Of Corporate Funds

From: 8/23/17, 10/3/17, 10/31/17, 11/28/17

Also #2 - #4

EH__

Docket 6

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/11/17

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

Movant(s):

Mark Hayek

Represented By
Erwin J Shustak

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, January 18, 2018

Hearing Room 303

10:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#2.00 CONT Motion for Relief from Stay

MOVANT: CHRIS RISENMAY; JAMES BRAY; NICK CUNNINGTON; DAVID THATCHER; CLARK PENNEY; SHATTUCK LAMM; STEPHEN BIESINGER; MARK THATCHER; BRANDT KUHN; MICHELE SARNA; MARK HAYEK, AND MIKE MCCONNELL

From: 9/26/17, 10/3/17, 10/31/17, 11/28/17

Also #1 - #4

EH__

Docket 27

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/11/17

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

Movant(s):

Mark Hayek

Represented By
Erwin J Shustak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

10:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#3.00 CONT Status Conference RE: [1] Chapter 7 Involuntary Petition Against a Non-Individual

From: 8/16/17, 8/23/17, 10/3/17, 10/31/17, Advanced From: 11/28/17, 11/14/17

Also #1 - #4

EH__

Docket 1

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 11
ON 1/5/18**

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

10:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#4.00 CONT Motion for relief from automatic stay with supporting declarations
ACTION IN NON-BANKRUPTCY FORUM RE: St Jude Heritage Medical Group
v. Integrated Wealth Management et. al. docket case no. 8:17-cv-00647-JVS

MOVANT: ST JUDE HERITAGE MEDICAL GROUP

From: 11/14/17

Also #1 - #3

EH__

Docket 66

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

Movant(s):

St. Jude Heritage Medical Group,

Represented By
Elaine Nguyen
Daniel J Weintraub
James R Selth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

11:00 AM

6:14-18549 Matthew Joseph Pautz and Alice Louise Pautz

Chapter 7

#5.00 CONT Order to Show Cause re Bodily Detention Order

From: 8/15/17, 9/18/17, 10/18/17, 11/13/17, 11/27/17

EH__

Docket 135

Party Information

Debtor(s):

Matthew Joseph Pautz

Represented By
Todd L Turoci
Julie Philippi

Joint Debtor(s):

Alice Louise Pautz

Represented By
Todd L Turoci
Julie Philippi

Trustee(s):

Karl T Anderson (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe
Samuel J Romero

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:30 PM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#6.00 Application for Compensation with proof of service for Dana Travis, Debtor's Attorney, Period: to, Fee: \$720.00, Expenses: \$.

EH__

Docket 126

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Movant(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:30 PM

6:17-19400 Beverley June Marshall

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 12/21/17

EH__

Docket 0

Party Information

Debtor(s):

Beverley June Marshall

Represented By
Arthur H Lampel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:13-13746 Ronald Andrew Lopez and Lisa Darlene Lopez

Chapter 13

#8.00 Trustee's Motion to Dismiss Case

EH__

Docket 156

Party Information

Debtor(s):

Ronald Andrew Lopez

Represented By
David Lozano

Joint Debtor(s):

Lisa Darlene Lopez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:14-23150 Vivian Munson

Chapter 13

#9.00 CONT Trustee's Motion to Dismiss Case

From: 12/21/17, 1/4/18

EH__

Docket 180

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Movant(s):

Rod (MH) Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:15-15137 David E. Laliberte and Lori L. Laliberte

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/14/17

Party Information

Debtor(s):

David E. Laliberte

Represented By
Bernard J Gartland
Timothy S Huyck

Joint Debtor(s):

Lori L. Laliberte

Represented By
Bernard J Gartland
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:15-16972 Joe Martinez, Jr. and Sandra Lynette Martinez

Chapter 13

#11.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Joe Martinez Jr.

Represented By
David Lozano

Joint Debtor(s):

Sandra Lynette Martinez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:15-21412 Adrienne J Garcelli and Paul Garcelli

Chapter 13

#12.00 CONT Trustee's Motion to Dismiss Case

From: 1/4/18

EH__

Docket 105

Party Information

Debtor(s):

Adrienne J Garcelli

Represented By
Andy C Warshaw

Joint Debtor(s):

Paul Garcelli

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

Party Information

Debtor(s):

Valicia LaShawn Fennell

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:16-21181 Luis Fernando Buenrostro

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

Party Information

Debtor(s):

Luis Fernando Buenrostro

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:17-10742 William Fuentes and Martha C Orozco de Fuentes

Chapter 13

#15.00 CONT Trustee's Motion to Dismiss Case

From: 11/9/17, 12/14/17

EH__

Docket 28

Party Information

Debtor(s):

William Fuentes

Represented By
Marlin Branstetter

Joint Debtor(s):

Martha C Orozco de Fuentes

Represented By
Marlin Branstetter

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 18, 2018

Hearing Room 303

12:31 PM

6:17-14619 Candice Maria Borrego

Chapter 13

#16.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 23

Party Information

Debtor(s):

Candice Maria Borrego

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, January 22, 2018

Hearing Room 303

10:00 AM

6:17-11053 Rio Rancho Super Mall LLC

Chapter 11

**#1.00 CONT Disclosure Statement hearing
HOLDING DATE**

From: 7/25/17, 8/22/17, 10/18/17, 12/4/17

Also #2 & #3

EH__

Docket 88

Party Information

Debtor(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, January 22, 2018

Hearing Room 303

10:00 AM

6:17-11053 Rio Rancho Super Mall LLC

Chapter 11

#2.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/28/17, 5/30/17, 7/25/17, 8/22/17, 10/18/17, 12/4/17

Also #1 & #3

EH__

Docket 6

Party Information

Debtor(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, January 22, 2018

Hearing Room 303

10:00 AM

6:17-11053 Rio Rancho Super Mall LLC

Chapter 11

#3.00 CONT Evidentiary Hearing re Motion for Valuation of Security Interest in Real Property

From: 10/18/17, 12/4/17

Also #1 & #2

EH__

Docket 80

Party Information

Debtor(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

Movant(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:12-27192 Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

#1.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 28114 Championship Dr, Moreno Valley, CA 92555

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

From: 11/28/17

EH__

Docket 100

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Debtors have provided evidence that regular payments were made between May 2016 and November 1, 2017 (with the exception of the August 2016 and December 2016 payments for which Debtors are seeking evidence). Exhibit 5, which is the Movant's summary of post-petition payments reflects numerous debits for 2016 payments which appears to corroborate Debtors' assertion that refunds were made due to a mix-up in payments being made by the Trustee's office.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Achilles A. LaSalle Jr.

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Elsie LaSalle

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#2.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 43375 Madison St, Indio, CA 92201

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

From: 11/28/17

EH__

Docket 69

***** VACATED *** REASON: CONTINUED TO 3/20/18 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

HSBC Bank USA, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:15-13752 Catalina Smith

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 16227 Miller Avenue, Fontana, CA 92336.

MOVANT: US ROF II/BANK NATIONAL ASSOC

EH__

Docket 44

***** VACATED *** REASON: CONTINUED TO 2/27/18 AT 10:00 AM**

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: Yes

Movant to apprise Court of status of arrears. Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Catalina Smith

Represented By
Luis G Torres

Movant(s):

U.S. ROF II Legal Title Trust 2015-

Represented By
Megan E Lees

U.S. ROF II Legal Title Trust 2015-

Represented By
Megan E Lees
Alexander K Lee
Jamie D Hanawalt
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Catalina Smith

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:15-17947 Mark Andrew Galliano and Elizabeth Ann Galliano

Chapter 13

#4.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 CHRYSLER 200, VIN
1C3CCCAB0FN533116

MOVANT: SANTANDER CONSUMER INC

EH__

Docket 42

Tentative Ruling:

1/23/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY alternative request under § 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Mark Andrew Galliano

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Elizabeth Ann Galliano

Represented By
Gregory M Shanfeld

Movant(s):

Santander Consumer USA Inc, dba

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

**CONT... Mark Andrew Galliano and Elizabeth Ann Galliano
Jennifer H Wang**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:16-13233 Sherry Ann Beardsley

Chapter 13

#5.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1041 W 27th St, San Bernardino, CA 92405-3121

MOVANT: WELLS FARGO BANK NA

From: 1/9/18

EH__

Docket 53

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Movant to confirm that arrears have been cured.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sherry Ann Beardsley

Represented By
Jeffrey D Larkin

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Mark D Estle
Bruce E Brown
Beverly Lorraine Evans
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Sherry Ann Beardsley

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:16-14440 Michael Douglas Guerino and Xochitl Rodriguez Guerino Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 15605 Esther St., Chino Hills CA 91709

MOVANT: BANK OF NEW YORK MELLON

EH__

Docket 50

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: Yes

Movant to confirm that Debtors have cured arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael Douglas Guerino

Represented By
Joseph M Hoats

Joint Debtor(s):

Xochitl Rodriguez Guerino

Represented By
Joseph M Hoats

Movant(s):

The Bank of New York Mellon FKA

Represented By
Mark D Estle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:16-15216 Charles Bowen Blanton and Heddy Maria Blanton

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Harley-Davidson FLHTCUTG Triglide Ultra Classic; VIN: 1HD1MAL31FB853703

MOVANT: HARLEY-DAVIDSON CREDIT CORPORATION

EH__

Docket 54

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY alternative request under § 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Charles Bowen Blanton

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Heddy Maria Blanton

Represented By
Michael E Clark
Barry E Borowitz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Charles Bowen Blanton and Heddy Maria Blanton

Chapter 13

Movant(s):

HARLEY-DAVIDSON CREDIT

Represented By
Mark D Estle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:16-18295 Andrew Sidney Cunningham and Barbara Renee

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 TOYOTA PRIUS

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 33

***** VACATED *** REASON: ORDER ENTERED 1/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew Sidney Cunningham

Represented By
Bryant C MacDonald

Joint Debtor(s):

Barbara Renee Cunningham

Represented By
Bryant C MacDonald

Movant(s):

Toyota Motor Credit Corporation

Represented By
Erica T Loftis
Erin M McCartney
Leslie M Klott
Mark D Estle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:16-20967 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2004 Lexus Rx330-v6

MOVANT: JP MORGAN CHASE BANK NA

EH__

Docket 51

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY alternative request under § 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Marc E Grossman

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Marc E Grossman

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-10559 David Richard Hernandez

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2731 Duffy Street San Bernardino, California 92407

MOVANT: CARRINGTON MORTGAGE SERVICES LLC

EH__

Docket 38

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT Movant's request for confirmation that the stay is no longer in effect as to actions taken against the real property located at 2731 Duffy St., San Bernardino, CA 92407. Specifically, on July 27, 2017, the Chapter 7 Trustee filed a notice of proposed abandonment of property of the estate (and no opposition was filed) and Debtor received a discharge on May 8, 2017. Therefore, pursuant to § 362 (c), the automatic stay is no longer applicable to the abandoned real property. Because the automatic stay is no longer in effect as to the abandoned real property, the remainder of Movant's requests are DENIED as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

David Richard Hernandez

Represented By
William S Tilton

Movant(s):

Carrington Mortgage Services, LLC,

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... David Richard Hernandez

Alexander G Meissner

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-11831 Gregory Dwight Vit

Chapter 13

#11.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 46048 Paseo Gallante, Temecula, CA 92592

MOVANT: BANK OF NEW YORK MELLON

From: 11/28/17, 1/9/18

EH__

Docket 33

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Parties to indicate whether arrears have been cured or alternatively, whether APO
agreement has been reached.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gregory Dwight Vit

Represented By
Christopher J Langley

Movant(s):

Bank Of New York Mellon FKA

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-12758 Luis A Jovel

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1399 Vine St, San Bernardino, CA 92411

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 38

***** VACATED *** REASON: ORDER ENTERED 1/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis A Jovel

Represented By
Manfred Schroer

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-13583 William J Schaefer and Jennifer L. Schaefer

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 33895 Wagon Train Drive, Wildomar, CA 92595

MOVANT: M&T BANK AS ATTORNEY IN FACT FOR LAKEVIEW LOAN SERVICING LLC

EH__

Docket 41

***** VACATED *** REASON: ORDER ENTERED 1/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William J Schaefer

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Jennifer L. Schaefer

Represented By
Patricia M Ashcraft

Movant(s):

M&T Bank as Attorney in Fact for

Represented By
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#14.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Corolla VIN: 5YFBURHE1HP579809

MOVANT: SANTANDER CONSUMER USA INC

From: 1/9/18

EH__

Docket 24

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT relief from the § 1301(a) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Chadwick Otieno Ochieng

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-15728 Jesus Angel Acosta and Maria Teresa Acosta

Chapter 13

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 GMC LIGHT DUTY Sierra 1500 Regular Cab SLE 4WD

MOVANT: CAPITAL ONE AUTO FINANCE

EH__

Docket 27

Tentative Ruling:

1/23/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY request under § 5 because the motion has not been served on any co-debtor as that term is used in § 1301(a).

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jesus Angel Acosta

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Maria Teresa Acosta

Represented By
James Geoffrey Beirne

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Jesus Angel Acosta and Maria Teresa Acosta

Chapter 13

Movant(s):

Capital One Auto Finance, a

Represented By
Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-16257 Maria Armina Policarpio Trinidad

Chapter 7

#16.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 45675 Sugarloaf Mountain, Indian Wells CA
92210.

MOVANT: WELLS FARGO BANK NA

EH__

Docket 37

Tentative Ruling:

1/23/2018

Service is Proper

Opposition: Yes

Debtor had a previous Chapter 7 filing dismissed for failure to file information on July 25, 2017. Because of the previous filing, the automatic stay in this case terminated thirty days after the petition date pursuant to § 362(c)(3)(A) absent court order. Debtor did not seek an order continuing the automatic stay and, therefore, the automatic stay terminated on August 26, 2017. Therefore, the Court is inclined to GRANT the request for relief under ¶ 3.

Movant has additionally requested annulment of the automatic stay, which would apply to the period between the petition date and the 30th day after the petition date (when the automatic stay terminated). Movant's attachment page, captioned "Facts Justifying Annulment Continuation Page," lacks the detail necessary to justify retroactive annulment of the automatic stay. Specifically, it is unclear when Movant learned of the bankruptcy petition, and it is unclear what, if any, actions were taken in violation of the automatic stay. Moreover, the Court notes that Debtor's creditor matrix lists multiple addresses for Movant. The docket also indicates that Movant's counsel was served with documents evidencing the bankruptcy filing two days after the petition date, at the latest. Therefore, this request is DENIED without prejudice.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Maria Armina Policarpio Trinidad Chapter 7

Movant also requests *in rem* relief under ¶¶ 7 and 11. Movant's request under ¶ 7 is denied because it is unclear if the writ of possession was obtained in violation of the automatic stay and, therefore, void. Movant's request under ¶ 11 is denied for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Maria Armina Policarpio Trinidad	Pro Se
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Movant(s):

WELLS FARGO BANK, N.A.	Represented By Alexander K Lee Sean C Ferry Kevin A Harris
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Trustee(s):

Charles W Daff (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-16683 Salvador Caridad Rodriguez

Chapter 13

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 29212 Mesa Crest Way, Menifee, CA 92584

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 26

***** VACATED *** REASON: ORDER ENTERED 1/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Salvador Caridad Rodriguez

Represented By
Carey C Pickford

Movant(s):

U.S. Bank National Association as

Represented By
Nancy L Lee
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-16923 Jaelyn Roylene Young

Chapter 7

#18.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1156 Sheila Court, Upland, CA 91784-1563

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

From: 12/5/17

EH__

Docket 33

Tentative Ruling:

12/5/2017

Service is Proper
Opposition: Yes

Debtor to confirm she is current and parties to discuss adequate protection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

HSBC Bank USA, National

Represented By
Darlene C Vigil

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-17609 Danny Howard Weeks

Chapter 13

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Freightliner Cascadia

MOVANT: MISSION FINANCIAL SERVICES CORPORATION

EH__

Docket 22

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY request for relief under § 362(d)(2) because it is unclear if the collateral is necessary for an effective reorganization. DENY alternative request under § 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
Stephen S Smyth

Movant(s):

Mission Financial Services

Represented By
Robert S Lampl

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-19943 Denise Renella

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 BMW 3 Series VIN: WBA3C1C5XDF440549

MOVANT: AMERICREDIT FINANCIAL SERVICES INC dba GM FINANCIAL

EH__

Docket 13

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1) and (2). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY alternative request under § 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Denise Renella Pro Se

Movant(s):

AmeriCredit Financial Services, Inc. Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-20092 Mark Bastorous and Bernadette Shenouda

Chapter 7

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 12160 Mariposa Road, Victorville, CA 92395

MOVANT: BAYS PROPERTIES, LLC

EH__

Docket 10

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY requests under § 3, 7, and 9 for lack of cause shown. DENY alternative request under § 12 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

Movant(s):

Bays Properties, LLC

Represented By
Robert C Thorn

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-20434 Michelle Singleton

Chapter 13

#22.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL REAL AND PERSONAL PROPERTY

MOVANT: MICHELLE SINGLETON

EH__

Docket 15

Tentative Ruling:

1/23/2018

The Court will DENY the motion. 11 U.S.C. § 362(c)(3)(B) requires that a hearing on a motion to continue the automatic stay be completed within thirty days of the petition date. Movant set the instant hearing thirty-three days after the petition date.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michelle Singleton

Represented By
Paul Y Lee

Movant(s):

Michelle Singleton

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-20519 Carlos Gutierrez

Chapter 13

#23.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1553 N. Granite Avenue Ontario, CA 91762

MOVANT: CARLOS GUTIERREZ

EH__

Docket 9

Tentative Ruling:

1/23/2018

The Court is inclined to GRANT the motion, continuing the automatic stay as to all creditors. Specifically, the Court finds that the declaration of Debtor is adequate to overcome the § 362(c)(3)(C) presumption that the case was filed in bad faith.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carlos Gutierrez

Represented By
Scott Kosner

Movant(s):

Carlos Gutierrez

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

6:17-20535 Antonio Ochoa

Chapter 13

#24.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1860 Chicago Ave, Ste G-20, Riverside CA 92507

MOVANT: JS MCA HUNTER PARK LP

CASE DISMISSED 1/9/18

EH__

Docket 15

Tentative Ruling:

1/23/2018

Service is Improper
Opposition: None

Pursuant to Local Rule 4001-1(c)(1)(C), motions for relief from the automatic stay must be served on the debtor. Here, Movant did not serve the motion on Debtor. Therefore, the Court is inclined to CONTINUE the hearing to February 27, 2018 at 10:00 a.m. for Movant to file and serve the motion and notice of continued hearing and opportunity to object on Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Antonio Ochoa

Represented By
Qais Zafari

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

10:00 AM

CONT... Antonio Ochoa

Chapter 13

Movant(s):

JS MCA Hunter Park LP

Represented By
Nicholas Firetag

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#25.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 2016 Semi Truck and Trailer

MOVANT: HITACHI CAPITAL AMERICA CORP

Also #26

EH__

Docket 60

***** VACATED *** REASON: ORDER ENTERED 1/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Hitachi Capital America Corp.

Represented By
Richard A Solomon

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 23, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#26.00 Motion to Compel Assumption or Rejection of Defaulted Unexpired Lease of Personal Property; for Provision of Adequate Protection and Maintenance of 11 U.S.C. §365(d)(5) Payments; and for Relief from Stay in the Event of Rejection of Lease (Mroczynski, Randall)

Also #25

EH__

Docket 52

***** VACATED *** REASON: ORDER ENTERED 1/22/18**

Tentative Ruling:

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Trans Lease, Inc.

Represented By
Randall P Mroczynski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:17-20182 Maisha Tamu Mesa

Chapter 7

#1.00 Motion By United States Trustee To Dismiss Case With A Filing Bar

EH__

Docket 8

Tentative Ruling:

01/24/2018

BACKGROUND

On December 12, 2017 ("Petition Date"), Maisha Mesa (the "Debtor") filed a petition for chapter 7 relief.

On December 29, 2017, the Office of the United States Trustee ("UST") filed a Motion to Dismiss Chapter 7 Case with a Re-Filing Bar (the "Motion"). No opposition has been filed.

DISCUSSION

Section 707(b)(3) was added to the Bankruptcy Code by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). *In re Siegenberg*, 2007 WL 6371956 (2007). Since BAPCPA, the Ninth Circuit has not established a standard for determining a finding of "bad faith" in chapter 7 cases under § 707(b)(3)(A). *Id.* However, a few bankruptcy courts have addressed the issue. *Siegenberg* at *3-4. (citing *In re Mitchell*, 357 B.R. 142 (Bankr.C.D.Cal.2006)). The court in *Mitchell*, a chapter 7 case, used a nine-part test borrowing both from the Ninth Circuit's pre-BAPCPA "substantial abuse" test and from chapter 11 and 13 bad faith cases. *Id.* at 153–156 (citing: *In re Price*, 353 F.3d 1135, 1139–40 (9th Cir.2003)(using a six factor "totality of the circumstances test" to determine "substantial abuse" under pre-BAPCPA 707(b)); *In re Leavitt*, 171 F.3d 1219 (9th Cir.1999)(dismissing a chapter 13 for cause under §§ 349(a) and 1307(c), after a finding of bad faith employing a four part "totality of the circumstances" test)).

The court in *Mitchell* considered the following nine factors in determining whether "the debtor's intention in filing bankruptcy is inconsistent with the Chapter 7 goals of providing a 'fresh start' to debtors and maximizing return to creditors" and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Maisha Tamu Mesa

Chapter 7

whether the case should thus be dismissed under § 707(b)(3)(A):

1. Whether the chapter 7 debtor has a likelihood of sufficient future income to fund a chapter 11, 12, or 13 plan which would pay a substantial portion of the unsecured claims;
2. Whether debtor's petition was filed as a consequence of illness, disability, unemployment, or other calamity;
3. Whether debtor obtained cash advances and consumer goods on credit exceeding his or her ability to repay;
4. Whether debtor's proposed family budget is excessive or extravagant;
5. Whether debtor's statement of income and expenses misrepresents debtor's financial condition;
6. Whether debtor made eve of bankruptcy purchases;
7. Whether debtor has a history of bankruptcy petition filings and dismissals;
8. Whether debtor has invoked the automatic stay for improper purposes, such as to delay or defeat state court litigation;
9. Whether egregious behavior is present.

Mitchell at 154–55. No single factor is considered dispositive, *Id.* at 155 (citing: *In re Powers*, 135 B.R. 980, 991–92 (Bankr.C.D.Cal.1991); *In re Marshall*, 298 B.R. 670, 681 (Bankr.C.D.Cal.2003)), and fraudulent intent is not required for a finding of bad faith. *Id.* (citing *Leavitt*, 171 F.3d at 1224).

Here, the UST asserts as grounds for dismissal that:

1. The Debtor filed an incomplete petition on the Petition Date;
2. The Debtor failed to file the remaining documents by the Court-ordered deadline;
3. This is the Debtor's third bankruptcy case filed since October 4, 2017 (Ex. 4);
4. The prior two cases were dismissed for failure to comply with the debtor's duties;
5. The Court further takes judicial notice of multiple additional prior cases indicated on the Court's docket as follows:
 - a. Case Number 17-18982, Chapter 13 filed in California Central Bankruptcy on 10/27/2017, Dismissed for Failure to File Information on 11/29/2017;
 - b. Case Number 17-18306, Chapter 13 filed in California Central Bankruptcy on 10/04/2017, Dismissed for Failure to File Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Maisha Tamu Mesa

Chapter 7

- on 10/24/2017;
- c. Case Number 07-11850, Chapter 13 filed in California Central Bankruptcy on 04/08/2007, Dismissed for Other Reason on 05/25/2007;
 - d. Case Number 03-20834, Chapter 13 filed in California Central Bankruptcy on 07/18/2003, Dismissed for Other Reason on 02/24/2004;
 - e. Case Number 04-14569, Chapter 13 filed in California Central Bankruptcy on 04/13/2004, Dismissed for Other Reason on 08/17/2004; and
 - f. Case Number 03-13994, Chapter 7 filed in California Central Bankruptcy on 03/17/2003, Standard Discharge on 07/01/2003.

The UST asserts that based on the dismissal of the Debtor's prior cases for failure to file documents, the failure of the Debtor to comply with the duties of a debtor in two recent prior cases, the history of dismissed filings, and the filing of the instant case seemingly for no other purpose than to frustrate creditors, dismissal with a bar is warranted.

Here, for the reasons set forth by the UST, based primarily on the history of filings, and the repeated conduct of the Debtor in failing to comply with Court-imposed deadlines, the Court finds that cause exists to dismiss the Debtor's case. Additionally, the Debtors apparent attempts to file bankruptcy for the sole purpose of forestalling creditors warrants a one-year bar under the Court's § 105 and § 349 authority as requested by the UST.

TENTATIVE RULING

Based on the foregoing, including the Debtor's failure to file opposition which this Court deems as consent to the granting of the Motion under LBR 9013-1(h), the Court is inclined to GRANT the Motion in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Maisha Tamu Mesa

Chapter 7

Debtor(s):

Maisha Tamu Mesa

Pro Se

Movant(s):

United States Trustee (RS)

Represented By
Mohammad Tehrani

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:17-17523 Rowena I Argonza and Emerald D Argonza

Chapter 7

#2.00 Motion for extension of time to file a complaint objecting to discharge for the U.S. Trustee

EH__

Docket 17

Tentative Ruling:

01/24/2018

BACKGROUND

On September 7, 2017, Rowena and Emerald Argonza (collectively, the "Debtors") filed for chapter 7 relief.

On December 11, 2017, the Office of the United States Trustee ("UST") filed a Motion for Extension of Time to File a Complaint Objecting to Discharge ("Motion"). In support of the Motion, the UST asserts that the Debtors' schedules indicate that they served as officers of a related chapter 11 case, Angeles of the Valley Hospice Care, LLC. The docket in the related chapter 11 case indicates that the Debtors were to receive \$18,100 in insider compensation per month plus \$1,000 in car allowances.

Service of the Motion was proper and no opposition has been filed.

DISCUSSION

Pursuant to Federal Rule of Bankruptcy Procedure ("FRBP") 4004 and 1017, Trustee seeks to extend the deadline for Trustee and U.S. Trustee to file a complaint objecting to Debtor's discharge under 11 U.S.C. § 727 and the deadline to seek dismissal under § 707, for an additional 60 days to January 25, 2018.

Under FRBP 4004(a) and 1017(e), on a motion of any party in interest, the court may for cause extend the time to object to discharge or to seek dismissal. Fed. R. Bankr. P. 4004, 1017.

As a matter of practice what constitutes "cause" rests within the discretion of the bankruptcy court. *See In re James*, 187 B.R. 395, 397 (Bankr. N.D. Ga. 1995).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... **Rowena I Argonza and Emerald D Argonza**

Chapter 7

Also, Courts are generally unified in the view that the term "for cause" should receive a liberal construction. *Id.* Notwithstanding that fact, however, a creditor must exhibit some minimum degree of due diligence prior to seeking such an extension, and the Court should not allow the motion to serve as license for a baseless "fishing expedition." *Id.*; See also *In re Leary*, 185 B.R. 405, 406 (Bankr. D. Mass. 1995). To establish cause movant must (1) show that he had, with reasonable diligence, attempted to investigate the facts and circumstances, and (2) offer a reasonable explanation of why that investigation could not be completed within the allotted time. See *Bomarito*, 448 B.R. at 251.

The UST has presented evidence that they sought financial records of the related to their compensation in September 2017 and that the Debtors produced incomplete financial records in October 2017. The UST asserts that they Debtor's counsel indicated that they require additional time to produce the documents sought by the UST. Finally, Debtors' counsel indicated to the UST that the Debtors were agreeable to the extension of discharge and dismissal deadlines.

TENTATIVE RULING

Accordingly, based on the record provided by the UST and the failure of the Debtors to file opposition, the Court is inclined to GRANT the relief requested and provide the UST an extension for the filing of a complaint under § 727, and/or for the filing of a motion to dismiss under § 707, to February 12, 2018.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Rowena I Argonza

Represented By
Julie J Villalobos

Joint Debtor(s):

Emerald D Argonza

Represented By
Julie J Villalobos

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Rowena I Argonza and Emerald D Argonza

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#3.00 CONT Landlords Notice of Motion and Motion for Order Re: Allow and Authorize Immediate Payment of One El Paseo North, LLCs Gap Rent Claim under Section 502(f) of the Bankruptcy Code
(Holding Date)

From: 9/27/17

EH__

Docket 29

Tentative Ruling:

9/27/17

BACKGROUND

On July 12, 2017, an involuntary Chapter 7 petition was filed against Integrated Wealth Management, Inc. ("Debtor"). After an extension of the applicable deadline, Debtor filed its answer on September 12, 2017.

Prior to the answer being filed, One El Paseo North, LLC ("Landlord") filed a motion for immediate payment of its gap rent claim pursuant to § 502(f). Landlord asserts that it holds a gap rent claim totaling \$27,776.73, covering the time period between the filing of the involuntary petition, on July 12, 2017, and the time Debtor abandoned the premises, on August 18, 2017.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Integrated Wealth Management Inc

Chapter 11

11 U.S.C. § 502(f) states:

(f) In an involuntary case, a claim arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of the appointment of a trustee and the order for relief shall be determined as of the date such claim arises, and shall be allowed under subsection (a), (b), or (c) of this section or disallowed under subsection (d) or (e) of this section, the same as if such claim had arisen before the date of the filing of the petition.

While Landlord is correct that the Bankruptcy Code allows payment of ordinary course business claims that accrue during the gap period, it is unclear what the legal justification is for Landlord's request that the Court order the gap claim to be paid immediately. 11 U.S.C. § 507(a)(3) specifically affords debts incurred pursuant to § 502(f) third-priority status. If the estate is administratively insolvent, or does not have funds to pay all first, second, and third-priority claims, then Landlord would not receive full payment of its claim. Because Landlord may not receive full payment of its claim, it would be inappropriate to order immediate payment of its claim.

Debtor further objects to the issuance of an order allowing Landlord's claim, asserting that a motion to allow a claim for an unpaid § 502(f) claim is procedurally improper. The Court disagrees with Debtor's contention that a party cannot seek allowance of an administrative claim separate from filing a proof of claim. As an order for relief has not yet been entered, however, the relief requested is premature, since, among other things, a Chapter 7 trustee has not had the opportunity to vet the request. As an aside, the Court notes that Landlord has filed a proof of claim, but it did not request administrative priority.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Integrated Wealth Management Inc

Chapter 11

The Court will DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

Movant(s):

One El Paseo North, LLC

Represented By
Thomas J Polis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:16-21223 Kelly Arnold

Chapter 7

#4.00 Notice of Trustee's Final Report and Applications for Compensation

EH ____

Docket 39

Tentative Ruling:

01/24/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 6,278.48

Trustee Expenses: \$ 52.26

Attorneys Fees: \$ 10,045.50

Attorneys Expenses: \$ 456.27

Accountant: \$1,000

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative. Additionally, the Trustee is authorized to pay all other administrative costs outlined in the TFR.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Kelly Arnold

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Kelly Arnold

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:16-20320 Joyce Miller Black

Chapter 7

#5.00 Motion for Turnover of Estate Property held by Debtors pursuant to 11 USC sect 542(A) and (E)

EH__

Docket 15

Tentative Ruling:

01/24/2018

BACKGROUND

On November 21, 2016 ("Petition Date"), Joyce Miller Black ("Debtor") filed her petition for chapter 7 relief. Larry Simons is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the bankruptcy estate is the right to refunds to which the Debtor was entitled in 2016. The Trustee sought copies of the Debtor's state and federal tax returns but only received a copy of the Debtor's Federal 2016 tax returns.

On December 18, 2017, the Trustee filed his Motion for Turnover of Property held by Debtor pursuant to 11 USC 542(a) and (e) (the "Motion"). The Motion was properly served on the Debtor and no opposition has been filed.

DISCUSSION

Under the Bankruptcy Code, "any entity, other than a custodian, in possession, custody or control of property that the trustee may use, sell, or lease under section 363 of this title ... shall deliver to the trustee, and account for, such property or the value of such property" *Id.* § 542(a). Additionally, subject to any applicable privilege, after notice and a hearing, the court may order an attorney, accountant, or other person that holds recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs, to turn over or disclose such recorded information to the trustee. 11 U.S.C. § 542(e).

The Trustee seeks an order directing the Debtor to turn over to him 92% (or \$1,832.64) of her 2016 tax refunds from her state and federal tax returns for 2016 (which the Trustee asserts cannot be exempted), and an order directing turnover by the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Joyce Miller Black

Chapter 7

Debtor of a copy of her 2016 State of California tax return.

In support of the Motion, the Trustee has filed a declaration attesting to his requests to the Debtor's counsel for turnover of the funds and the state tax return. To date, the Debtor has not complied with the Trustee's informal requests. Pursuant to § 542 (a) and (e), in addition to the Debtor's failure to file opposition to the Trustee's Motion, which this Court deems as consent to the granting of the relief requested pursuant to LBR 9013-1(h), the Court finds that the Trustee has adequately demonstrated that the relief requested is warranted.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion in its entirety. Trustee to appear and discuss setting of deadlines for turnover. The Trustee is authorized to appear telephonically.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joyce Miller Black

Represented By
George P Hobson Jr

Movant(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:16-20056 Todd Christopher Tyrrell and Kelly Jean Tyrrell

Chapter 7

#6.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 60

Tentative Ruling:

01/24/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$8,955.77

Trustee Expenses: \$40

Attorneys Fees: \$11,024

Attorneys Expenses: \$448.28

Accountant Fees: \$1,863

Accountant Expenses: \$253.30

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Todd Christopher Tyrrell

Represented By
Matthew Abbasi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Todd Christopher Tyrrell and Kelly Jean Tyrrell

Chapter 7

Joint Debtor(s):

Kelly Jean Tyrrell

Represented By
Matthew Abbasi

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Chad V Haes
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:16-16711 Jaime Gutierrez Reyes

Chapter 7

#7.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 48

Tentative Ruling:

01/24/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$3,136.98

Trustee Expenses: \$111.59

The Trustee may submit on the tentative. Additionally, the flat fee payments to Counsel and Accountant are approved for payment by the Trustee.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Jaime Gutierrez Reyes

Represented By
David R Chase

Trustee(s):

Arturo Cisneros (TR)

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:14-24313 Clausen and Cobb Management Company Inc

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 28

Tentative Ruling:

01/24/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 2,453.11

Trustee Expenses: \$ 69.45

Accountant Fees: \$3,702.50

Accountant Expenses \$305.70

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPERANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Clausen and Cobb Management

Represented By
Joy Dhokia

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:14-23544 S.T.I. Inc. Trucking and Materials

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH __

Docket 228

Tentative Ruling:

01/24/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 3,250

Trustee Expenses: \$ 226.94

Attorneys Fees: \$ 9,891

Attorneys Expenses: \$ 666.91

Accountant: \$1,000

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative. Additionally, the Trustee is authorized to pay all other administrative costs outlined in the TFR.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

S.T.I. Inc. Trucking and Materials

Represented By
Stephen R Wade
W. Derek May

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... S.T.I. Inc. Trucking and Materials

Chapter 7

Amelia Puertas-Samara

Trustee(s):

Todd A. Frealy (TR)

Represented By

Anthony A Friedman

Levene Neale Bender Yoo & Brill LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:14-21837 David J. Varela

Chapter 7

#10.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 142

Tentative Ruling:

01/24/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 5,068.12

Attorneys Fees: \$ 27,869.00 (per Stipulation with UST)

Attorneys Expenses: \$ 1,174.47

Accountant: \$1,825

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative. Additionally, the Trustee is authorized to pay all other administrative costs outlined in the TFR.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

David J. Varela

Represented By
Thomas J Tedesco

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... David J. Varela

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Represented By
Nina Z Javan
Meghann A Triplett
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:14-14377 Hilary D Hill

Chapter 7

#11.00 CONT Motion to Avoid Lien 956 South Calle Tomas, Palm Springs, Ca 92264
with Robert A. Nellessen

From: 11/29/17

EH__

Docket 45

*** VACATED *** REASON: CONTINUED TO 2/28/18 AT 11:00 A.M.

Tentative Ruling:

11/29/2017

The Court is inclined to allow the parties the opportunity to obtain appraisals or other valuations of the subject property.

Alternatively, Debtor's evidence of the amount of the lien of Wells Fargo refers to the balance as of the filing of the motion. While Debtor is free to brief the appropriate time for determining the amount of a lien, in the absence of any argument on the issue, the Court concludes that the appropriate date is the petition date.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Hilary D Hill

Chapter 7

Movant(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Elizabeth A LaRocque

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:13-30477 Master Design Inc

Chapter 7

#12.00 Motion To Approve Compromise Resolving All Pending Litigation

EH__

Docket 118

Tentative Ruling:

01/24/2018

BACKGROUND

On December 27, 2013 (the "Petition Date"), Master Design Inc (the "Debtor") filed its petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee (the "Trustee").

On December 23, 2015, the Trustee filed his Complaint against Defendants Test-Rite Products Corp, Test-Rite International (U.S.) Co. LTD., Test-Rite International Co. LTD ("Test-Rite Taiwan"), Judy Lee, Chester Lee, and Christina Ma (collectively, the "Defendants"). The Trustee's initial Complaint included claims for recovery of Fraudulent Transfers (both for actual and constructive fraud), for conversion and unlawful payment of dividends, for breach of fiduciary duty, and finally, seeking declaratory relief as to alter ego (the "Complaint").

On April 27, 2016, the Court held hearings on the Defendants' first motions to dismiss the Complaint which were granted in part and denied in part, with leave given to the Trustee to amend his Complaint. On May 25, 2016, the Trustee filed his First Amended Complaint (the "FAC").

Subsequently, the Court heard and determined Defendants' motions to dismiss the FAC in August 2016. Answers were filed thereafter.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Master Design Inc

Chapter 7

On December 28, 2017, the Trustee filed a Motion To Approve Compromise Resolving All Pending Litigation (the "Motion"). Service is proper and the Motion is unopposed.

DISCUSSION

Rule 9019(a) authorizes the bankruptcy court to approve a compromise or settlement on the trustee's motion and after notice and a hearing. The bankruptcy court must consider all "factors relevant to a full and fair assessment of the wisdom of the proposed compromise." *Protective Comm. for Indep. Stockholders of TMT Trailer Ferry, Inc. v. Anderson*, 390 U.S. 414, 424, 88 S. Ct. 1157, 20 L. Ed. 2d 1 (1968). In other words, the bankruptcy court must find that the settlement is "fair and equitable" in order to approve it. *Martin v. Kane (In re A & C Props.)*, 784 F.2d 1377, 1381 (9th Cir. 1986).

In conducting this inquiry, the bankruptcy court must consider the following factors:

(a) the probability of success in the litigation; (b) the difficulties, if any, to be encountered in the matter of collection; (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Id.

The bankruptcy court enjoys broad discretion in approving a compromise because it "is uniquely situated to consider the equities and reasonableness [of it] . . ." *United States v. Alaska Nat'l Bank (In re Walsh Construction, Inc.)*, 669 F.2d 1325, 1328 (9th Cir. 1982). As stated in *A & C Props.*:

The purpose of a compromise agreement is to allow the trustee and the creditors to avoid the expenses and burdens associated with litigating sharply contested and dubious claims. The law favors compromise and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Master Design Inc

Chapter 7

not litigation for its own sake, and as long as the bankruptcy court amply considered the various factors that determined the reasonableness of the compromise, the court's decision must be affirmed.

Id. (citations omitted).

On the other hand, even though the bankruptcy court has wide latitude in approving compromises, its discretion is not completely unfettered. *See Woodson v. Fireman's Fund Ins. Co. (In re Woodson)*, 839 F.2d 610, 620 (9th Cir. 1988). The trustee bears the burden of proving to the bankruptcy court that the settlement is fair and equitable and should be approved. *In re A&C Props.*, 784 F.2d at 1382.

Here, the Trustee has provided an adequate basis for settlement. In particular, the Trustee has outlined the potential difficulties in collection and the expenses and problems associated with potential extrajudicial proceedings in Taiwan. These two factors alone weigh heavily in favor of granting the Motion. However, additionally, the Court is itself familiar with the complexity of the underlying factual and legal issues related to the transfer pricing scheme allegations brought by the Trustee and the hurdles presented by discovery issues in the case – in particular, the need to translate voluminous documents from Chinese to English for purposes of analysis and litigation. Based on the foregoing, the Court concludes that the Trustee's settlement for a payment of \$735,000 to the estate is reasonable and in the best interests of creditors.

TENTATIVE RULING

Based on the foregoing, the Motion is GRANTED in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Master Design Inc

Chapter 7

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

6:11-12917 Brad Stoddard and Deborah Ann Stoddard

Chapter 13

#13.00 CONT Order to Show Cause Hearing Why Matthew Resnik, Brad and Deborah Stoddard should not be sanctioned
(Holding date)

From: 8/31/17, 10/2/17, 10/18/17, 11/15/17, 12/20/17

EH__

Docket 110

Tentative Ruling:

01/24/2018

The Court having received informal notice of a pending settlement between the parties, the hearing on this matter shall be continued to February 14, 2018, at 11:00 a.m. for the parties to finalize an agreement. Should the matter be resolved prior to the continued hearing, the February 14 hearing shall come off calendar.

APPEARANCES WAIVED. Telephonic appearances are authorized for the February 14, 2018, continued hearing.

10/18/17

BACKGROUND

On January 28, 2011, Brad & Deborah Stoddard ("Debtors") filed a Chapter 13 voluntary petition. On May 24, 2011, Debtors' Chapter 13 plan was confirmed. The plan contained the following provision, section V.F.: "The debt of American Education Services will be discharged; the school has been stripped of accreditation and is on probation." On December 5, 2016, Debtors received a discharge, and, on January 13, 2017, the case was closed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

On May 11, 2017, Debtors filed a motion for an order to show cause why creditor American Educational Services ("AES") should not be held in contempt court, and for damages and attorney's fees, for intentionally violating the discharge injunction. Because of inadequate service, the motion was originally denied without prejudice, and Debtors refiled the motion on June 1, 2017. AES filed its opposition on June 8, 2017. At a hearing on the matter on July 27, 2017, the Court continued the matter to October 2, 2017.

On July 31, 2017, the Court issued its Order to Show Cause why Matthew Resnik ("Resnik"), Brad Stoddard, and Deborah Stoddard should not be sanctioned for including a prohibited provision in a Chapter 13 plan (the "OSC"). Debtors filed their opposition on August 14, 2017. Resnik filed his opposition on August 17, 2017. AES filed its reply on August 24, 2017. Resnick filed supplemental responses on September 21 and 22, 2017.

DISCUSSION

I. Introduction

The OSC is issued in light of, and accordance with, the Supreme Court's decision in *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010). In *Espinosa*, the bankruptcy court had confirmed a Chapter 13 plan which purported to discharge student loan debt without complying with the applicable procedural requirements. After intercepting debtor's income tax refund to use towards payment of student loans, the creditor argued that the bankruptcy court's order confirming the debtor's Chapter 13 plan should be declared void. The Supreme Court held that, absent a jurisdictional or due process violation (which was not present) the bankruptcy court's legal error in confirming the Chapter 13 plan with a provision that impermissibly discharged student loan debt, did not render the order void. At the conclusion of its opinion, the Supreme Court opined:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

We acknowledge the potential for bad-faith litigation tactics. But expanding the availability of relief under Rule 60(b)(4) is not an appropriate prophylaxis. As we stated in *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992), "debtors and their attorneys face penalties under various provisions for engaging in improper conduct in bankruptcy proceedings." *Id.* at 644; *see also* FED. R. BANKR. P. Rule 9011. The specter of such penalties should deter bad-faith attempts to discharge student loan debt without the undue hardship finding Congress required.

Espinosa, 559 U.S. at 278. Here, the Court is tasked with interpreting and implementing the guidance provided by the Supreme Court in *Espinosa*.

Debtors and Resnick have filed separate responses to the Court's OSC. Debtors have raised five arguments in their opposition: (1) that the Court already found that the plan was filed in good faith; (2) that the plan must be given *res judicata* effect; (3) that the Court is exceeding its discretionary sanctioning authority; (4) that the OSC is an illegal *ex post facto* law; and (5) that FED. R. BANKR. P. Rule 9011 is inapplicable. Resnick offers the following categories of arguments in his opposition: (1) use of the Court's inherent sanctioning authority is inappropriate here; (2) Rule 9011 sanctions require a contempt finding; (3) Section 105 is inapplicable; and (4) the plan provision at issue is not prohibited. The Court will analyze the respondents' arguments separately.

II. Debtors' Opposition

A. The Court's Good Faith Finding

11 U.S.C. § 1325(a)(3) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

- (a) Except as provided in subsection (b), the court shall confirm a plan if –
- (3) the plan has been proposed in good faith and not by any means forbidden by law

Debtors argue that: "[i]t necessarily follows [from § 1325(a)(3)] that the Court has already made an express finding that the Plan was filed in good faith." This result does not necessarily follow from the language of the statute. The plain language of § 1325(a) operates to eliminate the discretion of the court if the court finds that the debtor has satisfied the nine subsections of § 1325(a); the provision does not state the consequences of a finding that some, but not all, of the § 1325(a) subsections have been satisfied. As is stated by the leading bankruptcy treatise:

The standards set forth in section 1325(a), however, are not requirements that must be met in every case before a plan can be confirmed. Unlike section 1322(a), section 1325(a) does not state that "the plan shall" comply with its listed criteria. Nor does it state, as does section 1129(a), that the court shall confirm the plan *only if* certain requirements are met. Instead it states only that if its criteria are met the court must confirm the plan. Therefore, the court has discretion to confirm a plan that does not comply with all of the standards of section 1325(a), particularly if no party objects.

8 COLLIER ON BANKRUPTCY ¶ 1325.01 (16th ed. 2016) (footnotes omitted).

Despite the plain language of the statute, the Ninth Circuit Court of Appeals, without any independent analysis, and relying on an out of circuit bankruptcy court decision, has determined that the requirements of § 1325(a) are mandatory for Chapter 13 plan confirmation. *See In Chinichian*, 784 F.2d 1440, 1443-44 (9th Cir. 1986) ("For a court to confirm a plan, each of the requirements of section 1325 must be present and the debtor has the burden of proving that each element has been met.") (*citing In re Elkind*, 11 B.R. 473, 476 (Bankr. D. Colo. 1981)). While it remains unclear from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... **Brad Stoddard and Deborah Ann Stoddard**

Chapter 13

where the mandatory characterization of § 1325(a) arose, a variety of courts have, in passing, assumed that the § 1325(a) standards are mandatory for plan confirmation. *See, e.g., Assocs. Comm. Corp. v. Rash*, 520 U.S. 953, 956 (1997) ("To qualify for confirmation under Chapter 13, the Rash's plan had to satisfy the requirements set forth in § 1325(a) of the Code."); *Shaw v. Aurgroup Fin. Credit Union*, 552 F.3d 447, 459 (6th Cir. 2009) ("Numerous district and bankruptcy courts outside the Fifth, Ninth, Tenth, and Eleventh Circuits, including courts within this circuit, have also held, suggested, or assumed that the provision in § 1325(a) are mandatory.") (collecting cases). *But see In re Szostek*, 886 F.2d 1405, 1411 (3rd Cir. 1989) ("On the other hand, if the conditions of § 1325 are not met, although the requirements of § 1322 are fulfilled, the court has the discretion to confirm the plan. If Congress had intended for § 1325(a) to be mandatory, it could have included that requirement with the requirements already listed in § 1322); *see also Matter of Escobedo*, 28 F.3d 34, 34 (7th Cir. 1994) ("We note, however, as did the court in *Szostek*, that while the provisions of § 1325(a)(5) may be discretionary[,] the requirements of § 1322(a)(2) are mandatory.). Indeed, even *Espinosa* appears to implicitly assume that the § 1325(a) requirements are mandatory. *See* 559 U.S. 260, 277 ("That is because § 1325(a) instructs a bankruptcy court to confirm a plan *only* if the court finds, *inter alia*, that the plan complies with the 'applicable provisions' of the Code.") (emphasis added). Therefore, it would appear that binding case law suggests that the § 1325(a) requirements, including good faith, are mandatory requirements for confirmation.

B. Res Judicata

While the Court accepts Debtors' argument that, by confirming their Chapter 13 plan, the Court implicitly found that the plan was filed in good faith, the Court rejects Debtors' argument that that finding is *res judicata* with regard to the Court. 11 U.S.C. § 1327(a) states: "The provisions of a confirmed plan bind the debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan." The Court is not a creditor and Debtors have advanced no argument as to how § 1327(a) would prevent the Court from revisiting its finding of good faith. In fact, the Ninth Circuit Court of Appeals opinion that concluded the § 1325(a) requirements were mandatory stated the following: "Because section 1325(a)(3) of Title 11 requires the Chinichians to propose their plan in good faith, the bankruptcy court has jurisdiction to revoke a plan if the plan was not filed in good faith." *In re Chinichian*, 784 F.2d 1440, 1442 (9th Cir. 1986). The Ninth Circuit's further comments indicate

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

that it believed such powers were expansive:

The Chinichians argue, however, that because section 1330 is a specific statute it should govern the more general section 105. The *Mancari* rationale that a specific statute cannot be nullified by a more general one is only applicable where a conflict exists.

Section 1330 provides a method of revoking a confirmation order "on request of a party in interest." While it does not specifically authorize such a revocation by the court sua sponte, it does not prohibit such action. Section 105 constitutes authority for the court to issue any order necessary to carry out the provisions of the Code. That reservoir of power in no manner conflicts with the authority to act upon the request of an interested party, but constitutes a supplemental method of revocation in the event of fraud. It would be absurd to hold that the bankruptcy court is powerless to correct a fraud unless first requested by an interested party, and that is not what section 1330 provides.

Section 105 sets out the power of the bankruptcy court to fashion orders as necessary pursuant to the purposes of the Bankruptcy Code.

Further, a bankruptcy court is a court of equity. As a court of equity, it may look through form to the substance of a transaction and devise new remedies where those at law are inadequate. Further, it can modify or vacate its order so long as no intervening right has become vested in reliance thereon. Thus, the bankruptcy court had equitable power to revoke its order partially confirming the Chinichians' plan once it recognized the Chinichians did not file their plan in good faith as required by section 1325(a)(3).

Id. at 1442-43 (citations omitted).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

Debtors' argument that § 1327 operates to prevent the Court from modifying its implicit good faith finding when confirming the plan lacks merit. The statute states that the terms of the provisions of a confirmed plan are binding on the debtor and creditors. The Court is not a creditor or a debtor nor is the Court's good faith finding a provision of a confirmed plan. Nor does *res judicata* prevent a court from revoking or amending its own order. Such a principle would eliminate the ability to revoke or modify a judgment altogether, rendering obsolete FED. R. CIV. P. Rules 59 & 60, in addition to many others legal provisions. Debtors' argument that the Court is bound by its own previous finding due to *res judicata* is not compelling.

C. The Court Lacks Authority to Issue Sanctions

Debtors' argument that the Court lacks authority to issue sanctions can be summarized in the following: (1) the Court is precluded from finding that the plan was proposed in bad faith due to *res judicata*; and (2) the Court must find that the plan was proposed in bad faith for sanctions to be warranted. Because the Court rejects (1), as outlined above, Debtors' argument must fail.

D. The OSC is an "Illegal Ex Post Facto Law"

In their fourth argument, Debtors argue that this OSC is an *ex post facto* law. As noted by Debtors, Art. 1 §§ 9 & 10 of the Constitution prohibit *ex post facto* laws. Article 1 of the Constitution deals with the legislative branch – the branch of the government that makes laws. The Judicial Branch does not make laws. Debtors' argument that a court order is an *ex post facto* law is therefore, necessarily, invalid.

E. Rule 9011 is Inapplicable

FED. R. BANKR. P. Rule 9011(b)(2) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, --

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law

FED. R. BANKR. P. Rule 9011(c)(1)(B) states: "[O]n its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto."

Debtors' nine subsection argument why FED. R. BANKR. P. Rule 9011 is inapplicable is rather chaotic and disorganized. Regardless, the Court acknowledges that, as to Debtors, Rule 9011 sanctions are inapplicable due to the operation of Rule 9011(c)(2) (A). Therefore, the Court agrees that Rule 9011 cannot operate as the source of sanctions against Debtors.

III. Resnick's Opposition

A. Inherent Sanctioning Authority

The Supreme Court has stated: "it is firmly established that the power to punish for contempts is inherent in all courts." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991) (quoting *Ex parte Robinson*, 19 Wall. 505, 510 (1874)); see also *Fink v. Gomez*, 239

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... **Brad Stoddard and Deborah Ann Stoddard**

Chapter 13

F.3d 989, 992 (9th Cir. 2001) ("[T]he district court has the inherent authority to impose sanctions for bad faith, which includes a broad range of willful improper conduct."). The Ninth Circuit has stated: "*Itel* teaches that sanctions are justified when a party acts *for an improper purpose* – even if the act consists of making a truthful statement or a non-frivolous argument or objection. *Fink*, 239 F.3d at 922; *see also In re Dyer*, 322 F.3d 1178, 1196 (9th Cir. 2003) (discussing bad faith and willful misconduct).

Nevertheless, as Resnick states: "when there is bad-faith conduct in the course of litigation that could be adequately sanctioned under the Rules, the court ordinarily should rely on the Rules rather than the inherent power." *Chambers*, 501 U.S. at 50. Because the Court believes that the existing framework provides an adequate basis for sanctions in this type of situation, the Court need not rely on its inherent sanctioning authority.

B. Rule 9011

When imposing sanctions, *sua sponte*, under FED. R. BANKR. P. Rule 9011, "sanctions 'will ordinarily be imposed only in situations that are *akin to a contempt of court*.'" *United Nat'l Ins. Co. v. R&D Latex Corp.*, 242 F.3d 1102, 1116 (9th Cir. 2001) (*citing Barber v. Miller*, 146 F.3d 707, 711 (9th Cir. 1998); *see also* FED. R. CIV. P. Rule 11, Advisory Committee Notes ("Since show cause orders will ordinarily be issued only in situations that are akin to a contempt of court, the rule does not provide a 'safe harbor' to a litigant for withdrawing a claim, defense, etc., after a show cause has been issued on the court's own initiative.")). "[P]rior to imposing court-initiated sanctions, the district court is required to determine whether counsel's conduct is 'akin to contempt.'" *Gonzalez v. Texaco Inc.*, 344 Fed. Appx. 304, 308 (9th Cir. 2009) (*quoting R&D Latex Corp.*, 242 F.3d 1102, 1118)).

In this situation, the Court defers to Bankruptcy Judge TeSelle:

At the hearing on the motions to dismiss conducted by the Court in these cases

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Brad Stoddard and Deborah Ann Stoddard

Chapter 13

on May 2, 2000, it was clear to the Court that debtors' counsel included these plan provisions in the hope that they would trap an unwary student loan creditor. If a plan containing a student loan discharge provision is confirmed, debtors and their counsel argue that the student loan obligation is discharged under the theory of *res judicata*, improperly relying on a skewed interpretation of the opinion of the Tenth Circuit Court of Appeals in *In re Andersen*, 179 F.3d 1253 (10th Cir. 1999) to support their position. If an objection to confirmation is raised by either the Trustee or the student loan creditor, the offending language is simply removed from the plan, and debtors are no worse off for their attempt. The Court will not permit this type of gamesmanship on the part of debtors and their counsel to continue. Conduct such as this has no place in the practice of bankruptcy law, and will not be tolerated by this Court.

The citation of the opinion of the Tenth Circuit in *Andersen, supra*, as authority for the practice of intentionally inserting language in a chapter 13 plan that violates the Bankruptcy Code and Rules, and as authorizing counsel to stand by silently and thereby induce the Court to confirm a plan that contains a provision that counsel knows violates the Bankruptcy Code and Rules, is at once offensive and specious. Counsel appearing before this Court are officers of the Court and are ethically obligated to inform the Court if they are aware of the existence of a plan provision that renders the plan non-confirmable.

Rather than recognizing their obligations to the Court and to opposing counsel, counsel for debtors in these cases go so far as to suggest that they are compelled by *Andersen* to recommend that their clients include these unlawful plan provisions, implying that their failure to do so might be an act of professional negligence. The Court does not believe that a fair reading of the opinion of the Tenth Circuit in *Andersen* can reasonably lead one to conclude that the Tenth Circuit intended to encourage the practice of intentionally inserting unlawful plan provisions in the hope that confirmation of the plan will occur and the time for appeal will pass before such provisions are noticed so that debtors and their counsel can then claim *res judicata*. Such a skewed reading of *Andersen* fails to account for the ethical obligations owed by members of the bar to the Court and to each other.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Brad Stoddard and Deborah Ann Stoddard

Chapter 13

This is particularly true given the volume of chapter 13 filings in this district, and the fact that the Court does not have the time to independently review every chapter 13 plan and confirmation order to determine whether an attempt to unlawfully discharge a student loan obligation is being made. Because the Court has apparently been unable to rely on the ethical conduct of some of the counsel representing chapter 13 debtors appearing before it, the Court, up to his point in time, has been forced to rely on a party in interest other than the debtor to point out those instances in which such student loan discharges have been attempted through plan provisions. Where the Court has become aware of such attempts, either through objections by the student loan creditor or through the inclusion of such a provision in the order confirming the chapter 13 plan, the Court has refused to confirm the plan containing such language, and has stricken language from confirmation orders attempting to effect a discharge of student loan indebtedness in this manner.

...

In light of the existing case law concerning the impropriety of the inclusion of such student loan discharge provisions in chapter 13 plans, and the unambiguous language of the Bankruptcy Code and Rules, the Court believes that the inclusion of such a provision in a chapter 13 plan and/or order confirming a chapter 13 plan is both unethical and sanctionable conduct pursuant to Bankruptcy Rule 9011. Bankruptcy Rule 9011(b) concerns representations made to the Court. It states that by presenting a paper to the Court, an attorney or unrepresented party certifies to the best of his or her knowledge, information and belief, formed after a reasonable inquiry under the circumstances, that the legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law. *See* FED. R. BANKR. P. Rule 9011(b)(2).

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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT...

Brad Stoddard and Deborah Ann Stoddard

Chapter 13

The Court refuses to allow counsel for debtors to turn the inclusion of a student loan discharge provision in a chapter 13 plan into a "can't lose" proposition. The Court therefore concludes that *Andersen* provides no protection from the imposition of sanctions under Rule 9011(b) in cases in which a student loan discharge provision is included in a confirmed chapter 13 plan.

In re Hensley, 249 B.R. 318, 320-323 (Bankr. W.D. Okla. 2000).

C. Section 105

11 U.S.C. § 105(a) states:

- (a) The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary to enforce or implement court orders or rules, or to prevent an abuse of process.

Resnick offers a single argument in support of his position that § 105(a) is inapplicable: that the provision only applies to violations of a specific court order. Resnick cites *In re Dyer* in support of this statement. 322 F.3d 1178, 1196 (9th Cir. 2003) ("Civil contempt authority allows a court to remedy a violation of a specific order (including 'automatic' orders, such as the automatic stay or discharge injunction).").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

Dyer does not explicitly state that § 105(a) is strictly limited to remedying violations of specific court orders, nor does it cite any authority from which it could be inferred that the *Dyer* court had such an opinion. Indeed § 105(a) explicitly mentions, in addition to court orders, rules and "abuse of process"; the latter might be invoked in the absence of a specific court order.

The Supreme Court, on two occasions after *Dyer*, has written an opinion which indicates that § 105 is not strictly limited to correcting violations of specific court orders. First, in *Marrama v. Citizens Bank of Mass.*, the Supreme Court wrote:

On the contrary, the broad authority granted to bankruptcy judges to take any action that is necessary or appropriate to prevent an abuse of process described in § 105(a) of the Code, is surely adequate to authorize an immediate denial of a motion to convert filed under § 706 in lieu of a conversion order that merely postpones the allowance of equivalent relief and may provide a debtor with an opportunity to take action prejudicial to creditors.

549 U.S. 365, 375 (2007) (footnote omitted). The "abuse of process" referenced in *Marrama* was not a violation of a specific court order, but, rather, "an unmeritorious attempt to qualify as a debtor under Chapter 13." *Id.*

Second, in *Law v. Siegel*, the Supreme Court stated: "Section 105(a) confers authority to 'carry out' the provisions of the Code." This statement is natural, since the first sentence of § 105(a) states: "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."

Here, the Court concludes that a specific and definite court order has not been violated. Nevertheless, the reconciliation of *Dyer* and *Marrama* helps illustrate the proper approach forward. The Ninth Circuit Court of Appeal's instructions that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... **Brad Stoddard and Deborah Ann Stoddard**

Chapter 13

sanctions under § 105(a) are appropriate for violation of a specific and definite court order is derived from the non-bankruptcy standard for civil contempt. *See F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999) (*quoting Stone v. City & Cnty. of S.F.*, 968 F.2d 850, 856 n.9 (9th Cir. 1992)) ("The moving party has the burden of showing by clear and convincing evidence that the contemnors violated a specific and definite order of the court. The burden then shifts to the contemnors to demonstrate why they were unable to comply."). Nevertheless, as illustrated by *Marrama*, the Court's authority under § 105(a) is not strictly limited to issuing sanctions for civil contempt. While a civil contempt finding under § 105(a) may not be appropriate in these circumstances, it does not follow that the Court lacks the ability to adequately and equitably resolve this situation.

TENTATIVE RULING

The Court is inclined to CONTINUE the hearing for approximately thirty days to allow Debtors to file a supplemental brief addressing why they should not be sanctioned pursuant to the Court's inherent sanctioning authority. No further briefing from Resnick is requested.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Brad Stoddard

Represented By
Matthew D Resnik
David Brian Lally

Joint Debtor(s):

Deborah Ann Stoddard

Represented By
Matthew D Resnik
David Brian Lally

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

6:16-16191 Sheri Tanaka Christopher

Chapter 7

Adv#: 6:17-01028 Frealy, Chapter 7 Trustee v. Tanaka et al

#14.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01028. Complaint by Todd A Frealy, Chapter 7 Trustee against Ronald Howard Tanaka, Carolyn Naomi Tanaka, Ryan Satoshi Tanaka, Leora Linda Tanaka, Estate of Yaeko Sato, a California Probate Estate. (Charge To Estate). Complaint for: (1) Sale of Real Property Pursuant to 11 U.S.C. § 363(h); and (2) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542 (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property))

From: 4/5/17, 6/7/17, 8/2/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/31/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheri Tanaka Christopher

Represented By
Brian J Soo-Hoo

Defendant(s):

Ronald Howard Tanaka

Represented By
David L Prince

Carolyn Naomi Tanaka

Represented By
Phillips S Barry

Ryan Satoshi Tanaka

Represented By
David L Prince

Leora Linda Tanaka

Represented By
Phillips S Barry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

CONT... **Sheri Tanaka Christopher**
Estate of Yaeko Sato, a California

Represented By
David L Prince

Chapter 7

Plaintiff(s):

Todd A Frealy, Chapter 7 Trustee

Represented By
Montserrat Morales

Trustee(s):

Todd A. Frealy (TR)

Represented By
Montserrat Morales

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

6:16-13096 Tarek El Sayed Ayoub

Chapter 7

Adv#: 6:16-01219 Candee et al v. Ayoub et al

#15.00 CONT Status Conference Re: Complaint by Keith H Candee, Original Thurber Ranch LLC against Tarek El Sayed Ayoub, Gabriela Villeda Ayoub

From: 11/1/16, 6/7/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/31/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tarek El Sayed Ayoub

Represented By
Sherif Fathy

Defendant(s):

Tarek El Sayed Ayoub

Represented By
Sherif Fathy

Gabriela Villeda Ayoub

Represented By
Sherif Fathy

Joint Debtor(s):

Gabriela Villeda Ayoub

Represented By
Sherif Fathy

Plaintiff(s):

Keith H Candee

Represented By
Jon H Lieberg

Original Thurber Ranch LLC

Represented By
Jon H Lieberg

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

CONT... Tarek El Sayed Ayoub

Chapter 7

Trustee(s):

Wesley H Avery (TR)

Represented By
Larry D Simons

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

**#16.00 CONT Motion For Summary Judgment
(Holding Date)**

From: 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17

Also #17

EH__

Docket 62

***** VACATED *** REASON: CONTINUED TO 1/31/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell	Pro Se
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Defendant(s):

Nancy Ann Howell	Pro Se
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Movant(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
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Plaintiff(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
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Eisenberg Law Firm, APC	Represented By Andrew S Bisom
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Trustee(s):

Steven M Speier (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

CONT... Nancy Ann Howell

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 24, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

#17.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01070. Complaint by Law Office of Andrew S. Bisom, Eisenberg Law Firm, APC against Nancy Ann Howell. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 5/14/14, 7/2/14, 12/10/14, 3/18/15, 4/22/15, 5/20/15, 7/22/15, 10/28/15, 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17

Also #16

EH__

Docket 1

*** VACATED *** REASON: CONTINUED TO 1/31/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell	Pro Se
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Defendant(s):

Nancy Ann Howell	Pro Se
------------------	--------

Plaintiff(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
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Eisenberg Law Firm, APC	Represented By Andrew S Bisom
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Trustee(s):

Steven M Speier (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-11261 Ernie Macias

Chapter 13

#1.00 CONT Order to show cause why Alon Darvish should not be held in contempt of court pursuant to 11 U.S.C. Sect 105 and Federal Rule of Bankruptcy Procedure 9020

CASE DISMISSED 3/13/17

From: 11/30/17

EH__

Docket 0

*** VACATED *** REASON: CONTINUED TO 4/12/18 AT 12:30 PM

Tentative Ruling:

11/30/17

BACKGROUND

On February 21, 2017, Ernie Macias ("Debtor") filed his petition for chapter 13 relief. The Debtor's case was filed by Alon Darvish ("Darvish"). On March 13, 2017, the Debtor's case was dismissed for failure to file information.

On March 24, 2017, the Office of the United States Trustee ("UST") filed a Motion to Disgorge Attorney's Fees ("Disgorgement Motion"). On June 13, 2017, the Court granted in part and denied in part the UST's Disgorgement Motion (the "Disgorgement Order"). The Disgorgement Order required Darvish to file his disclosure of compensation, and to disgorge fees received from the Debtor back to him.

On September 20, 2017, the UST filed its Motion For An Order To Show Cause Why Alon Darvish Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020 (the "Motion for OSC"). The Motion for OSC specifically asserted that Darvish had failed to comply with any part of the Disgorgement Order. The UST's Motion for OSC further asserted that Darvish had repeatedly failed to disclose compensation and had been sanctioned for such conduct under similar circumstances in at least 6 other cases. (Motion for OSC at 9).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT...

Ernie Macias

Chapter 13

On October 20, 2017, the Court granted the Motion for OSC and ordered Darvish to show cause why he should not be held in contempt (the "OSC"). Darvish filed his response to the OSC on November 16, 2017 ("Response"). On November 21, 2017, the UST replied to the Response.

DISCUSSION

In his Response, Darvish indicated that his practice includes the filing of skeletal petitions for chapter 13 debtors for the purpose of stopping foreclosures. He indicated that when such skeletal petitions are filed, his software does not file the Disclosure of Compensation. Darvish asserts that he is a solo practitioner who is overwhelmed and understaffed and who is trying to rectify the issues in his practice. In Reply, the UST objects particularly to Darvish's failure to outline specific steps he intends to take to remedy the issues at his firm. The UST is also concerned that Darvish has essentially admitted that his practice includes the filing of abusive petitions intended solely to avoid foreclosures. The UST requests that the Court continue the matter for Darvish to set forth specific remedial actions as ordered. The UST also requests that the Court separately consider whether a separate order to show cause is justified based on Darvish's inherently abusive prevention practice.

TENTATIVE RULING

The Court agrees with the UST that Darvish's explanation is insufficient. Darvish's Response indicates clearly the reason for the failure to file disclosure of compensation forms. Despite this fact, he does not explain the ongoing failure to file these forms, particularly where he has previously been sanctioned for failing to disclose his compensation. The ongoing failure to file required documents, despite having already been sanctioned, supports the UST's request for a specific plan of remediation. Absent such plan, Darvish may simply continue to rely on his thus far unreliable bankruptcy filing software.

Separately, the UST's concern regarding Darvish's practice of filing skeletal petitions is well-taken. In particular, if Darvish is advising his clients to file abusive petitions to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Ernie Macias

Chapter 13

delay foreclosure, such conduct may warrant further sanctions/discipline.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ernie Macias

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-15102 Gwendolyn Washington

Chapter 13

#2.00 Motion for Order Disallowing Claim of Rela Time Resolutions (Claim #5)

EH__

Docket 47

Tentative Ruling:

1/25/18

BACKGROUND:

On June 19, 2017, Gwendolyn Washington ("Debtor") filed a Chapter 13 voluntary petition. Previously, on August 1, 2012, Debtor obtained a discharge in a Chapter 7 proceeding. On July 10, 2017, Debtor filed a motion to avoid lien with "Option One Mortgage Corp serviced by Real Time Resolutions Inc." This lien predated the petition date of Debtor's Chapter 7 case. On August 8, 2017, the Court entered an order granting the motion. Section 4b(4) of the form order states: "The claim of the junior lienholder is to be treated as an unsecured claim and is to be paid through the plan pro rata with all other unsecured claims." Section 4b(5) of the form order states:

The junior lienholder's claim on the deed of trust, mortgage or lien shall be allowed as a non-priority general unsecured claim in the amount per the filed Proof of Claim. The junior lienholder is not required to, but may file an amended Proof of Claim listing its claim as an unsecured claim to be paid in accordance it the Debtor's chapter 13 plan. If an amended claim is not filed, the trustee may treat any claim on the debt (secured or unsecured) filed by the junior lienholder as unsecured upon entry of this order.

On August 17, 2017, Debtor's Chapter 13 case was confirmed. On August 29, 2017,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... **Gwendolyn Washington**

Chapter 13

Real Time Resolutions, Inc. ("Creditor") filed a secured claim in the amount of \$307,049.79, including arrears in the amount of \$177,235.84 ("Claim 5"). On December 15, 2017, Debtor filed an objection to Claim 5. The basis for Debtor's objection is that her personal liability on Claim 5 was discharged in a previous bankruptcy case, and the Court's order avoiding the lien of Creditor means that the claim is no longer secured.

APPLICABLE LAW:

I. Claim Objection

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... **Gwendolyn Washington**

Chapter 13

Allegheny Int'l, Inc., 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; see also *Holm*, 931 F.2d at 623.

II. Summary of Analysis

The avoidance of a consensual lien in a Chapter 13 case is effectuated by a two-step process. First, the Court engages in a § 506(a) valuation, bifurcating the claim into secured and unsecured portions. Then the Court applies § 1322(b)(2). If the § 506(a) valuation results in a "secured claim[s], other than a claim secured only by a security interest in real property that is the debtor's principal residence" or an unsecured claim, then the plan may modify the rights of the creditor under § 1322(b)(2), avoiding the lien. This results because the Supreme Court has concluded that after a § 506(a) valuation, a wholly underwater junior lien is to be treated as an unsecured claim, and unsecured claims are subject to modification under § 1322(b)(2).

If the debtor's personal liability on the underlying debt has been discharged in a previous bankruptcy case, however, the issue is more complex. Because there is no *in personam* liability on the underlying debt, it could be argued that there is no unsecured claim after the § 506(a) valuation. If there is no unsecured claim, however, the debtor would be ineligible to use § 1322(b)(2) to avoid the lien. Therefore, lien avoidance is only statutorily permissible if § 506(a) is interpreted as "creating" an unsecured claim for the purposes of the Chapter 13 bankruptcy. As outlined below, this result is logically necessary, and case law, this district's mandatory forms, and policy considerations all weigh in favor of the result.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Gwendolyn Washington

Chapter 13

ANALYSIS:

The sole basis for Debtor's objection to Claim 5 is that Claim 5 was the subject of (1) a prior discharge and (2) a lien avoidance order. To understand the legal argument made, a brief history of lien avoidance is necessary.¹

Prior to 1992, lien avoidance was available to debtors in both Chapter 7 and 13 proceedings, and for junior liens that were both wholly underwater and partially underwater. *See e.g., Gaglia v. First Fed. Savs. & Loan Ass'n*, 889 F.2d 1304 (3rd Cir. 1989) (Chapter 7 debtors could strip down partially underwater junior lien). In 1992, however, the Supreme Court decided *Dewsnup v. Timm*, 502 U.S. 410 (1992), which held Chapter 7 debtors could not strip down a partially unsecured lien to the value of the collateral. In reaching conclusion, the Supreme Court noted the definition of secured claim in 11 U.S.C. § 506(a)(1), which states as follows:

An allowed claim of a creditor secured by a lien on property in which the estate has an interest, or that is subject to setoff under section 553 of this title, is a secured claim to the extent of the value of such creditor's interest in the estate's interest in such property, or to the extent of the amount subject to setoff, as the case may be, and is an unsecured claim to the extent that the value of such creditor's interest or the amount so subject to setoff is less than the amount of such allowed claim. Such value shall be determined in light of the purpose of the valuation and of the proposed disposition or use of such property, and in conjunction with any hearing on such disposition or use or on a plan affecting such creditor's interest.

The Supreme Court also noted the language of 11 U.S.C. § 506(d), which states, in relevant part: "To the extent that a lien secures a claim against the debtor that is not an allowed secured claim, such lien is void." Prior to *Dewsnup*, courts have interpreted §

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... **Gwendolyn Washington**

Chapter 13

506(a)(1) and § 506(d), when read in conjunction, to establish a method by which debtors could void a lien to the extent such a lien was wholly or partially unsecured. The Supreme Court, however, rejected that reading, deferring to the "pre-Code rule that liens pass through bankruptcy unaffected." *Id.* at 778. In rejecting such a reading, the Supreme Court foreclosed the possibility of using § 506 as an independent mechanism to avoid wholly or partially underwater liens. Nevertheless, the Eleventh Circuit continued to allow Chapter 7 debtors to strip off wholly underwater liens, noting that the Supreme Court in *Dewsnup* had decided on the facts of a partially underwater lien. *See, e.g., In re McNeal*, 735 F.3d 1263 (11th Cir. 2012).

In 2015, however, the Supreme Court returned to the issue, and rejected the Eleventh Circuit's approach, holding that Chapter 7 debtors could not avoid wholly underwater liens through the operation of § 506. While it is not exactly clear how § 506 could be applied differently depending on whether the lien is wholly or partially unsecured, the Supreme Court concisely reasserted that "*Dewsnup* defined the term 'secured claim' in § 506(d) to mean a claim supported by a security interest in property, regardless of whether the value of that property would be sufficient to cover the claim. . . . *Dewsnup*'s construction of 'secured claim' resolves the question presented here."

Nevertheless, Chapter 13 debtors have a different mechanism by which they can avoid liens which are partially or wholly underwater: 11 U.S.C. § 1322(b)(2), which states:

(b) Subject to subsections (a) and (c) of this section, the plan may –

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims

Prior to 1993, bankruptcy courts had allowed Chapter 13 debtors to use the above

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... **Gwendolyn Washington**

Chapter 13

provision to avoid both wholly and partially underwater liens. In 1993, however, the Supreme Court decided *Nobelman v. Am. Savs. Bank*, 508 U.S. 324 (1993), which limited Chapter 13 debtors ability to use § 1322(b)(2) to avoid liens to only those circumstances where the junior lien was wholly underwater. *Id.* at 332 ("In other words, to give effect to § 506(a)'s valuation and bifurcation of secured claims through a Chapter 13 plan in the manner petitions proposed would require a modification of the rights of the holder of the security interest. Section 1322 (b)(2) prohibits such a modification where, as here, the lender's claim is secured only by a lien on the debtor's principal residence."). After *Nobelman*, Chapter 13 debtors were still permitted to use § 1322(b)(2) to avoid liens which were "secured" by their principal residence, if such lien was wholly underwater (and thus, pursuant to § 506(a)(1), not "secured"). *See, e.g., In re Tanner*, 217 F.3d 1357, 1359-60 (11th Cir. 2000).

An additional wrinkle, however, is present when a debtor files a "Chapter 20" case.² A Chapter 20 case involves a debtor who received a discharge in a Chapter 7 case and subsequently (technically within four years) files a Chapter 13 case. In that circumstance:

The Chapter 7 discharge erases all dischargeable, unsecured debts. The discharge, however, only prevents creditors from collecting against the debtors personally. Any liens on secured property ride through the bankruptcy. The liens become non-recourse loans. When the debtor then files under Chapter 13 none of the unsecured debt is part of the Chapter 13 case because it has been discharged in the Chapter 7 case, but the remaining liens are claims in the Chapter 13.

In re Winitzky, 2009 WL 9139891 at *1 (Bankr. C.D. Cal. 2009) (citations omitted). There are at least two significant questions that arise when a Chapter 13 debtor attempts to avoid a wholly underwater junior lien after obtaining a Chapter 7 discharge: (1) whether avoidance of the junior lien is permissible and (2) how the holder of the junior lien should be treated during the pendency of the Chapter 13 plan.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Gwendolyn Washington

Chapter 13

Furthermore, there is an additional important question here: how much weight should the Court give the language of the lien avoidance motion and the subsequent order granting the motion.

The two preliminary questions identified above are legally complex – although a brief description is adequate to reveal the issues. Under the *Nobelman* lien avoidance procedure, a debtor first seeks a valuation under § 506(a)(1). Pursuant to § 506(a)(1), the claim is secured "to the extent of the value of such creditor's interest in the estate's interest in such property," and is an "unsecured claim to the extent that the value of such creditor's interest or the amount so subject setoff is less than the amount of such allowed claim."

Here, because the entire claim is underwater, the application of § 506(a)(1) leads to a conclusion that the amount of the secured claim is zero. Pursuant to § 506(a)(1), the remainder of the claim is unsecured. The issue, however, is whether § 506(a)(1) presupposes that *in personam* liability exists on the claim in the first place. If § 506(a)(1) does not implicitly contain such a presumption, then the plain language of the statute reads that any part of the claim determined not to be secured is automatically unsecured. In effect, a Chapter 20 debtor would have a choice regarding wholly underwater junior liens: treat the claim as either wholly secured or wholly unsecured.

If § 506(a)(1) does implicitly contain an assumption that, for an unsecured claim to remain, *in personam* liability must have existed on the claim in the first place, a different problem arises. As noted above, section 1322(b)(2) allows Chapter 13 debtors to "modify the rights of holders of secured claims, other than a claim secured only by a secured interest in real property that is the debtor's principal residence, or of holders of unsecured claims." And *Nobelman* requires a two-step, sequential process for lien avoidance of wholly underwater junior liens by Chapter 13 debtors: (1) the application of § 506(a)(1), then (2) the operation of § 1322(b)(2). In order for § 1322(b)(2) to be applicable, however, and thus lien avoidance possible, the § 506(a)(1) valuation must reach one of two results: (1) a secured claim, other than a claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... **Gwendolyn Washington**

Chapter 13

secured by real property that is the debtor's principal residence; or (2) an unsecured claim. Clearly, if Claim 5 is secured, it is only secured by Debtor's principal residence. Therefore, the only way § 1322(b)(2) can be applied is if the operation of § 506(a)(1) results in an unsecured claim. The result is logically unambiguous, and simply unavoidable.

The Court's form motion and order, as well as case law, implicitly and explicitly recognize this dilemma for debtors. The lien avoidance motion filed by Debtor included the following request: "Respondent's claim on the junior position lien shall be allowed as a nonpriority general unsecured claim in the amount per the filed Proof of Claim." [Dkt. No. 21 at 3(d)(3)]. And, as noted in the introduction section, the Court's order granting the motion contains the following: "The claim of the junior lienholder is to be treated as an unsecured claim and is to be paid through the plan pro rata with all other unsecured claims." [Dkt. No. 30 at 4(b)(4)].³

The case law on this narrow issue (if lien stripping is allowed in a Chapter 20, how should the claim be treated during the plan) is not extensive. Multiple bankruptcy courts in California, however, have recognized the consequences noted above. The first opinion nationally to address the issue appears to have come from this district. *See In re Akram*, 239 B.R. 371, 377 (Bankr. C.D. Cal. 2001) ("However, neither *Lam* nor the cases from other Circuits addressed or allowed the result moved for here: that a *Lam*-stripped claim should be valued, for chapter 13 plan purposes, not only as a secured claim of zero, but also as a general unsecured claim of zero, where the debtor previously received a chapter 7 discharge. In fact, neither movant, nor this Court, found any reported case authorizing the result here moved for, or even ruling on this 'Chapter 20' twist to *Lam* motions."). The holding of that case was: "the '*Lam*-stripping' of these secured claims in the chapter 13 case resulted in valuing the secured claims at zero secured, for chapter 13 plan purposes, and turned the full amount owed to each creditor (pursuant to that creditor's Note) into a general unsecured claim, for chapter 13 plan purposes." *Id.* at 378.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Gwendolyn Washington

Chapter 13

The reasoning of *Akram* does not appear to be universally accepted, however, it has been cited approvingly by the BAP and is the majority position on the issue. *See In re Eaton*, 2006 WL 6810924 at *6 (B.A.P. 9th Cir. 2006); *In re Gounder*, 266 B.R. 879, 880 (Bankr. E.D. Cal. 2001) ("Given that the lien survived the chapter 7 discharge, if a chapter 13 petition is later filed and the lien is stripped pursuant to *Lam*, the creditor must be allowed an unsecured claim despite the earlier chapter 7 discharge."); *see also In re Renz*, 476 B.R. 382, 392 (Bankr. E.D.N.Y. 2012). Even *Okosis*, the decision commonly referred to as detailing the "fourth option" which provided a rationale to validate lien stripping in Chapter 20 cases (see footnote 4), concluded that the claim must be treated as an unsecured claim in the plan. 451 B.R. 90, 96 (Bankr. D. Nev. 2011) ("Even though the chapter 13 debtor faces no personal liability on the debt, the debtor may use Section 506(a) to determine that the claim is not supported by the value of any collateral, avoid the lien through the chapter 13 plan, and thereby treat the debt as unsecured debt.").

Ultimately, the case law and this district's form motion and order recognize the logical necessity that only one of two things can be true: (1) lien stripping is unavailable in Chapter 20 cases; or (2) the wholly underwater junior lien becomes an unsecured claim upon lien avoidance. Quite simply, the Chapter 20 debtor cannot have its cake and eat it too. Creditor's claim, originally secured by property of the estate, is converted to an unsecured claim against the estate after lien avoidance.

Not only do logical reasoning, case law, and this district's practice demand the result, but the equities concur. A Chapter 13 debtor can propose plans which pay creditors three different categories of dividends: (1) 0%; (2) more than 0%, but less than 100%; or (3) 100%. In either of the first two cases, treatment of the claim as an unsecured claim would not affect the amount the debtor pays into the plan. Only in the situation where the debtor is not paying the entirety of its disposable income into the plan does the situation affect the debtor. In other words, only in those cases where the Chapter 13 debtor has the ability to pay some or the entire resulting unsecured claim would the result impact the Chapter 13 plan.⁴ Furthermore, there is no (other) mechanism under the bankruptcy code that would allow a debtor to avoid a lien and discharge the *in*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Gwendolyn Washington

Chapter 13

personam liability without the obligation to make a good faith effort to make payment on the claim. For all the reasons outlined above, Debtor's efforts at finding a loophole to avoid the requirement are logically incompatible with the Code.

TENTATIVE RULING

The Court is inclined to OVERRULE the objection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Movant(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-17316 Luis Fernando Montoya, Jr.

Chapter 13

#3.00 Application for Compensation with Notice of Motion and Proof of Service. for Anthony B Vigil, Debtor's Attorney, Period: 9/28/2017 to 11/8/2017, Fee: \$2,215.00, Expenses: \$.

EH__

Docket 34

Tentative Ruling:

1/25/2018

Application: \$2,215

Opposition: Trustee recommends \$1,175

Analysis: 11 U.S.C. § 330(a)(3) (2005) provides factors to be considered in determining the reasonableness of requested compensation.

Counsel requests fees for the following:

- 1) Opposition to a motion for relief from stay (Nissan) in which the result was an adequate protection. For this category, Counsel billed \$2,120 and voluntarily reduced the amount to \$1,500.
- 2) Non-opposition to a motion for relief from stay (BMW). Counsel billed \$640.
- 3) Filing the fee application. Counsel billed \$75.

Trustee's objection is primarily that the billing rate of \$400/hr was too high for the tasks, which could mostly be characterized as clerical or administration. Trustee proposes a \$750 reduction for opposing the relief from stay and a \$290 reduction for the non-opposition to the motion for relief from stay.

The Court agrees with Trustee that Counsel's billing entries appear unreasonable. Regarding the first relief from stay, Counsel billing primarily reflects relaying the comments of Nissan to Debtor or relying the comments of Debtor to Nissan, and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Luis Fernando Montoya, Jr.

Chapter 13

each e-mail is billed at \$80 or \$120. Furthermore, Counsel billed \$320 for the opposition, which was a single paragraph long. Finally, the billing of \$640 for services related to a non-opposition to BMW's motion for relief from the automatic stay appears excessive and unnecessary. None of the services billed for involved legal issues of any complexity.

Tentative:

The Court is inclined to adopt Trustee's recommendation and allow fees in the amount of \$1,175.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Luis Fernando Montoya Jr.

Represented By
Anthony B Vigil

Movant(s):

Luis Fernando Montoya Jr.

Represented By
Anthony B Vigil
Anthony B Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#4.00 CONT Motion to Avoid Junior Lien on Principal Residence with JPMorgan Chase Bank NA in the amount of \$66,851.17

From: 12/21/17

Also #5

EH __

Docket 22

Tentative Ruling:

12/21/2017

The Court is inclined to DENY the motion for a variety of reasons. First, the motion identifies the hearing time as "12:30 a.m.". Second, while the proof of services states "[c]ertified mail required for service on a national bank," Debtor has served national banks by regular mail. Third, Debtor has not served the secured creditors pursuant to FED. R. BANKR. P. Rule 7004. Finally, section 3 of the motion, which identifies the liens, states that the junior lien "is not to be avoided," meaning that the motion technically does not request any relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Movant(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles
Patricia A Mireles

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

CONT... Roman Negrete Manriquez

Chapter 13

Patricia A Mireles
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-18792 Roman Negrete Manrriquez

Chapter 13

#5.00 CONT Confirmation of Chapter 13 Plan

From: 11/30/17, 12/21/17

Also #4

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roman Negrete Manrriquez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19377 Sheryl Welsh

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 12/14/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheryl Welsh

Represented By
Hayk Grigoryan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19400 Beverley June Marshall

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 12/21/17, 1/18/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beverley June Marshall

Represented By
Arthur H Lampel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19401 Martin Leland Napier and Clasina Hendrika Napier

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 12/21/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Leland Napier

Represented By
Aaron Lloyd

Joint Debtor(s):

Clasina Hendrika Napier

Represented By
Aaron Lloyd

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19614 Alfredo Manzo Arrieta and Mayte Hernandez- Arrieta

Chapter 13

#9.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfredo Manzo Arrieta

Represented By
Andy C Warshaw

Joint Debtor(s):

Mayte Hernandez- Arrieta

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19628 Alejandro Salinas, Jr.

Chapter 13

#10.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 1/11/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Salinas Jr.

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19765 Danny Josefy

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Josefy

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:30 PM

6:17-19861 Oscar Alvarez

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Alvarez

Represented By
Daniel B Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:13-13746 Ronald Andrew Lopez and Lisa Darlene Lopez

Chapter 13

#13.00 CONT Trustee's Motion to Dismiss Case

From: 1/18/18

EH__

Docket 156

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Andrew Lopez

Represented By
David Lozano

Joint Debtor(s):

Lisa Darlene Lopez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:13-25336 Enrique Artemio Barba

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 150

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enrique Artemio Barba

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:14-16884 Robert M Lopez and Ashley Lopez

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert M Lopez

Represented By
Anthony Wilaras

Joint Debtor(s):

Ashley Lopez

Represented By
Anthony Wilaras

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:15-15522 Scott Allan Oswald and Lisa Frances Oswald

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Allan Oswald

Represented By
Richard Lynn Barrett

Joint Debtor(s):

Lisa Frances Oswald

Represented By
Richard Lynn Barrett

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:15-16972 Joe Martinez, Jr. and Sandra Lynette Martinez

Chapter 13

#17.00 CONT Trustee's Motion to Dismiss Case

From: 1/18/18

EH__

Docket 40

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/22/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Martinez Jr.

Represented By
David Lozano

Joint Debtor(s):

Sandra Lynette Martinez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:16-11323 Rodolfo Aguiar and Irma E. Aguiar

Chapter 13

#18.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Irma E. Aguiar

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:16-16235 Matthew Thomas Harper and Robin Jean Harper

Chapter 13

#19.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 57

*** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 1/23/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Thomas Harper

Represented By
Norma Duenas

Joint Debtor(s):

Robin Jean Harper

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:16-17911 Elizabeth T Baker

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 117

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:17-14189 Gabriel Valencia, Jr. and Maricela Valencia

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Valencia Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Maricela Valencia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:17-14359 Lashanda Moniek Shelton

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lashanda Moniek Shelton

Represented By
Lionel E Giron
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:17-16337 Ty Nicholas Garner, Sr. and Diane Lynn Garner

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ty Nicholas Garner Sr.

Represented By
Richard E Chang

Joint Debtor(s):

Diane Lynn Garner

Represented By
Richard E Chang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, January 25, 2018

Hearing Room 303

12:31 PM

6:17-17609 Danny Howard Weeks

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:15-10334 Alberto H. Garcia and Gina Caceres

Chapter 13

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43275 Corte Almeria, Temecula, CA 92592

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

From: 1/9/18

EH__

Docket 56

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alberto H. Garcia

Represented By
Carey C Pickford

Joint Debtor(s):

Gina Caceres

Represented By
Carey C Pickford

Movant(s):

Wilmington Savings Fund Society,

Represented By
Jennifer C Wong

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

CONT... Alberto H. Garcia and Gina Caceres

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:17-11831 Gregory Dwight Vit

Chapter 13

#2.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 46048 Paseo Gallante, Temecula, CA 92592

MOVANT: BANK OF NEW YORK MELLON

From: 11/28/17, 1/9/18, 1/23/18

EH__

Docket 33

***** VACATED *** REASON: ORDER ENTERED 1/24/18**

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Parties to indicate whether arrears have been cured or alternatively, whether APO
agreement has been reached.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gregory Dwight Vit

Represented By
Christopher J Langley

Movant(s):

Bank Of New York Mellon FKA The

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:17-13360 Biani Berlenda Mora

Chapter 13

#3.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 12648 Casa Bonita Place, Victorville, CA 92392

MOVANT: US BANK NATIONAL ASSOCIATION AS TRUSTEE

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 1/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Movant(s):

U.S. Bank National Association, as

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:17-14023 Yvonne L Sanchez and Oscar Sanchez

Chapter 7

#4.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 5202 El Sueno Street, San Antonio, TX 78233

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yvonne L Sanchez Pro Se

Joint Debtor(s):

Oscar Sanchez Pro Se

Movant(s):

Deutsche Bank National Trust Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Larry D Simons (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:17-19400 Beverley June Marshall

Chapter 13

#5.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: City of Chino CIVDS1506709

MOVANT: LIWEI HU

EH__

Docket 29

***** VACATED *** REASON: CASE DISMISSED 1/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beverley June Marshall

Represented By
Arthur H Lampel

Movant(s):

Liwei Hu

Represented By
Katherine Hoffman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:17-19439 Jason James Popken

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 CHEVROLET SILVERADO 2500, VIN 1GB2CUEGXHZ201932

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC. DBA GM FINANCIAL

EH__

Docket 14

Tentative Ruling:

01/30/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jason James Popken

Represented By
Terrence Fantauzzi

Movant(s):

Americredit Financial Services, Inc.,

Represented By
Sheryl K Ith

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:17-19771 Patricia Anne Goffney

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2378 Savanna Way, Palm Springs, CA 92262

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 13

Tentative Ruling:

01/30/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT as to ¶12 of the prayer for relief.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Patricia Anne Goffney	Pro Se
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Movant(s):

U.S. Bank National Association	Represented By Darlene C Vigil
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Trustee(s):

Arturo Cisneros (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

6:18-10136 Samuel Garcia and Claudia Garcia

Chapter 13

#8.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property 36848 Quasar Pl., Murrieta, CA 92563: 2011 Chevrolet Traverse; 2012 Chevrolet Silverado

MOVANT: SAMUEL AND CLAUDIA GARCIA

EH__

Docket 11

Tentative Ruling:

01/30/2018

Service is proper and no opposition has been filed.

The Debtors' prior case was dismissed for failure to provide Trustee with 2016 tax returns. In the current case, Debtors have already provided 2016 returns to the Trustee. Moreover, the prior case demonstrates that the Debtors remained current for over one year. On these facts, the Debtors' evidence of good faith is sufficient to warrant continuance of the automatic stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Samuel Garcia

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Claudia Garcia

Represented By
James Geoffrey Beirne

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

10:00 AM

CONT... Samuel Garcia and Claudia Garcia

Chapter 13

Movant(s):

Samuel Garcia

Represented By
James Geoffrey Beirne

Claudia Garcia

Represented By
James Geoffrey Beirne
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#9.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Another Meridian Company LLC**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17

Also #10 & #11

EH__

Docket 630

***** VACATED *** REASON: CONTINUED TO 2/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#10.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Inland Machinery, Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17

Also #9 & #11

EH__

Docket 630

***** VACATED *** REASON: CONTINUED TO 2/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#11.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **ASR Constructors Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17

Also #9 & #10

EH__

Docket 630

***** VACATED *** REASON: CONTINUED TO 2/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By

James C Bastian Jr

Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#12.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#13.00 CONT Status Conference Re: Complaint by Cambridge Medical Funding Group II, LLC against Allied Injury Management, Inc., John C. Larson. 02 - Other e.g. other actions that would have been brought in state court if unrelated to bankruptcy

From: 11/1/16, 12/6/16, 1/31/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 10/3/17, 11/28/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

John C. Larson

Pro Se

Plaintiff(s):

Cambridge Medical Funding Group

Represented By
Kenneth Hennesay

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#14.00 CONT Motion for Turnover of Property of the Estate

From: 10/24/17, 10/31/17, 11/28/17, 12/19/17

Also #15 & #16

EH__

Docket 303

Tentative Ruling:

10/31/2017

The hearing on the Motion is continued to November 28, 2017, at 2:00 p.m.
as a holding date.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#15.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17,4/4/17, 4/25/17, 6/27/17, 7/11/17,
9/12/17, 11/14/17, 11/28/17

Also #14 & #16

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#16.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 11/28/17

Also #14 & #15

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#17.00 Motion to Approve Stipulation Between Auto Strap Transport, LLC and Commercial Credit Group, Inc., Secured Party for Adequate Protection

EH__

Docket 76

Tentative Ruling:

01/30/2018

Notice of the Motion was proper and no opposition has been filed. The Court, having reviewed the Stipulation of the parties and finding the terms to be reasonable under the circumstances, the Motion is GRANTED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#18.00 Objection to claim of Four Winds Holding Company LLC

Also #19 & #20

EH__

Docket 85

Tentative Ruling:

01/30/2018

Notice of the Motion was proper and no opposition has been filed. The Court, having reviewed the Stipulation of the parties and finding the terms to be reasonable under the circumstances, the Motion is GRANTED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#19.00 Motion for Extension of Time to have Plan of Reorganization Confirmed

Also #18 & #20

EH__

Docket 91

Tentative Ruling:

01/30/2018

BACKGROUND

On August 25, 2017 ("Petition Date"), Rick's Patio, Inc. ("Debtor") filed a Chapter 11 voluntary petition. In its chapter 11 petition, the Debtor designated itself as a small business debtor as defined in 11 U.S.C. § 101(51D).

The Debtor filed its Chapter 11 Plan ("Plan") and Disclosure Statement ("DS") on December 26, 2017.

On December 28, 2017, the Debtor filed its Motion for Extension of Time to have Plan of Reorganization Confirmed ("Motion"). Service was proper and no opposition has been filed.

DISCUSSION

For a small business case, the plan and disclosure statement must be filed within 300

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

CONT...

Ricks Patio, Inc

Chapter 11

days after the order for relief in a small business case. 11 U.S.C. § 1121(e)(2). Based on the Petition Date of the instant case, the statutory deadline for the Debtor's filing of a plan and disclosure statement in this case is June 21, 2018.

Separately, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3). 11 U.S.C. § 1129(e).

Here, the Debtor filed its Chapter 11 Plan ("Plan") and Disclosure Statement ("DS") on December 26, 2017. Based on the filing date, the deadline to confirm the Debtor's plan and disclosure statement is February 9, 2018.

The Debtor now moves for an extension of the 45-day period to May 15, 2018. In order to allow for a two-step process which first allows a hearing on approval of the Debtor's disclosure statement prior to a final hearing on confirmation, the Debtor must seek this extension. Currently, the Debtor's Motion for approval of Chapter 11 disclosure statement is set for hearing on February 13, 2018.

TENTATIVE RULING

Based on the foregoing facts, and in order to permit the Debtor to obtain approval of its Plan and DS with adequate notice to creditors, the Court finds the requested extension is warranted.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

CONT... Ricks Patio, Inc

Chapter 11

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

Movant(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, January 30, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#20.00 Motion for approval of chapter 11 disclosure statement

Also #18 & #19

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 2/13/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

Movant(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

6:11-33601 John Vega and Carolyn Vega

Chapter 7

#1.00 Motion to Approve Compromise Under Rule 9019 Chapter 7 Trustees Motion for Order (1) Approving Compromise of Products Liability Action, (2) Authorizing Employment of Audet & Partners LLP and Levin Simes LLP As Co-Special Counsel And Payment of Compensation to Co-Special Counsel; and (3) Granting Related Relief Including Disbursements From the Settlement Payment; Memorandum of Points and Authorities and Declarations of Lynda T. Bui, Thom E. Smith and Amy Eskin in Support

EH__

Docket 30

Tentative Ruling:

1/31/18

BACKGROUND

On July 21, 2011, John & Carolyn Vega ("Debtors") filed a Chapter 7 voluntary petition. On November 2, 2011, Debtors received a discharge and five days later the case was closed.

On March 1, 2017, UST filed a motion to reopen the case to investigate and administer litigation settlement proceeds. On December 12, 2017, the Chapter 7 trustee filed two motions to approve compromise. The first motion, between the estate and the debtors and primarily relating to the amount of Debtors' exemption in the proceeds, was granted on January 5, 2018. The second motion was set for hearing and is under consideration now.

Pursuant to the instant compromise motion the Trustee requests: (1) approval of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

compromise of the products liability action; (2) authorization to employ Audet & Partners LLP and Levin Simes LLP as co-special counsel and payment of their compensation; and (3) related relief, including approval of the settlement payment disbursements. No opposition to the instant compromise motion has been filed.

DISCUSSION

FED. R. BANKR. P. Rule 9019(a) states: "On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct." The Court may grant approval if it determines that the compromise is "fair and equitable." *See In re Berkeley Delaware Court, LLC*, 834 F.3d 1036, 1039 (9th Cir. 2016). In determining whether the compromise is fair and equitable, the Court applies a four-factor test. *See In re DiCostanzo*, 399 Fed. Appx. 307, 308 (9th Cir. 2010). The test was originally outlined in *In re A & C Props.*, and provides for consideration of

- (a) The probability of success in the litigation;
- (b) the difficulties, if any, to be encountered in the matter of collection;
- (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it;
- (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

784 F.2d 1377, 1381 (9th Cir. 1986) (quotation omitted). "The bankruptcy court has great latitude in approving compromise agreements." *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1988). Typically, "a compromise should be approved unless it falls below the lowest point in the range of reasonableness." *In re Art & Architecture Books of the 21st Century*, 2016 WL 1118742 at *25 (Bankr. C.D. Cal. 2016) (quotation omitted).

The proposed settlement here, however, presents a unique situation. The proposed settlement represents an "aggregate settlement" negotiated in the context of, presumably, state or federal district court litigation. The proposed settlement has not been disclosed to the Court on the basis that it contains a confidentiality provision. The Court will not approve settlement terms without the opportunity to review those terms. Furthermore, Trustee motions lacks detail in its description of the situation.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

The nature, extent and value of Debtor's claim are completely unknown to this Court. The factual situation giving rise to Debtor's claim is unclear, and the Court lacks any ability to estimate the value of the claim. Furthermore, as a result of the absence of information, the Court lacks the information necessary to determine the reasonableness of the requested attorney's fees.

The Bankruptcy Code demonstrates a preference for public access to the proceedings. *See* 11 U.S.C. § 107 (2010). There are procedures by which certain documents, including settlements, can be classified as confidential. *See, e.g., In re Oldco M Corp.*, 466 B.R. 234 (Bankr. S.D.N.Y. 2012); *In re Hemple*, 295 B.R. 200 (Bankr. D. Vt. 2003). In order for the Court to apply the legal standards of 11 U.S.C. § 107, the Court must be given an opportunity to review the material and make a determination regarding whether the matter is entitled to confidentiality. The Court will not, however, approve a settlement and classify it as confidential without knowledge of the terms of the settlement.

TENTATIVE RULING

The Court is inclined to DENY the motion or CONTINUE the matter for supplemental evidence and analysis.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Vega

Represented By
Jenny L Doling

Joint Debtor(s):

Carolyn Vega

Represented By
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

Movant(s):

Lynda T. Bui (TR)

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

6:17-10720 Hiep Huu Phan

Chapter 7

#2.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee Right, Title, and Interest in Real Property; Approving Overbid Procedure; (3) Approving payment of Commissions; and (4) Finding purchaser is a Good Faith Purchaser

EH__

Docket 52

Tentative Ruling:

1/31/18

BACKGROUND

On January 30, 2017, Hiep Huu Phan ("Debtor") filed a Chapter 7 voluntary petition. Schedule A listed certain real property located at 3073 Coventry St., Corona, CA 92879 (the "Property"). On May 4, 2017, the Court approved Trustee's application to employ Pagter & Misty Perry Isaacson as counsel. On June 26, 2017, the Court approved Trustee's application to employ Richard Halderman Jr. as realtor.

On November 10, 2017, Trustee filed a motion for sale of property of the estate under Section 363(b). On November 22, 2017, Debtor's non-filing spouse, Man Thi Nguyen ("Nguyen") filed her opposition. Prior to the hearing on December 6, 2017, the Court posted a tentative ruling indicating that it intended to deny the motion for failure to comply with §363(h). At the hearing, the Trustee withdrew the motion.

On January 9, 2018, the Trustee filed a new motion for sale of property of the estate. On January 16, 2018, Nguyen filed her opposition.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... Hiep Huu Phan

Chapter 7

DISCUSSION

The previous tentative ruling of this Court stated that in order for Trustee to sell the Property free of the non-filing spouse's joint tenancy interest, Trustee must demonstrate compliance with § 363(h). In the instant motion, Trustee has added a new sub-section indicating that while the Property is held by Debtor and Nguyen as joint tenants, Trustee believes the Property is really community property. In support of Trustee's characterization, Trustee states: "Notwithstanding the fact that the Property is held by Debtor and Nguyen as joint tenants, California law provides that the community property presumption applies to property acquired during a marriage unless it is (1) traceable to a separate property source; (2) acquired by gift or bequest; or (3) earned or accumulated while the spouses are living separate and apart."

The Court agrees with Trustee that if the community property presumption is applicable, then no evidence has been presented to the Court to rebut the presumption. Trustee, however, has not provided any evidence or information to support his assertion that the community property presumption is applicable. Specifically, the Court has no evidence regarding when the Property was acquired or when Debtor and Nguyen were married. In the absence of any evidence establishing that the community property presumption is applicable, the Court concludes that Trustee has still failed to comply with § 363(h).

TENTATIVE RULING

The Court is inclined to DENY the motion or CONTINUE the matter for supplemental evidence and analysis.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... Hiep Huu Phan

Chapter 7

Debtor(s):

Hiep Huu Phan

Represented By
Toby T Tran

Movant(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

6:17-10724 Bausman and Company Incorporated

Chapter 7

#3.00 CONT Application Second Interim (6/27/17-9/27/17) and Final Application of Procopio, Cory, Hargreaves & Savitch LLP for Allowance and Payment of Compensation and Reimbursement of Expenses as General Dip Counsel

From: 1/10/18

EH__

Docket 146

Tentative Ruling:

1/31/18

Analysis:

As a preliminary matter, the Court notes that Local Rule 2016-(1)(a)(2)(A) imposes certain notice requirements when more than one professional is employed. Here, in addition to Applicant, the Court approved the employment application of Trustee's counsel, Best Best & Krieger, on December 1, 2017. Nevertheless, Applicant did not comply with the more stringent notice requirements applicable to interim fee applications when multiple professionals are employed.

Furthermore, the Court notes that the current status of this fee application is somewhat unclear. Applicant and Trustee filed a stipulation regarding the fee application on December 29, 2017, which was approved by the Court on January 4, 2018. The stipulation states the following:

- (1) The Application shall be treated as an interim application only at this time;
- (2) PCHS [Applicant] shall seek final allowance and payment of compensation and reimbursement of expenses at the conclusion of the case; and
- (3) PCHS [Applicant] shall not be required to re-file the Application with the Court to request final allowance and payment of compensation and reimbursement of expenses. At the conclusion of the case, PCHS shall file a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT...

Bausman and Company Incorporated

Chapter 7

declaration requesting that the Application be treated as a final application.

Pursuant to the above stipulation, it appears that the Court is only being asked to approve the instant application and allow fees on an interim basis, and the Applicant does not appear to be seeking payment until the conclusion of the case. In other words, the instant application is only seeking temporary approval of fees, with final approval and payment to occur at a later date.

In the Court's order approving the stipulation, the Court vacated the hearing, originally set for January 10, 2018. Four days later, however, the Court entered a second order continuing the hearing to January 31, 2018.

Regarding the merits, 11 U.S.C. § 330(a)(3) (2005) provides factors to be considered in determining the reasonableness of requested compensation. Here, the Court is especially concerned with § 330(a)(3)(C): "whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered."

The Court's first concern relates to the conversion motion. The Central District of California has a mandatory form motion to be used when converting cases from Chapter 11 to Chapter 7 (F 1017-1.1.Motion.Debtor.Convert). Debtor did not use the mandatory motion, however, instead electing to draft its own motion under an inappropriate legal provision, § 1112(b). As reflected in the Court's tentative ruling on September 19, 2017, the Court disregarded Debtor's choice to invoke an inappropriate legal provision, simply noting that under § 1112(a) Debtor was entitled to convert the case as of right. Furthermore, under Local Rule 1017-1(a)(3), there was no need to set the matter for hearing. Ultimately, Debtor could have quickly filled out the form mandatory form motion and set the matter on negative notice. The decision to ignore the procedure outlined in the Local Rules resulted in excessive billing. The Court is inclined to disallow the 3.3 hours (at \$525/hr) that appear to be directly related to the filing and preparation of the conversion motion, resulting in a reduction of \$1,732.50.

The Court's second concern relates to Applicant's first fee application hearing. Applicant is not entitled to bill for defending its fee application. There appear to be 1.7 hours (at \$525/hr) billed for review and preparation of defense of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT...

Bausman and Company Incorporated

Chapter 7

Applicant's first fee application. The Court is inclined to disallow this time, resulting in a reduction of \$892.50. Furthermore, the Court notes that the only substantive discussion which occurred at the September 19th hearing concerned Applicant's fee application. While the Court did hold a hearing on Applicant's conversion motion, such a hearing was unnecessary and would not have occurred had Applicant abided by the Local Rules. Therefore, the Court is inclined to disallow the 4.8 hours (at \$525/hr) of travel time incurred by Applicant in connection with this hearing, resulting in a reduction of \$2,520.

Finally, the Court is also concerned with the work that occurred after Applicant became aware that Debtor would convert to Chapter 7, but before such conversion occurred. Specifically, the Court notes that Applicant intentionally delayed conversion to Chapter 7 by approximately two months, apparently in an attempt to work out a sale of certain property prior to conversion. Such a sale, however, did not occur and Applicant never filed a sale motion. As a result, the Court will disallow the 1.3 hours (at \$525/hr) billed for preparation of the sale motion, which appears to have been unnecessarily premature, resulting in a reduction of \$682.50

The sum of the above reductions is \$5,827.50. The Court is inclined to allow fees in the reduced amount of \$13,672.50 and allow expenses in the full amount of \$115.27.

Tentative:

The Court is inclined to allow fees in the reduced amount of \$13,674.50, and disallow fees in excess of that amount without prejudice, and allow expenses in the full amount of \$115.27.

APPEARANCES REQUIRED, or Applicant may not appear and will be deemed to submit to the tentative.

Party Information

Debtor(s):

Bausman and Company Incorporated

Represented By
William A Smelko

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... Bausman and Company Incorporated

Chapter 7

Movant(s):

Bausman and Company Incorporated

Represented By
William A Smelko

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Best Best & Krieger
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#4.00 Motion for Turnover of Property

EH__

Docket 74

***** VACATED *** REASON: CONTINUED TO 4/11/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Movant(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

6:17-17959 Oswaldo Yanez Canton and Alex Sanchez

Chapter 7

#5.00 Stipulation By Merchants Acquisition Group, LLC and the Debtors to Extend Time for Filing Complaint to Determine Debt to Be Non-Dischargeable and to Extend Time for Filing Reaffirmation Agreements

EH__

Docket 24

Tentative Ruling:

1/31/18

BACKGROUND

On September 22, 2017, Oswaldo Canton & Alex Sanchez ("Debtors") filed a Chapter 7 voluntary petition. The meeting of creditors was originally scheduled for October 26, 2017. On December 1, 2017, Daniel's Jewelers ("Creditor") filed a motion for 2004 examination, and the motion was granted on December 11, 2017.

On December 20, 2017, Debtors and Creditor filed a stipulation to extend time for filing complaint to determine debt to be non-dischargeable and to extend the time for filing reaffirmation agreements. The order lodged with the Court contained the following two rulings:

- (1) IT IS HEREBY ORDERED that the time for Merchants Acquisition Group LLC to file a complaint under any subsection of 11 U.S.C. § 523 and for entering into and filing reaffirmation agreement with the above-named Debtor(s), is extended to an including the date of 03/05/2018.
- (2) IT IS FURTHER ORDERED that any discharge of the Debtor(s) in this case

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT...

Oswaldo Yanez Canton and Alex Sanchez

Chapter 7

shall not apply to this creditor until after the expiration of the above extension of time, and if said complaint is filed, until after a final order disposing of said complaint is entered.

On January 5, 2018, the stipulation was set for hearing.

DISCUSSION

Regarding the first component of the proposed order, the extension of the reaffirmation deadline and the deadline to file a non-dischargeability complaint, the Court finds the requests to be legally permissible and sufficient grounds established. Here, the deadline to file a reaffirmation agreement and a non-dischargeability complaint was December 26, 2017. FED. R. BANKR. P. Rule 4008(a) allows the Court to extend the reaffirmation deadline in its discretion. FED. R. BANKR. P. Rule 4007(c) allows the Court to extend the deadline to file a non-dischargeability complaint for cause. For the reasons set forth in the stipulations, and in light of the fact that Debtors have agreed to the extensions, the Court finds it appropriate to extend both deadlines to March 5, 2018.

The second component of the request, however, cannot be approved. It appears Creditor has requested that its claim be temporarily (and possibly indefinitely) classified as non-dischargeable. There does not appear to be any legal basis or precedent for such a request. A creditor bears the burden of establishing that its claim falls within the exceptions to discharge outlined in 11 U.S.C. § 523. And the Bankruptcy Code expressly disfavors and restricts a debtor's ability to waive the discharge of particular debts. For example, § 524(a) explicitly states that a discharge is effective "whether or not discharge of such debt is waived." Additionally, § 524(c), governing reaffirmation agreements, imposes strict requirements on when a debt can be exempted from discharge. If a creditor and debtor could simply stipulate that a discharge not apply to a particular debt, then the entire concept of reaffirmation agreement would be unnecessary. Therefore, this second component of the proposed order will not be approved.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

11:00 AM

CONT... Oswaldo Yanez Canton and Alex Sanchez

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion to the extent it seeks an extension of the deadline to file a reaffirmation agreement and a non-dischargeability complaint and DENY the motion to the extent it seeks to classify a debt as non-dischargeable by stipulation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Oswaldo Yanez Canton

Represented By
Frank X Ruggier

Joint Debtor(s):

Alex Sanchez

Represented By
Frank X Ruggier

Movant(s):

Merchants Acquisition Group, LLC

Represented By
Richard W Snyder

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#6.00 CONT Status Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

From: 11/2/16, 1/4/17, 3/1/17, 3/8/17, 6/7/17, 7/26/17, 9/13/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/7/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:16-13096 Tarek El Sayed Ayoub

Chapter 7

Adv#: 6:16-01219 Candee et al v. Ayoub et al

#7.00 CONT Status Conference Re: Complaint by Keith H Candee, Original Thurber Ranch LLC against Tarek El Sayed Ayoub, Gabriela Villeda Ayoub

From: 11/1/16, 6/7/17, 1/24/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tarek El Sayed Ayoub

Represented By
Sherif Fathy

Defendant(s):

Tarek El Sayed Ayoub

Represented By
Sherif Fathy

Gabriela Villeda Ayoub

Represented By
Sherif Fathy

Joint Debtor(s):

Gabriela Villeda Ayoub

Represented By
Sherif Fathy

Plaintiff(s):

Keith H Candee

Represented By
Jon H Lieberg

Original Thurber Ranch LLC

Represented By
Jon H Lieberg

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Tarek El Sayed Ayoub

Chapter 7

Trustee(s):

Wesley H Avery (TR)

Represented By
Larry D Simons

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:16-15419 Francisco Javier Castillo

Chapter 7

Adv#: 6:16-01310 Swift Financial Corporation d.b.a. Swift Capital v. Castillo

#8.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01310. Complaint by Swift Financial Corporation d.b.a. Swift Capital against Francisco Javier Castillo (willful and malicious injury)

From: 5/3/17, 9/13/17, 11/8/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Castillo

Represented By
Joseph M Tosti

Defendant(s):

Francisco Javier Castillo

Pro Se

Plaintiff(s):

Swift Financial Corporation d.b.a.

Represented By
Lazaro E Fernandez

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:16-16191 Sheri Tanaka Christopher

Chapter 7

Adv#: 6:17-01028 Frealy, Chapter 7 Trustee v. Tanaka et al

#9.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01028. Complaint by Todd A Frealy, Chapter 7 Trustee against Ronald Howard Tanaka, Carolyn Naomi Tanaka, Ryan Satoshi Tanaka, Leora Linda Tanaka, Estate of Yaeko Sato, a California Probate Estate. (Charge To Estate). Complaint for: (1) Sale of Real Property Pursuant to 11 U.S.C. § 363(h); and (2) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542 (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property))

From: 4/5/17, 6/7/17, 8/2/17, 1/24/18

EH__

Docket 1

Tentative Ruling:

1/31/2018

The status conference will be continued to March 21, 2018 at 2:00 p.m.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Sheri Tanaka Christopher

Represented By
Brian J Soo-Hoo

Defendant(s):

Ronald Howard Tanaka

Represented By
David L Prince

Carolyn Naomi Tanaka

Represented By
Phillips S Barry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Sheri Tanaka Christopher

Chapter 7

Ryan Satoshi Tanaka

Represented By
David L Prince

Leora Linda Tanaka

Represented By
Phillips S Barry

Estate of Yaeko Sato, a California

Represented By
David L Prince

Plaintiff(s):

Todd A Frealy, Chapter 7 Trustee

Represented By
Montserrat Morales

Trustee(s):

Todd A. Frealy (TR)

Represented By
Montserrat Morales

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:14-16813 M. A. Tabor

Chapter 7

Adv#: 6:16-01128 Frealy v. Trotochau et al

#10.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01128. Complaint by Todd A. Frealy against Robin Sherrie Trotochau, Pacific Mortgage Exchange, Inc.. (Charge To Estate). - Complaint: (1) For Breach Of Contract; (2) For Common Counts; (3) To Avoid And Recover Fraudulent Transfers; And (4) To Preserve Recovered Transfers For Benefit Of Debtor's Estate (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)
(Stip Judgment with Robin Trotochau 12/4/17)

From: 7/20/16, 9/28/16, 1/11/17, 3/8/17, 6/7/17, 8/23/17, 9/27/17

EH__

Docket 1

Tentative Ruling:

1/31/2018

The status conference will be continued to March 21, 2018 at 2:00 p.m.

APPEARANCES WAIVED.

Party Information

Debtor(s):

M. A. Tabor

Represented By
Judith Runyon

Defendant(s):

Robin Sherrie Trotochau

Pro Se

Pacific Mortgage Exchange, Inc.

Represented By
Leib M Lerner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... M. A. Tabor

Chapter 7

Plaintiff(s):

Todd A. Frealy

Represented By
Anthony A Friedman

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#11.00 CONT Motion to Dismiss Adversary Proceeding re First Amended Complaint

From: 8/2/17, 8/23/17, 11/8/17

Also #12

EH__

Docket 36

Tentative Ruling:

1/31/18

BACKGROUND

On June 23, 2016, Revere Financial Corporation ("Plaintiff") filed a complaint against Don Burns ("Defendant"), and, on June 30, 2016, the complaint was amended. After Defendant failed to answer or otherwise respond to the complaint, the clerk entered default against Defendant on November 16, 2016.

On April 21, 2017, Plaintiff filed a motion for default judgment. On May 4, 2017, Defendant filed a motion to set aside default and an answer. On May 24, 2017, Plaintiff filed its opposition to the motion to set aside default. At a hearing on June 7, 2017, the Court instructed the parties that it would conditionally grant the motion to set aside default upon payment of reasonable costs, and requested further briefing regarding Plaintiff's costs incurred as a result of Defendant's delay. At a continued hearing on July 12, 2017, after the Court posted a tentative ruling reducing the fees requested by Plaintiff, the Court continued the motion to set aside default to allow further briefing from parties. On September 13, 2017, after further briefing, the Court entered an order setting aside default conditioned on payment by Defendant to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Plaintiff in the amount of \$4,593.75, to be paid within thirty days.

The instant motion to dismiss, in addition to a status conference, came up for hearing on November 8, 2017. At the time of the hearing, however, Defendant had failed to file a declaration establishing that he had paid the ordered fees and, as a result, Defendant remained in default. The day after the hearing, Defendant filed a declaration establishing payment of the \$4,593.75 to Plaintiff. That same day, the Court sanctioned Defendant an additional \$500 for failing to timely comply with the Court's order. The Court notes that it is unclear whether Defendant has complied with the sanctions order.

On June 30, 2017, while still in default, Defendant filed the instant motion to dismiss. On August 9, 2017, Plaintiff filed their opposition to the motion to dismiss. On August 16, 2017, Defendant filed a reply.

DISCUSSION

Defendant's motion to dismiss argues that the amended complaint does not contain sufficient facts to satisfy the pleading standard of FED. R. CIV. P. Rule 8, and the heightened pleading standard of FED. R. CIV. P. Rule 9(b). Defendant further argues that the fourth through tenth claims depend on liability in the first three claims, and should be dismissed if the first three claims are dismissed. Finally, Defendant argues that amending the complaint is futile.

FED. R. CIV. P. Rule 9(b) states: "In alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally." This heightened pleading standard is commonly interpreted as requiring the "who, what, where, when, and how." *See, e.g., U.S. ex rel. Costner v. U.S.*, 317 F.3d 883, 888 (8th Cir. 2003).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Here, the amended complaint contains detailed allegations documenting the date and amount of each transfer Plaintiff wishes to avoid. Specifically, in ¶ 19 Plaintiff references the details of the "Patent Assignment" and the "Royalty Assignment," and in the exhibit to the complaint the Plaintiff references the date, payor, and amount of an additional nineteen transactions. Because Defendant has merely recited the applicable legal standard without applying it the complaint at issue, it is unclear in what respect Defendant believes the complaint to be deficient. Nevertheless, the Court concludes that the first amended complaint sufficiently apprises Defendant of the details of Plaintiff's complaint to satisfy the FED. R. CIV. P. Rule 8 pleading standard, and pleads fraud with sufficient particularity to satisfy the FED. R. CIV. P. Rule 9 pleading standard.

Because the Court has concluded that the first three claims for relief contain sufficient factual allegations, Defendant's contingent request for dismissal of claims four through ten is denied.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

8/23/17

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

BACKGROUND

On June 23, 2016, Revere Financial Corporation ("Revere") filed a complaint against Don Burns ("Burns"), and, on June 30, 2016, the complaint was amended. After Burns failed to answer or otherwise respond to the complaint, the clerk entered default against Burns on November 16, 2016.

On April 21, 2017, Revere filed a motion for default judgment. On May 4, 2017, Burns filed a motion to set aside default and an answer. On May 24, 2017, Revere filed its opposition to the motion to set aside default. At a hearing on June 7, 2017, the Court instructed the parties that it would conditionally grant the motion to set aside default upon payment of reasonable costs, and requested further briefing regarding Revere's costs incurred as a result of Burns's delay. At a continued hearing on July 12, 2017, after the Court posted a tentative ruling reducing the fees requested by Revere, the Court continued the motion to set aside default to allow further briefing from parties. The fee dispute has not yet been resolve and no order has been entered related to the motion to set aside default.

On June 30, 2017, Burns filed a motion to dismiss. On August 9, 2017, Revere filed their opposition to the motion to dismiss.

DISCUSSION

Despite the fact that Burns is still in default, neither party has briefed the impact of that status on Burns's motion to dismiss. A legal scholar previous wrote that "the defaulting party loses his standing to contest the truth of all facts that are 'well-pleaded' in the non-defaulting party's complaint." Peter H. Bresnan & James P. Cornelio, *Relief from Default Judgments Under Rule 60(b) – A Study of Federal Case Law*, 49 FORDHAM L. REV. 956, 959-60 (1981) (collecting cases); *see also Thomson v. Wooster*, 114 U.S. 104, 112-14 (1885) ("From the authorities cited, and the express language of our own rules in equity, it seems clear that the defendants, after the entry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

of the decree *pro confesso*, and while it stood unrevoked, were absolutely barred and precluded from alleging anything in derogation of, or in opposition to, the said decree, and that they are equally barred, and precluded from questioning its correctness here on appeal, unless on the face of the bill it appears manifest that it was erroneous and improperly granted."). Burns's motion to dismiss raises a legal argument, however, not a factual argument.

Courts appear willing to simultaneously grant motions to set aside default and dismiss the case. *See, e.g., Mineo Yoshida v. Daikokuya Co., Ltd.*, 2008 WL 11338257 (C.D. Cal. 2007). Other courts have been more specific with regard to the order in which the motion to set aside default and the motion to dismiss must be considered. *See Everest Indem. Ins. Co. v. Demarco*, 2013 WL 12136578 at *2 (C.D. Cal. 2013) ("Before the Court can consider their motion to dismiss, the default must be set aside pursuant to FED. R. CIV. P. Rule 55(c)"). Where, as is the case here, the Court has merely orally indicated that it will set aside default upon the occurrence of a condition which has not yet been defined, and may or may not come to pass, the Court considers it improper to rule on the motion to dismiss. Therefore, the Court will continue the matter for Burns to obtain a setting aside of the default.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for fee payment, if any, to be made, and an order to be entered setting aside the default.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Don Cameron Burns

Represented By
Don C Burns
Don C Burns
Don C Burns
Don C Burns
Don C Burns
Don C Burns
Don C Burns
Don C Burns
Don C Burns
Don C Burns

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#12.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01163. Complaint by Revere Financial Corporation against Don C. Burns. (12 (Recovery of money/property - 547 preference)),(11 (Recovery of money/property - 542 turnover of property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment))

From: 8/31/16, 11/2/16, 1/11/17, 3/8/17, 6/7/17, 8/2/17, 8/23/17, 11/8/17

Also #11

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Carmela Pagay
Franklin R Fraley Jr

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:17-16272 Martha Lorena Soto Jimenez

Chapter 7

Adv#: 6:17-01191 Frealy v. Cebadas et al

#13.00 Motion for Default Judgment Against Armando Cabadas, Jose Alfredo Cabadas, Victor Armando Cabadas Soto, and Martha Lorena Soto Jimenez

Also #14

EH__

Docket 24

Tentative Ruling:

1/31/18

BACKGROUND

On October 15, 2015, Martha Loreno Soto Jimenez ("Debtor") and her (ex)husband acquired certain real property located at 1475 Capri Ln., San Jacinto, CA 92583 (the "Property"). On July 20, 2016, a divorce judgment provided that the Property was the separate property of Debtor. On June 22, 2017, Debtor and her (ex)husband transferred the Property to their sons via grant deed. The grant deed states: "This is a bonafide gift and the grantor received nothing in return.

On July 27, 2017, Debtor filed a Chapter 7 voluntary petition. On September 8, 2017, Trustee filed a complaint for: (1) declaratory relief; (2) avoidance of voidable transfer; (3) recovery of avoided transfer; (4) sale of interest of co-owner in property of the estate; and (5) turnover of property against Armando Cebadas (Debtor's husband or ex-husband), Jose Alfredo Cebadas Soto (Debtor's son), Victor Armando Cebadas Soto (Debtor's son), and Debtor (collectively, "Defendants"). On October 17, 2017, the clerk entered default against Defendants. On January 10, 2018, Trustee filed a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez
motion for default judgment.

Chapter 7

DISCUSSION

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT...

Martha Lorena Soto Jimenez

Chapter 7

a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, Trustee served Defendants at the Property. It is unclear, however, whether the property is the "dwelling house or usual place of abode" for Debtor's (ex)husband and two children. The Court requires additional evidence to establish that the Defendants (other than Debtor) were served in accordance with the requirements of FED. R. BANKR. P. Rule 7004(b)(1).

2. Merits of Plaintiff's claim

Assuming Trustee establishing that service was proper, the Court will address the merits of the motion. Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes nine causes of action: (1) declaratory relief; (2) five separate causes of action for avoidance of voidable transfer; (3) recovery of avoided transfer; (4) sale of interest of co-owner in property of the estate; and (5) turnover of property

Regarding the first cause of action, declaratory relief, the complaint requests a determination that the Property is the community property of Debtor and her ex-husband. Trustee alleges in the complaint that Debtor and Armando acquired their interest in the Property prior to the petition date, while they were married. While this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT...

Martha Lorena Soto Jimenez

Chapter 7

appears true, Trustee has provided additional information in the motion for default judgment, namely a divorce judgment, which indicates that the property is actually the separate property of Debtor. This creates a dilemma because, upon default, the factual allegations of the complaint are to be taken as true. Furthermore, Trustee cannot ask for relief (i.e. a declaration that the Property is Debtor's separate property) which goes beyond the scope of the relief requested in the complaint. Therefore, the Court cannot grant Trustee's request for a determination that the Property is separate property. The Court also cannot grant Trustee's request for a determination that the Property is community property because Trustee has submitted evidence establishing that the Property is in fact not community property.

Regarding the second through sixth causes of action, avoidance of voidable transfer, Trustee has cited three Code provisions authorizing avoidance of the transfer of the Property to Debtor's sons: §544(b) (with reference to CAL. CIV. CODE § 3439.04(a) (1)&(2), §3439.05, and § 3439.07), § 548(a)(1)(A), and § 548(a)(1)(B). The first cause of action for avoidable transfer cites 11 U.S.C. §§ 544(b) and 550(a) and CAL. CODE CIV. P. §§ 3439.04(a)(1) and 3439.07. Section 544(b) states that a trustee may avoid a transfer of an interest of the debtor that is voidable under applicable law. CAL. CODE CIV. P. § 3439.04(a)(1) states that a debtor's transfer of an interest in property is voidable if the transfer was made "[w]ith actual intent to hinder, delay, or defraud" creditors. Trustee's complaint sufficiently alleges that the transfer was made with actual intent to hinder, delay, or defraud creditors. 11 U.S.C. § 548(a)(1)(A) is materially identical to CAL. CODE CIV. P. § 3439.04(a)(1) so Trustee has also satisfied the former.

CAL. CODE CIV. P. § 3439.04(a)(2) provides that a transfer is voidable if the debtor does not receive reasonable equivalent value and either (a) was engaged or about to engage in a transaction for which its remaining assets were unreasonable small or (b) or believed or reasonably should have believed it would incur debts beyond the debtor's ability to pay. While the grant deed indicates it was a bona fide gift, and thus no reasonably equivalent value was received, Trustee has not provided sufficient factual allegations to satisfy the latter component of the test. Specifically, there is no factual allegation which supports the contention that Debtor's assets were unreasonably small

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT...

Martha Lorena Soto Jimenez

Chapter 7

for future transactions or that Debtor was about to incur debts beyond the debtor's ability to pay. 11 U.S.C. § 548(a)(1)(B) is materially identical to CAL. CODE CIV. P. § 3439.04(a)(2) so the analysis is the same regarding the former.

CAL. CODE CIV. P. § 3439.05 provides that a transfer is voidable as to a creditor whose claim arose before the transfer if the debtor did not receive reasonably equivalent value and the debtor was or became insolvent as a result of the transfer. Trustee's complaint sufficiently alleges that Debtor did not receive reasonably equivalent value, that Debtor was insolvent as a result of the transfer and that there is a creditor whose claim arose before the transfer.

Regarding recovery of the avoidable transfer, 11 U.S.C. § 550 provides that transfers avoided under §§ 544 and 548 are recoverable from the initial transferee. Trustee's complaint sufficiently alleges that Debtor's two sons, named defendants, are the initial transferees, and, therefore Trustee has satisfied § 550.

Regarding Trustee's request to sell an interest of a co-owner of property under § 363(h), the Court is inclined to conclude that Trustee's complaint sufficiently establishes the four statutory requirements.

Finally, regarding Trustee's request for turnover, Section 542(a) provides for turnover of property of the estate that is of consequential value. Here, Trustee has sufficiently satisfied the requirements of § 542(a) by demonstrating that the Property is property of the estate and that the Property is not of inconsequential value.

3. Amount of Damages

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Here, Trustee is not requesting any damages, and, therefore, no evidence is required establishing the amount of damages.

TENTATIVE RULING

Conditioned on Trustee establishing that service on Defendants was proper, the Court is inclined to issue judgment in favor of the Trustee on the second, fourth, fifth, seventh, eight, and ninth claims for relief. The motion for default judgment is denied without prejudice as to the third and sixth claims for relief. The motion for default judgment is denied with prejudice as to the first claim for relief, although to the extent necessary Trustee is free to amend the complaint as to the first claim for relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Martha Lorena Soto Jimenez

Represented By
Marlin Branstetter

Defendant(s):

Armando Cebadas

Pro Se

Jose Alfredo Cebadas Soto

Pro Se

Victor Armando Cebadas Soto

Pro Se

Martha Lorena Soto Jimenez

Pro Se

Movant(s):

Todd A. Frealy

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Plaintiff(s):

Todd A. Frealy

Represented By
Carmela Pagay

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:17-16272 Martha Lorena Soto Jimenez

Chapter 7

Adv#: 6:17-01191 Frealy v. Cebadas et al

#14.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01191. Complaint by Todd A. Frealy against Armando Cebadas, Jose Alfredo Cebadas Soto, Victor Armando Cebadas Soto, Martha Lorena Soto Jimenez. (Charge To Estate). (Attachments: # 1 Adversary Coversheet) Nature of Suit: (91 (Declaratory judgment)),(14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property))

Also #13

From: 11/8/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha Lorena Soto Jimenez

Represented By
Marlin Branstetter

Defendant(s):

Armando Cebadas

Pro Se

Jose Alfredo Cebadas Soto

Pro Se

Victor Armando Cebadas Soto

Pro Se

Martha Lorena Soto Jimenez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Plaintiff(s):

Todd A. Frealy

Represented By
Carmela Pagay

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

**#15.00 CONT Motion For Summary Judgment
(Holding Date)**

From: 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17,
1/24/18

Also #16

EH__

Docket 62

***** VACATED *** REASON: CONTINUED TO 5/30/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell	Pro Se
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Defendant(s):

Nancy Ann Howell	Pro Se
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Movant(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
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Plaintiff(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
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Eisenberg Law Firm, APC	Represented By Andrew S Bisom
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

CONT... Nancy Ann Howell

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, January 31, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

#16.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01070. Complaint by Law Office of Andrew S. Bisom, Eisenberg Law Firm, APC against Nancy Ann Howell. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 5/14/14, 7/2/14, 12/10/14, 3/18/15, 4/22/15, 5/20/15, 7/22/15, 10/28/15, 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17, 1/24/18

Also #15

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/30/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell	Pro Se
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Defendant(s):

Nancy Ann Howell	Pro Se
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Plaintiff(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
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Eisenberg Law Firm, APC	Represented By Andrew S Bisom
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Trustee(s):

Steven M Speier (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:30 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#1.00 CONT Status Conference Re: Complaint by Amarillo College of Hairdressing, Inc., against Javier Lopez. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 5/11/17, 6/22/17, 8/17/17, 10/19/17, 11/9/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/22/18 AT 12:30 P.M. -
ANOTHER SUMMONS ISSUED**

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:30 PM

6:17-19614 Alfredo Manzo Arrieta and Mayte Hernandez- Arrieta

Chapter 13

#2.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 1/25/18

EH__

Docket 0

Party Information

Debtor(s):

Alfredo Manzo Arrieta

Represented By
Andy C Warshaw

Joint Debtor(s):

Mayte Hernandez- Arrieta

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:30 PM

6:17-20019 Frank Prouty

Chapter 13

#3.00 Motion to Avoid Junior Lien with Real Time Resolutions

EH__

Docket 21

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/30/18**

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Movant(s):

Frank Prouty

Represented By
Nima S Vokshori
Nima S Vokshori
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:13-21894 Francisco Javier Medina and Maria Guadalupe Medina

Chapter 13

#4.00 Trustee's Motion to Dismiss Case

EH__

Docket 142

Party Information

Debtor(s):

Francisco Javier Medina

Represented By
Tamar Terzian

Joint Debtor(s):

Maria Guadalupe Medina

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:14-10795 Agnes Smith

Chapter 13

#5.00 Trustee's Motion to Dismiss Case

EH__

Docket 85

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/29/18**

Party Information

Debtor(s):

Agnes Smith

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:15-12404 Anthony E Turkson

Chapter 13

#6.00 Trustee's Motion to Dismiss Case

EH__

Docket 88

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:15-15831 William R Parker and Cheryl Parker

Chapter 13

#7.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

Party Information

Debtor(s):

William R Parker

Represented By
Julie J Villalobos

Joint Debtor(s):

Cheryl Parker

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:15-19812 Miguel Vivar and Maria Vivar

Chapter 13

#8.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

Party Information

Debtor(s):

Miguel Vivar

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Vivar

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#9.00 CONT Trustee's Motion to Dismiss Case

From: 1/18/18

EH__

Docket 56

Party Information

Debtor(s):

Valicia LaShawn Fennell

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:16-19656 Jerome D Williams

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: TO BE HEARD ON 2/15/18 AT 12:30 P.M.**

Party Information

Debtor(s):

Jerome D Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:16-21181 Luis Fernando Buenrostro

Chapter 13

#11.00 CONT Trustee's Motion to Dismiss Case

From: 1/18/18

EH__

Docket 46

Party Information

Debtor(s):

Luis Fernando Buenrostro

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:17-13063 Ethel N Odimegwu

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:17-14187 Andre J Booker and Carrie L Booker

Chapter 13

#13.00 CONT Trustee's Motion to Dismiss Case

From: 1/11/18

EH__

Docket 27

Party Information

Debtor(s):

Andre J Booker

Represented By
Paul Y Lee

Joint Debtor(s):

Carrie L Booker

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:17-14359 Lashanda Moniek Shelton

Chapter 13

#14.00 CONT Trustee's Motion to Dismiss Case

From: 1/25/18

EH__

Docket 37

Party Information

Debtor(s):

Lashanda Moniek Shelton

Represented By
Lionel E Giron
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:17-16439 Oscar Avila

Chapter 13

#15.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 31

Party Information

Debtor(s):

Oscar Avila

Represented By
Sanaz S Bereliani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:17-16455 Elizabeth Jucaban Tuason

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Party Information

Debtor(s):

Elizabeth Jucaban Tuason

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:17-16683 Salvador Caridad Rodriguez

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/31/18**

Party Information

Debtor(s):

Salvador Caridad Rodriguez

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 01, 2018

Hearing Room 303

12:31 PM

6:15-16873 Brenda Morgan

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/29/18**

Party Information

Debtor(s):

Brenda Morgan

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:15-12404 Anthony E Turkson

Chapter 13

#1.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 12016 Quantico Dr, Riverside, CA 92505

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 1/9/18

EH__

Docket 89

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Deutsche Bank National Trust

Represented By
April Harriott
Keith Labell
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

CONT... Anthony E Turkson

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:16-14108 Charles M. Wallace, Jr. and Raquel A. Wallace

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 20006 Waco Road, Apple Valley, California 92308

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 29

Tentative Ruling:

2/6/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT relief from § 1301(a) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Charles M. Wallace Jr.

Represented By
Robert W Ripley

Joint Debtor(s):

Raquel A. Wallace

Represented By
Robert W Ripley

Movant(s):

Wells Fargo Bank, N.A./Wells Fargo

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

CONT... Charles M. Wallace, Jr. and Raquel A. Wallace

Chapter 13

Norman Harrison

Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#3.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 31

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-15728 Jesus Angel Acosta and Maria Teresa Acosta

Chapter 13

#4.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 GMC LIGHT DUTY Sierra 1500 Regular Cab SLE 4WD

MOVANT: CAPITAL ONE AUTO FINANCE

From: 1/23/18

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/29/18**

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under § 2. DENY request under § 5 because the motion has not been served on any co-debtor as that term is used in § 1301(a).

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jesus Angel Acosta

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Maria Teresa Acosta

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

CONT...

Jesus Angel Acosta and Maria Teresa Acosta

Chapter 13

James Geoffrey Beirne

Movant(s):

Capital One Auto Finance, a

Represented By
Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-15792 William Martin Farber

Chapter 13

#5.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 68300 Encinitas Rd, Cathedral City Ca 92234

MOVANT: WELLS FARGO BANK NA

EH__

Docket 20

***** VACATED *** REASON: ORDER ENTERED 2/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Martin Farber

Represented By
Steven A Alpert

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-15822 Alfredo Loera and Veronica O Loera

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 BMW 3 Series Sedan 4D 320xi

MOVANT: FINANCIAL SERVICES VEHICLE TRUST

EH__

Docket 77

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). DENY request for relief under § 362(d)(2) for lack of cause shown. GRANT waiver of 4001(a)(3) stay. GRANT relief from § 1301(a) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Alfredo Loera

Represented By
Paul Y Lee

Joint Debtor(s):

Veronica O Loera

Represented By
Paul Y Lee

Movant(s):

Financial Services Vehicle Trust

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

CONT... Alfredo Loera and Veronica O Loera

Chapter 13

Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-16455 Elizabeth Jucaban Tuason

Chapter 13

#7.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1695 La Praix Street, Highland, CA 92346-4678

MOVANT: WELLS FARGO BANK N.A.

From:12/19/17

EH__

Docket 34

***** VACATED *** REASON: ORDER ENTERED 1/4/18**

Tentative Ruling:

12/19/2017

Service is Proper
Opposition: Yes

Movant to confirm cure, and parties to discuss adequate protection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Elizabeth Jucaban Tuason

Represented By
Brad Weil

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-17609 Danny Howard Weeks

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 73971 Samarkand Dr, Twentynine Palms CA 92277

MOVANT: WELLS FARGO BANK NA

EH__

Docket 25

***** VACATED *** REASON: CASE DISMISSED 1/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
Stephen S Smyth

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-18653 Martha Mata

Chapter 13

#9.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Ford F150, VIN: 1FTEW1C8XFKD68632

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 34

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Martha Mata

Represented By
Inez Tinoco-Vaca

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-18909 Deborah Voorhis Harmon

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1048 Occidental Circle, Redlands, CA 92374

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE)

EH__

Docket 27

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Deborah Voorhis Harmon

Represented By
Douglas A Plazak

Movant(s):

Federal National Mortgage

Represented By
Nichole Glowin

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

CONT... Deborah Voorhis Harmon

Brandon J Iskander

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:17-20479 Tinetta Christina Cotton

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: Real Property 459 W. Ramona Dr. Rialto 92376

MOVANT: R&U BUILDER

EH__

Docket 7

Tentative Ruling:

2/6/2018

Service is Okay
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tinetta Christina Cotton

Pro Se

Movant(s):

R&U Builder

Represented By
William E Windham

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:18-10160 Eri A. Doulos

Chapter 13

#12.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Freightliner Cascadia

MOVANT: CRESCO CAPITAL INC

EH__

Docket 9

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Eri A. Doulos

Represented By
Christopher J Langley

Movant(s):

Cresco Capital, Inc.

Represented By
James R Selth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 6, 2018

Hearing Room 303

10:00 AM

6:18-10240 Guillermo Zamudio

Chapter 13

#13.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY

MOVANT: GUILLERMO ZAMUDIO

EH__

Docket 18

Tentative Ruling:

2/6/2018

The Court is inclined to DENY the motion for improper service. The motion indicates that it is being set on regular notice, however, the matter was actually set on shortened notice. This Court's self-calendaring procedures for setting a motion to continue the automatic stay on shortened notice require that secured creditors be served pursuant to Rule 7004, which did not occur.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Guillermo Zamudio

Represented By
Paul Y Lee

Movant(s):

Guillermo Zamudio

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, February 6, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#14.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report
(CASE DEFICIENT FOR CORPORATE RESOLUTION DUE 2/1/18)

EH__

Docket 102

*** VACATED *** REASON: CONTINUED TO 2/13/18 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#1.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17

EH__

Docket 148

***** VACATED *** REASON: CONTINUED TO 2/28/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.

Pro Se

Joint Debtor(s):

Tami Jo Springer

Pro Se

Movant(s):

Hilder & Associates

Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR)

Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

6:14-19246 Jacinda Reis

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 90

Tentative Ruling:

02/07/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 32,791.67
Trustee Expenses: \$ 532.24

Attorney Fees: \$29,892
Attorney Costs: \$529.30

Accountant Fees: \$3,600
Accountant Costs: \$325.67

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Jacinda Reis

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

CONT... Jacinda Reis

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

6:15-21570 Janice Elaine Cox

Chapter 7

#3.00 Motion for Turnover of Property of the Estate Pursuant to Bankruptcy code sect 521 (a)(4) and 542(a)

EH__

Docket 55

Tentative Ruling:

02/07/2018

BACKGROUND

On November 30, 2015 ("Petition Date"), Janice Elaine Cox ("Debtor") filed her petition for chapter 7 relief. Arturo Cisneros is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the Debtor's bankruptcy estate is certain real property located at 1059 Hugo Lane, Big Bear City, CA (the "Property"). The Property is not the Debtor's principal residence.

On January 12, 2018, the Trustee filed his motion seeking turnover of the Property ("Motion"). Specifically, the Trustee asserts that the Debtor may be receiving rental income from her sister ("Tenant") who is residing at the Property and who is unwilling to cooperate with the Trustee's efforts to market and sell the Property.

DISCUSSION

Under the Bankruptcy Code, a debtor has a duty to surrender property of the estate to the trustee. § 521(4). Furthermore, a trustee has the duty to "collect and reduce to money the property of the estate for which such trustee serves" § 704(1). Finally, "any entity, other than a custodian, in possession, custody or control of property that the trustee may use, sell, or lease under section 363 of this title ... shall deliver to the trustee, and account for, such property or the value of such property" *Id.* § 542(a).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

CONT... Janice Elaine Cox

Chapter 7

The Trustee seeks an order directing the Debtor to turn over to him (1) the Property, (2) any rental payments received since the filing of the petition, and (3) a full accounting of rental payments received by the Debtor since the petition date.

In support of the Motion, the Trustee asserts that the Tenant has stated that she will not cooperate with the Trustee's efforts to sell the Property.

TENTATIVE RULING

Based on the evidence in the Trustee's declaration, and the failure of the Debtor to file any response or opposition to the Motion, the Court is inclined to GRANT the Trustee's request for an order (1) requiring turnover of the Property, (2) requiring that all rental payments received since the Petition Date be turned over, and (3) requiring an accounting of all rental payments received by the Debtor since the Petition Date. The Debtor shall have 30 days from the date of entry of the order to comply.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Janice Elaine Cox

Represented By
Rajiv Jain

Movant(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

Trustee(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

6:17-19823 Randall Lee Hoover, Jr. and Amber LaRie Hoover

Chapter 7

#4.00 Motion for Authority to Redeem Personal Property and Approval of Associated Financial and Attorney Fees

EH__

Docket 16

Tentative Ruling:

02/07/2018

BACKGROUND:

On November 28, 2017, Randall and Amber Hoover (collectively, the "Debtors") filed their petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the Debtors' estate is a 2010 Toyota Prius (the "Vehicle").

On December 11, 2017, the Debtors filed their motion to redeem a the Vehicle, which is secured by the lien of Gateway One Lending ("Gateway"). The Debtors assert that the value of the Vehicle is no more than \$6,848. The Debtors believe the debt owed on the Vehicle is a dischargeable consumer debt and that the Vehicle has either been exempted or abandoned by the estate.

Service was proper and no opposition has been filed.

DISCUSSION:

The Debtors seek to redeem the Vehicle pursuant to FRBP 6008 and 11 U.S.C. § 722.

Redemption in Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

CONT... Randall Lee Hoover, Jr. and Amber LaRie Hoover

Chapter 7

An individual Chapter 7 debtor may redeem tangible personal property intended primarily for personal, family or household use from a lien securing a dischargeable consumer debt, if either (1) the property is exempt under § 522 or (2) it has been abandoned under § 554. 11 U.S.C. § 722. Redemption is made by paying the lienholder the amount of its allowed claim secured by the lien. *Id.*

Though a chapter 7 debtor must take certain action to preserve the automatic stay when seeking to redeem personal property secured by a lien, *see* 11 U.S.C. §§ 362(h), 521(a)(2), & 521(a)(6), there is no deadline impacting a debtor's substantive right to redeem (even after a discharge has been entered). *In re Rodgers*, 273 B.R. 186, 191 (Bankr. C.D. Ill. 2002); *In re Cassar*, 139 B.R. 253, 254 (Bankr. D. Colo. 1992). Rather, redemption under § 722 requires that a debtor demonstrate only the following: (1) both the property subject to the lien and the underlying debt must be consumer-related; (2) the debt secured by the lien must be dischargeable in bankruptcy; (3) the property must either be exempted under § 522 or abandoned under § 554; and (4) the debtor must pay the lien holder the amount of the allowed secured claim. *In re Jewell*, 232 B.R. 904, 906 (Bankr. E.D. Tex. 1999). If the debtor fails to satisfy any of these requirements the motion shall be denied. *Id.*

In support of the Motion, the Debtors have provided no evidence to support the Motion. There is no declaration submitted by the Debtors attesting to the value of the Vehicle. Moreover, Schedule C appears to indicate that the Debtors did not exempt the Vehicle under §522 (however, given that the Trustee has issued a Report of No Distribution and that no opposition or response has been filed by Gateway, the Court is inclined to find that the Trustee's No Asset Report is sufficient to indicate abandonment under the circumstances of the instant case).

TENTATIVE RULING:

For the foregoing reasons, the tentative ruling is to CONTINUE the hearing on the Motion to February 28, 2018, at 11:00 a.m. for Debtors to provide evidence in support

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

11:00 AM

CONT... **Randall Lee Hoover, Jr. and Amber LaRie Hoover**
of the Motion.

Chapter 7

APPEARANCES WAIVED. Debtors are directed to file and serve notice of the continuance.

Party Information

Debtor(s):

Randall Lee Hoover Jr.

Represented By
John A Varley
Lennie A Alzate

Joint Debtor(s):

Amber LaRie Hoover

Represented By
John A Varley
Lennie A Alzate

Movant(s):

Randall Lee Hoover Jr.

Represented By
John A Varley
Lennie A Alzate

Amber LaRie Hoover

Represented By
John A Varley
John A Varley
Lennie A Alzate
Lennie A Alzate

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 7, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#5.00 CONT Status conference RE: [1] Adversary case 6:17-ap-01138. Complaint to Determine Non-Dischargeability of Debt by Phillip Musharbash , Violette Musharbash against Issa M Musharbbash , Amal Musharbbash

From: 9/20/17

EH__

Docket 1

*** VACATED *** REASON: CONTINUED TO 3/7/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:30 PM

6:12-31792 Jesse Delgado and Rocio Delgado

Chapter 13

#1.00 Motion to Avoid Lien on Household Goods

Also #2

EH__

Docket 166

Tentative Ruling:

2/8/18

BACKGROUND

On September 21, 2012, Jesse & Rocio Delgado ("Debtors") filed a Chapter 13 voluntary petition. On December 11, 2012, Debtors' Chapter 13 plan was confirmed. The plan has been modified four times since confirmation.

On August 29, 2017, Trustee filed a motion to dismiss for material default. On the same day, Debtors amended their Schedule D. On September 13, 2017, Debtors filed opposition to the Trustee's motion to dismiss, stating that, pursuant to the terms of the confirmed plan, Debtors were to file a lien avoidance motion, avoiding a lien with Springleaf Financial, which would resolve Trustee's motion to dismiss. On September 13, 2017, Debtors also filed their lien avoidance motion.

Debtors' motion seeks to avoid a lien in amount of \$3,807. The collateral for this lien is not completely clear. Debtors' declaration states that the security is "household goods and furnishings." Exhibit C of Debtors' motion, titled Personal Property Appraisal Form, seems to indicate that the lien is secured by two televisions, with an aggregate value of \$2,500. The actual Loan Agreement references the Personal

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:30 PM

CONT... Jesse Delgado and Rocio Delgado

Chapter 13

Property Appraisal Form, and it appears that the extent of the collateral is the two televisions.

On October 19, 2017, the Court denied the motion for reasons reflected on the record and in its tentative ruling posted prior to the hearing. Debtors' counsel never lodged an order on the motion. Trustee withdrew his motion to dismiss.

On November 2, 2017, Debtors amended Schedules B & C. On November 22, 2017, Debtors amended Schedule D. On November 28, 2017, Debtors refiled their lien avoidance motion. While the secondary issues noted in the Court's tentative ruling were addressed through the amendment of Debtors' schedules, the main issue was not addressed. Instead, the flaw in the motion was explicitly retained in both the motion and the lodged proposed order. Furthermore, Debtors' counsel did not update the motion's declaration, and the declaration now contradicts the docket.

On December 12, 2017, Trustee filed a motion to dismiss the case for failure to complete the plan within its terms. On December 19, 2017, Debtors filed their opposition to the motion to dismiss.

DISCUSSION

As noted in this Court's previous tentative ruling, 11 U.S.C. § 522(f)(1)(B)(i) states:

(f)(1) Notwithstanding any waiver of exemptions but subject to paragraph (3), the debtor may avoid the fixing of a lien on an interest of the debtor in property to the extent such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is –

(B) a nonpossessory, nonpurchase-money security interest in any –

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:30 PM

CONT... Jesse Delgado and Rocio Delgado

Chapter 13

(i) household furnishings, household goods, wearing apparel, appliances, books, animals, crops, musical instruments, or jewelry that are held primarily for the personal, family, or household of the debtor or dependent of the debtor

And 11 U.S.C. § 522(f)(4)(A)(v) specifically states that the term "household goods," for purposes of § 522(f)(1)(B)(i), is limited to one television. Once again, Debtors' attempt to avoid the lien with respect to multiple televisions appears to be statutorily impermissible.

TENTATIVE RULING

The Court intends to DENY the motion and issue an OSC why attorney Sundee Teeple should not be sanctioned for filing a frivolous motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jesse Delgado

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

Joint Debtor(s):

Rocio Delgado

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:30 PM

CONT... Jesse Delgado and Rocio Delgado

Chapter 13

Movant(s):

Jesse Delgado

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

Rocio Delgado

Represented By

Dale Parham - INACTIVE -

Dale Parham - INACTIVE -

Dale Parham - INACTIVE -

Michael Smith

Michael Smith

Michael Smith

Sundee M Teeple

Sundee M Teeple

Sundee M Teeple

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By

Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:30 PM

6:12-31792 Jesse Delgado and Rocio Delgado

Chapter 13

#2.00 Trustee's Verified Motion to Dismiss Case

Also #1

EH__

Docket 167

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse Delgado

Represented By
Dale Parham - INACTIVE -
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Rocio Delgado

Represented By
Dale Parham - INACTIVE -
Michael Smith
Sundee M Teeple

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:31 PM

6:12-27553 Mary Black-Williams

Chapter 13

#3.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 11/9/17, 1/11/18

EH__

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Black-Williams

Represented By
Marjorie M Johnson

Trustee(s):

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:31 PM

6:12-36522 Jacquelyn Anna Palmer

Chapter 13

#4.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 12/14/17

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacquelyn Anna Palmer

Represented By
Steven A Alpert

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:31 PM

6:12-37244 Niculaie David and Sidonia David

Chapter 13

#5.00 Trustee's Motion to Dismiss Case failure to complete the plan within its terms

EH__

Docket 101

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Niculaie David

Represented By
Marjorie M Johnson

Joint Debtor(s):

Sidonia David

Represented By
Marjorie M Johnson

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#6.00 CONT Status Conference Re: Complaint by Amarillo College of Hairdressing, Inc., against Javier Lopez. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 5/11/17, 6/22/17, 8/17/17, 10/19/17, 11/9/17, 2/1/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/22/18 AT 12:30 P.M. - ANOTHER SUMMONS ISSUED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Javier Lopez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:14-21228 Roy Kenneth Scott and Tashiea Scott

Chapter 13

#7.00 Order to show cause why Sunita Sood should not be sanctioned for materially modifying the mandatory form plan

EH__

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roy Kenneth Scott

Represented By
Sunita N Sood

Joint Debtor(s):

Tashiea Scott

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-17241 Corinthia A. Williams

Chapter 13

#8.00 Motion to Disallow Claims #3

Also #9 & #10

EH__

Docket 22

Tentative Ruling:

2/8/18

BACKGROUND:

On August 29, 2017, Corinthia Williams ("Debtor") filed a Chapter 13 voluntary petition. On October 23, 2017, Debtor's Chapter 13 plan was confirmed.

On December 6, 2017, LVNV Funding, LLC ("LVNV") filed an unsecured claim in the amount of \$1,357.47 ("Claim 3"). The same day LVNV filed a second unsecured claim in the amount of \$910.02 ("Claim 4"). Six days later LVNV filed a third unsecured claim in the amount of \$467.21 ("Claim 5"). On January 5, 2018, Debtor filed claim objections to all three claims.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... **Corinthia A. Williams**

Chapter 13

interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

1. Statute of Limitations-Proof of Claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

11 U.S.C. § 502(b)(1) (2005) states:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured;

CAL. CODE CIV. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

2. Claim 3

Claim 3 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identifies a last transaction date of July 16, 2007. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 3 is unenforceable.

3. Claim 4

Claim 4 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of May 6, 2002. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 4 is unenforceable.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

4. Claim 5

Claim 5 is based on "retail" debt. The claim's supporting documentation suggests that the claim fits within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of February 15, 2008. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 5 is unenforceable.

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED and Claims 3, 4 and 5 are DISALLOWED.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within seven days.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-17241 Corinthia A. Williams

Chapter 13

#9.00 Motion to Disallow Claims #4

Also #8 & #10

EH__

Docket 23

Tentative Ruling:

2/8/18

BACKGROUND:

On August 29, 2017, Corinthia Williams ("Debtor") filed a Chapter 13 voluntary petition. On October 23, 2017, Debtor's Chapter 13 plan was confirmed.

On December 6, 2017, LVNV Funding, LLC ("LVNV") filed an unsecured claim in the amount of \$1,357.47 ("Claim 3"). The same day LVNV filed a second unsecured claim in the amount of \$910.02 ("Claim 4"). Six days later LVNV filed a third unsecured claim in the amount of \$467.21 ("Claim 5"). On January 5, 2018, Debtor filed claim objections to all three claims.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

1. Statute of Limitations-Proof of Claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

11 U.S.C. § 502(b)(1) (2005) states:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured;

CAL. CODE CIV. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

2. Claim 3

Claim 3 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identifies a last transaction date of July 16, 2007. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 3 is unenforceable.

3. Claim 4

Claim 4 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of May 6, 2002. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 4 is unenforceable.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

4. Claim 5

Claim 5 is based on "retail" debt. The claim's supporting documentation suggests that the claim fits within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of February 15, 2008. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 5 is unenforceable.

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED and Claims 3, 4 and 5 are DISALLOWED.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within seven days.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-17241 Corinthia A. Williams

Chapter 13

#10.00 Motion to Disallow Claims #5

Also #8 & #9

EH__

Docket 24

Tentative Ruling:

2/8/18

BACKGROUND:

On August 29, 2017, Corinthia Williams ("Debtor") filed a Chapter 13 voluntary petition. On October 23, 2017, Debtor's Chapter 13 plan was confirmed.

On December 6, 2017, LVNV Funding, LLC ("LVNV") filed an unsecured claim in the amount of \$1,357.47 ("Claim 3"). The same day LVNV filed a second unsecured claim in the amount of \$910.02 ("Claim 4"). Six days later LVNV filed a third unsecured claim in the amount of \$467.21 ("Claim 5"). On January 5, 2018, Debtor filed claim objections to all three claims.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... **Corinthia A. Williams**

Chapter 13

interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

1. Statute of Limitations-Proof of Claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

11 U.S.C. § 502(b)(1) (2005) states:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured;

CAL. CODE CIV. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

2. Claim 3

Claim 3 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identifies a last transaction date of July 16, 2007. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 3 is unenforceable.

3. Claim 4

Claim 4 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of May 6, 2002. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 4 is unenforceable.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... Corinthia A. Williams

Chapter 13

4. Claim 5

Claim 5 is based on "retail" debt. The claim's supporting documentation suggests that the claim fits within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of February 15, 2008. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 5 is unenforceable.

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED and Claims 3, 4 and 5 are DISALLOWED.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within seven days.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-19661 Edward James Singelyn

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward James Singelyn

Represented By
Bruce Babcock

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-19719 Frank J Cordova

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank J Cordova

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-19722 Daniel Verduzco

Chapter 13

#13.00 CONT Motion to Avoid Junior Lien with FCI Lender Services, 2005 Residential Trust 3-2, Countrywide Bank FSB

HOLDING DATE

From: 1/4/18

Also #14

EH__

Docket 14

Tentative Ruling:

01/04/2018

Summary of the Motion:

Notice: Proper

Opposition: Yes

Address: 24420 Robie Ct in Moreno Valley, CA 92551

First trust deed: \$277,791.30 with Bank of America

Second trust deed (to be avoided): \$115,756.89 with 2005 Residential Trust 3-2 ("Creditor")

Fair market value: \$270,000 (Appraisal)

TENTATIVE

Creditor by its opposition requests a continuance of at least 30 days to obtain a verified appraisal of the Property.

Debtor argues that because the Motion must be filed and heard prior to confirmation of the chapter 13 plan, a continuance of the Motion cannot be granted. However, the Debtor presumes that the plan will be confirmed on January 4, 2018. It is common practice to permit secured creditors an opportunity to obtain an appraisal prior to ruling on a motion to avoid junior lien. Debtor provides no authority for the proposition that such a continuance would be unjustified in circumstances such as these nor has the Debtor articulated any legal prejudice that would result from the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

CONT... **Daniel Verduzco**
continuance.

Chapter 13

In sum, the Court finds no merit in the Debtor's reply. A continuance of the Motion for the appraisal is warranted.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Movant(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-19722 Daniel Verduzco

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

Also #13

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-19853 Diego Lopez

Chapter 13

#15.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diego Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-20019 Frank Prouty

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-20037 Misti Gory

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/27/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Misti Gory

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-20055 Laquance Denise Mejia

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laquance Denise Mejia

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-20114 Frank Garcia and Susan Garcia

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Garcia

Represented By
Paul Y Lee

Joint Debtor(s):

Susan Garcia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-20117 Tiffany Venice Turner

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tiffany Venice Turner

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:32 PM

6:17-20121 Agustin Napolion Joya and Dora Maria Joya

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agustin Napolion Joya

Represented By
Daniel King

Joint Debtor(s):

Dora Maria Joya

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

6:13-21894 Francisco Javier Medina and Maria Guadalupe Medina

Chapter 13

#22.00 CONT Trustee's Motion to Dismiss Case

From: 2/1/18

EH__

Docket 142

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Medina

Represented By
Tamar Terzian

Joint Debtor(s):

Maria Guadalupe Medina

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

6:14-25360 William Meineke and Kathie Meineke

Chapter 13

#23.00 Motion to Dismiss for Failure to Make Plan Payments

EH__

Docket 71

Tentative Ruling:

2/8/18

BACKGROUND

On December, 2014, William & Kathie Meineke ("Debtors") filed a Chapter 13 voluntary petition. On February 9, 2015, Debtors' Chapter 13 plan was confirmed. The mandatory Chapter 13 form plan contains a provision (Section V.H) which states: "The Debtor will pay timely all postconfirmation tax liabilities directly to the appropriate taxing authorities as they become due."

Since confirmation the Trustee has filed five motions to dismiss, all of which were ultimately resolved. Additionally, the Chapter 13 plan has been modified twice. On January 10, 2018, the California Franchise Tax Board ("CFTB") filed a motion to dismiss or convert to Chapter 7 on the basis that Debtors had not paid their postconfirmation taxes. The Court notes that the motion was served on Debtors' attorney, but was not served on Debtors.

DISCUSSION

The Court will continue the matter for CFTB to serve the motion on Debtors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

CONT... William Meineke and Kathie Meineke

Chapter 13

Regarding the merits, the Court notes that 11 U.S.C. § 1307(c)(6) provides for dismissal or conversion for cause, which is defined to include "material default by the debtor with respect to a term of a confirmed plan." Here, the Court notes that Debtors' confirmed plan provided that all postconfirmation tax liabilities were to be timely paid. CFTB has provided evidence that Debtors' have yet to satisfy their 2014, 2015 and 2016 tax liabilities which constitutes a material default satisfying § 1307(c)(6). Because Debtors do not appear to have meaningful unencumbered, unexempt assets, this Court would be inclined to dismiss the case rather than convert it to Chapter 7.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter to March 8, 2017 at 12:30 p.m. for proper service of the motion on Debtors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Movant(s):

FRANCHISE TAX BOARD

Represented By
Suman Mathews

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

CONT... William Meineke and Kathie Meineke

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

6:16-10066 Saul Lara Sanchez

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Saul Lara Sanchez

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

6:16-18248 Juan Jose Franco

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 76

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Franco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

6:16-21181 Luis Fernando Buenrostro

Chapter 13

#26.00 CONT Trustee's Motion to Dismiss Case

From: 1/18/18, 2/1/18

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Fernando Buenrostro

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

12:33 PM

6:17-15604 Mandy Catron

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mandy Catron

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

1:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#28.00 CONT Motion to Use Cash Collateral

Advanced From: 2/13/18

EH__

Docket 6

Tentative Ruling:

2/8/18

BACKGROUND

On January 26, 2018, Markus Boyd ("Debtor") filed a Chapter 11 voluntary petition. On January 30, 2018, Debtor filed various "first-day motions": (1) motion to set budget for interim use of estate property; (2) motion for continuation of utility service; (3) motion to employ counsel; and (4) motion to use cash collateral. Regarding the latter, an application shortening time was filed, and, on February 1, 2018, the Court set a hearing for February 8, 2018 at 1:00 p.m.

DISCUSSION

11 U.S.C. § 363(a) defines cash collateral as:

cash, negotiable instruments, documents of title, securities, deposit accounts, or other cash equivalents whenever acquired in which the estate and an entity other than the estate have an interest and includes the proceeds, products,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

1:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

offspring, rents, or profits of property and the fees, charges, accounts or other payments for the use or occupancy of rooms and other public facilities in hotels, motels, or other lodging properties subject to a security interest as provided in section 552(b) of this title, whether existing before or after the commencement of a case under this title.

11 U.S.C. § 363(b) provides for the use, sale, or lease of property of the estate outside of the ordinary course of business after notice and a hearing. Here, the cash collateral at issue appears to be \$600 month in rental income generated by Debtor from renting his guest house to his father. Debtor also asserts that there is significant equity in the real property. Given the equity in the property, the small value of the cash collateral at issue, the lack of any opposition, and the fact that Debtor proposes to make regular monthly payments to two of the three secured creditors (Debtor disputes the validity of the third creditor's claim), the Court finds use of cash collateral on an interim basis to be warranted.

TENTATIVE RULING

The Court is inclined to GRANT the motion. Counsel to discuss requested length of use of cash collateral.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 8, 2018

Hearing Room 303

1:00 PM

CONT...

Markus Anthony Boyd

Nicholas W Gebelt

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#1.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14785 Alba Way Moreno Valley, CA 92553

MOVANT: LEONEL VILLA & LUCILA PINEDA

EH__

Docket 8

Tentative Ruling:

02/13/2018

The prior case was dismissed on recommendation of the chapter 13 trustee because the Debtors failed to appear at the 341(a) meeting of creditors, failed to tender the November plan payment, and failed to account for the postpetition mortgage payment for November.

At the confirmation hearing on November 16, 2017, the Debtor's appearance counsel indicated that the Debtors had to travel to Mexico for a family emergency. The Debtor's declaration in support of the Motion reiterates this assertion. However, the attached booking confirmation indicates a return trip on Tuesday, November 7, 2017 (over a week prior to the 341(a) meeting of creditors held on November 16, 2017). This discrepancy is not explained by the Debtors. Nor did the Debtors address the failure to tender a November plan payment or to account for their November 2017 mortgage payment – which were two other bases for dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Leonel Villa

Represented By
Luis G Torres

Joint Debtor(s):

Lucila Pineda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT... Leonel Villa and Lucila Pineda

Chapter 13

Luis G Torres

Movant(s):

Leonel Villa

Represented By
Luis G Torres
Luis G Torres
Luis G Torres

Lucila Pineda

Represented By
Luis G Torres
Luis G Torres
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:17-20475 Inez Verdugo

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 FLHR Road King

MOVANT: LBS FINANCIAL CREDIT UNION

EH__

Docket 8

Tentative Ruling:

02/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Inez Verdugo

Represented By
M Wayne Tucker

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:17-17910 Harry Rhee

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43928 Brookhaven Ct., Temecula, CA 92592

MOVANT: BAYVIEW LOAN SERVICING LLC

EH__

Docket 9

Tentative Ruling:

02/13/2018

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay and GRANT authority to offer loan workout options under ¶3 of the prayer for relief.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Harry Rhee

Pro Se

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:17-13804 John P Morris and Cassandra M Morris

Chapter 13

#4.00 CONT Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Mazda 5

MOVANT: JP MORGAN CHASE BANK NA

From: 1/9/18

EH__

Docket 36

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John P Morris

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Cassandra M Morris

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT...

John P Morris and Cassandra M Morris

Jamie D Hanawalt

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:17-13608 Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8893 Orange Street, Rancho Cucamonga, California 91701

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 23

Tentative Ruling:

02/13/2018
Service: Proper
Opposition: Yes

Subject to discussions re adequate protection, the Court's tentative is to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay, GRANT authority to offer loan workout options pursuant to ¶3 of prayer for relief and GRANT relief from the co-debtor stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Warren Alan Hall

Represented By
Lionel E Giron

Joint Debtor(s):

Kelly Suzanne Hall

Represented By
Lionel E Giron

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT... Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

Movant(s):

U.S. Bank National Association, as

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:17-13394 Howard Edward Terrell, Jr.

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 944 Randall Ranch Road, Corona, CA 92881

MOVANT: BAYVIEW LOAN SERVICING LLC

EH__

Docket 22

***** VACATED *** REASON: CASE DISMISSED 1/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Howard Edward Terrell Jr.

Represented By
Paul Horn

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:17-11657 Victor Balvaneda

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Nissan Sentra, VIN # 3N1AB7AP5DL664132

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

Docket 53

Tentative Ruling:

02/13/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Victor Balvaneda

Represented By
John F Brady

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

Trustee(s):

John P Pringle (TR)

Represented By
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:16-20056 Todd Christopher Tyrrell and Kelly Jean Tyrrell

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15366 Cayuse CT, Riverside, California 92506-5794

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 63

Tentative Ruling:

02/13/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(4). Court finds that bankruptcy case was part of a scheme to hinder, delay and defraud creditor based on multiple bankruptcy filings affecting this property. The Court finds bad faith as to the Debtor. GRANT waiver of 4001(a)(3) stay. GRANT pursuant to ¶¶ 3 and 12.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Todd Christopher Tyrrell

Represented By
Matthew Abbasi

Joint Debtor(s):

Kelly Jean Tyrrell

Represented By
Matthew Abbasi

Movant(s):

WELLS FARGO BANK, N.A., AS

Represented By
Mark D Estle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT... Todd Christopher Tyrrell and Kelly Jean Tyrrell

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
D Edward Hays
Chad V Haes
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:16-14287 Brent Duane Larson and Sarah Marnet Larson

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 32504 Bergamo Court, Temecula, California 92592

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 67

Tentative Ruling:

02/13/2018
Service: Proper
Opposition: Yes

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay and GRANT request for relief under ¶3.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Brent Duane Larson

Represented By
Carey C Pickford

Joint Debtor(s):

Sarah Marnet Larson

Represented By
Carey C Pickford

Movant(s):

U.S. BANK, NATIONAL

Represented By
April Harriott
Shreena Augustin
Seth Greenhill

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT... Brent Duane Larson and Sarah Marnet Larson
Keith Labell
Sean C Ferry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:16-14084 Martin Linares and Elvia Linares

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Kia Optima, VIN: KNAGM4A78C5273567

MOVANT: CARMAX BUSINESS SERVICES LLC

EH__

Docket 65

Tentative Ruling:

02/13/2018

Service is Proper

Opposition: Yes

Subject to discussions regarding adequate protection, the Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT request for relief from the co-debtor stay and GRANT waiver of 4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Martin Linares

Represented By
Craig K Streed
Sundee M Teeple

Joint Debtor(s):

Elvia Linares

Represented By
Craig K Streed
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT... Martin Linares and Elvia Linares

Chapter 13

Movant(s):

Carmax Business Services LLC

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:16-13233 Sherry Ann Beardsley

Chapter 13

#11.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1041 W 27th St, San Bernardino, CA 92405-3121

MOVANT: WELLS FARGO BANK NA

From: 1/9/18, 1/23/18

EH__

Docket 53

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Movant to confirm that arrears have been cured.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sherry Ann Beardsley

Represented By
Jeffrey D Larkin

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Mark D Estle
Bruce E Brown
Beverly Lorraine Evans
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

CONT... Sherry Ann Beardsley

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

10:00 AM

6:16-10066 Saul Lara Sanchez

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1412 W Arrow HWY, Upland, CA 91786

MOVANT: CAM XII TRUST

EH__

Docket 52

***** VACATED *** REASON: ORDER ENTERED 2/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Saul Lara Sanchez

Represented By
Brian J Soo-Hoo

Movant(s):

CAM XII TRUST, its successors

Represented By
Reilly D Wilkinson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

11:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#13.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 2/6/18

EH__

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#14.00 Motion to Use Cash Collateral

EH__

Docket 6

***** VACATED *** REASON: ADVANCED TO 2/8/18 AT 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#15.00 CONT Emergency Motion for Approval of Stipulations Regarding Debtor's Use of Cash Collateral

From: 10/5/17, 11/14/17

Also #16 & #17

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

Movant(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#16.00 CONT Motion for approval of chapter 11 disclosure statement

From: 1/30/18

Also #15 & #17

EH__

Docket 82

Tentative Ruling:

02/13/2018

Background

On August 25, 2017, Rick's Patio, Inc. ("Debtor") filed its petition for chapter 11 relief. The Debtor is a California corporation, engaged in the business of selling new and used hot tubs (spas) and related supplies. The Debtor has designated itself as a small business under 11 U.S.C. § 101(51C).

On January 30, 2018, the Court granted the Debtor's request for an extension of time to have its plan of reorganization confirmed such that a hearing on the Debtor's disclosure statement could take place prior to the confirmation hearing. The Debtor's disclosure statement ("Disclosure Statement") and plan ("Plan") were filed on December 26, 2017.

Related Documents:

- Motion to Approve Disclosure Statement (Doc. #82);
- Disclosure Statement (Doc. #83); and
- Chapter 11 Plan (Doc. #89) (amended to include original signatures);

Standard

Before a disclosure statement may be approved after notice and a hearing, the court must find that the proposed disclosure statement contains "adequate information" to solicit acceptance or rejection of a proposed plan of reorganization.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

CONT... **Ricks Patio, Inc**

Chapter 11

11 U.S.C. § 1125(b).

"Adequate information" means information of a kind, and in sufficient detail, so far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that would enable a hypothetical reasonable investor typical of the holders of claims against the estate to make a decision on the proposed plan of reorganization. 11 U.S.C. § 1125(a).

There is no set list of required elements to provide adequate information per se. A case may arise where previously enumerated factors are not sufficient to provide adequate information. Conversely, a case may arise where previously enumerated factors are not required to provide adequate information. *In re Metrocraft Pub. Services, Inc.*, 39 B.R. 567 (Bankr. N.D.Ga. 1984). "Adequate information" is a flexible concept that permits the degree of disclosure to be tailored to the particular situation, but there is an irreducible minimum, particularly as to how the plan will be implemented. *In re Michelson*, 141 B.R. 715, 718-19 (Bankr. E.D.Cal. 1992).

Courts have developed lists of relevant factors for the determination of adequate disclosure. *See, e.g., In re A.C. Williams Co.*, 25 B.R. 173, 176 (Bankr. N.D. Ohio 1982), *In re Ferretti*, 128 B.R. 16, 18-19 (Bankr. D.N.H. 1991), *In re Malek*, 10 C.B.C.2d 189, 35 B.R. 443, 443-44 (Bankr. E.D. Mich. 1983), *In re Metrocraft*, 39 B.R. 567, 568 (Bankr. N.D.Ga. 1984), *In re Scioto Valley Mortgage Co.*, 88 B.R. 168, 170-71 (Bankr. S.D. Ohio 1988), *In re U.S. Brass Corp.*, 194 B.R. 420, 424-25 (Bankr. E.D. Tex. 1996).

This Court should determine what factors are relevant and required in light of the facts and circumstances surrounding each particular case. *In re East Redley Corp.*, 16 B.R. 429 (Bankr. E.D.Pa. 1982).

Plan Summary

- I. Effective Date: 90 days after entry of the confirmation order
- II. Administrative Claims
 - a. Rosenstein & Associates (BK Counsel): \$30,000 (Paid in full on Effective Date)
 - b. Shafer & MacRae (Accounting Services): \$5,000
 - c. Debtor's projections indicate they will have enough funds to cover the Administrative Claims on the Effective Date
- III. Priority Claims

Description	Amount Owed	Treatment
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

CONT... **Ricks Patio, Inc**

Chapter 11

State of California	Unknown. Debtor is currently Subject to an audit but disputes Any net liability	Paid in full by August 25, 2022
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IV. Secured Claims

Description	Amount Owed	Treatment
Class 1: Wells Fargo Comm. Distribution Finance LLC	Secured Claim: \$773,050.60 Unimpaired	Unclear
Class 2: First Home Bank	Secured Claim: \$257,858.19 Unimpaired	Unclear

V. Unsecured Claims

Description	Amount Owed	Treatment
Class 3: General Unsecured Claims	Total Claims: \$1,590,337.12 Impaired	Paid in full within 72 months of Effective Date Unclear

VI. Equity (Class 4)

Will be left unaffected by the Plan

Liquidation Analysis

Debtor asserts that the Plan will pay 100% to all classes under the Plan terms but asserts that only the First and Second liendholders would receive any value under a liquidation (sale of the Debtor's inventory)

Feasibility

The Disclosure Statement is not sufficiently clear regarding the payments to secured creditors. For both Wells Fargo and First Home Bank, the DS and Plan indicate that the claims will be paid in accordance with the agreements with these respective

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

CONT... **Ricks Patio, Inc**

Chapter 11

lenders. However, without a summary explanation of how these lenders agreements provide for payments, an investor would have difficulty understanding how large the payments are in proportion to the sales receipts such that an investor can gauge the Debtor's profitability. Additionally, there is no indication of the intervals, and amount of payments that will be made to GUCs (only that they will be paid over a 72 month period, e.g. will they be paid quarterly or monthly?)

Other issues of note:

- It appears that the Debtor seeks to avoid the junior liens via the plan. However, avoidance of liens without a motion or adversary has resulted in litigation by junior secured creditors in other cases arguing that their lien has ridden through the bankruptcy. The Court will require, at a minimum, separate notice of avoidance.
- Also, if junior liens will be paid with unsecured claimants in Class 3, then why do the financial projections show ongoing payments to SBA and FAF Loans? (are those the WF and FH loans?)
- The description of risk factors is woefully inadequate. The Debtor provides no market analysis at all. Relatedly, the pre-bankruptcy events which prompted the filing are not adequately explained. The Debtor indicates that bankruptcy was prompted by entry into "several large financing agreements" with payments that could no longer be maintained. However, the Debtor does not explain what prompted it to borrow money. Were there market forces that weakened demand, for example, such that the Debtor borrowed money and what are the risks of a dip in demand in the future? Other risk factors might include explanation of the consistency of the demand for spa equipment overall, or explanation of whether the sale of spas is a particularly competitive market, etc.
- The Debtor should also provide a monthly cash flow analysis.

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

Movant(s):

Ricks Patio, Inc

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

CONT...

Ricks Patio, Inc

Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 13, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#17.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 9/26/17, 11/14/17

Also #15 & #16

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:11-12917 Brad Stoddard and Deborah Ann Stoddard

Chapter 13

**#1.00 CONT Order to Show Cause Hearing Why Matthew Resnik, Brad and Deborah Stoddard should not be sanctioned
(Holding date)**

From: 8/31/17, 10/2/17, 10/18/17, 11/15/17, 12/20/17, 1/24/18

EH__

Docket 110

Tentative Ruling:

01/24/2018

The Court having received informal notice of a pending settlement between the parties, the hearing on this matter shall be continued to February 14, 2018, at 11:00 a.m. for the parties to finalize an agreement. Should the matter be resolved prior to the continued hearing, the February 14 hearing shall come off calendar.

APPEARANCES WAIVED. Telephonic appearances are authorized for the February 14, 2018, continued hearing.

10/18/17

BACKGROUND

On January 28, 2011, Brad & Deborah Stoddard ("Debtors") filed a Chapter 13 voluntary petition. On May 24, 2011, Debtors' Chapter 13 plan was confirmed. The plan contained the following provision, section V.F.: "The debt of American Education Services will be discharged; the school has been stripped of accreditation and is on probation." On December 5, 2016, Debtors received a discharge, and, on January 13, 2017, the case was closed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

On May 11, 2017, Debtors filed a motion for an order to show cause why creditor American Educational Services ("AES") should not be held in contempt court, and for damages and attorney's fees, for intentionally violating the discharge injunction. Because of inadequate service, the motion was originally denied without prejudice, and Debtors refiled the motion on June 1, 2017. AES filed its opposition on June 8, 2017. At a hearing on the matter on July 27, 2017, the Court continued the matter to October 2, 2017.

On July 31, 2017, the Court issued its Order to Show Cause why Matthew Resnik ("Resnik"), Brad Stoddard, and Deborah Stoddard should not be sanctioned for including a prohibited provision in a Chapter 13 plan (the "OSC"). Debtors filed their opposition on August 14, 2017. Resnik filed his opposition on August 17, 2017. AES filed its reply on August 24, 2017. Resnick filed supplemental responses on September 21 and 22, 2017.

DISCUSSION

I. Introduction

The OSC is issued in light of, and accordance with, the Supreme Court's decision in *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260 (2010). In *Espinosa*, the bankruptcy court had confirmed a Chapter 13 plan which purported to discharge student loan debt without complying with the applicable procedural requirements. After intercepting debtor's income tax refund to use towards payment of student loans, the creditor argued that the bankruptcy court's order confirming the debtor's Chapter 13 plan should be declared void. The Supreme Court held that, absent a jurisdictional or due process violation (which was not present) the bankruptcy court's legal error in confirming the Chapter 13 plan with a provision that impermissibly discharged student loan debt, did not render the order void. At the conclusion of its opinion, the Supreme Court opined:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

We acknowledge the potential for bad-faith litigation tactics. But expanding the availability of relief under Rule 60(b)(4) is not an appropriate prophylaxis. As we stated in *Taylor v. Freeland & Kronz*, 503 U.S. 638 (1992), "debtors and their attorneys face penalties under various provisions for engaging in improper conduct in bankruptcy proceedings." *Id.* at 644; *see also* FED. R. BANKR. P. Rule 9011. The specter of such penalties should deter bad-faith attempts to discharge student loan debt without the undue hardship finding Congress required.

Espinosa, 559 U.S. at 278. Here, the Court is tasked with interpreting and implementing the guidance provided by the Supreme Court in *Espinosa*.

Debtors and Resnick have filed separate responses to the Court's OSC. Debtors have raised five arguments in their opposition: (1) that the Court already found that the plan was filed in good faith; (2) that the plan must be given *res judicata* effect; (3) that the Court is exceeding its discretionary sanctioning authority; (4) that the OSC is an illegal *ex post facto* law; and (5) that FED. R. BANKR. P. Rule 9011 is inapplicable. Resnick offers the following categories of arguments in his opposition: (1) use of the Court's inherent sanctioning authority is inappropriate here; (2) Rule 9011 sanctions require a contempt finding; (3) Section 105 is inapplicable; and (4) the plan provision at issue is not prohibited. The Court will analyze the respondents' arguments separately.

II. Debtors' Opposition

A. The Court's Good Faith Finding

11 U.S.C. § 1325(a)(3) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

- (a) Except as provided in subsection (b), the court shall confirm a plan if –
- (3) the plan has been proposed in good faith and not by any means forbidden by law

Debtors argue that: "[i]t necessarily follows [from § 1325(a)(3)] that the Court has already made an express finding that the Plan was filed in good faith." This result does not necessarily follow from the language of the statute. The plain language of § 1325(a) operates to eliminate the discretion of the court if the court finds that the debtor has satisfied the nine subsections of § 1325(a); the provision does not state the consequences of a finding that some, but not all, of the § 1325(a) subsections have been satisfied. As is stated by the leading bankruptcy treatise:

The standards set forth in section 1325(a), however, are not requirements that must be met in every case before a plan can be confirmed. Unlike section 1322(a), section 1325(a) does not state that "the plan shall" comply with its listed criteria. Nor does it state, as does section 1129(a), that the court shall confirm the plan *only if* certain requirements are met. Instead it states only that if its criteria are met the court must confirm the plan. Therefore, the court has discretion to confirm a plan that does not comply with all of the standards of section 1325(a), particularly if no party objects.

8 COLLIER ON BANKRUPTCY ¶ 1325.01 (16th ed. 2016) (footnotes omitted).

Despite the plain language of the statute, the Ninth Circuit Court of Appeals, without any independent analysis, and relying on an out of circuit bankruptcy court decision, has determined that the requirements of § 1325(a) are mandatory for Chapter 13 plan confirmation. *See In Chinichian*, 784 F.2d 1440, 1443-44 (9th Cir. 1986) ("For a court to confirm a plan, each of the requirements of section 1325 must be present and the debtor has the burden of proving that each element has been met.") (*citing In re Elkind*, 11 B.R. 473, 476 (Bankr. D. Colo. 1981)). While it remains unclear from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... **Brad Stoddard and Deborah Ann Stoddard**

Chapter 13

where the mandatory characterization of § 1325(a) arose, a variety of courts have, in passing, assumed that the § 1325(a) standards are mandatory for plan confirmation. *See, e.g., Assocs. Comm. Corp. v. Rash*, 520 U.S. 953, 956 (1997) ("To qualify for confirmation under Chapter 13, the Rash's plan had to satisfy the requirements set forth in § 1325(a) of the Code."); *Shaw v. Aurgroup Fin. Credit Union*, 552 F.3d 447, 459 (6th Cir. 2009) ("Numerous district and bankruptcy courts outside the Fifth, Ninth, Tenth, and Eleventh Circuits, including courts within this circuit, have also held, suggested, or assumed that the provision in § 1325(a) are mandatory.") (collecting cases). *But see In re Szostek*, 886 F.2d 1405, 1411 (3rd Cir. 1989) ("On the other hand, if the conditions of § 1325 are not met, although the requirements of § 1322 are fulfilled, the court has the discretion to confirm the plan. If Congress had intended for § 1325(a) to be mandatory, it could have included that requirement with the requirements already listed in § 1322); *see also Matter of Escobedo*, 28 F.3d 34, 34 (7th Cir. 1994) ("We note, however, as did the court in *Szostek*, that while the provisions of § 1325(a)(5) may be discretionary[,] the requirements of § 1322(a)(2) are mandatory.). Indeed, even *Espinosa* appears to implicitly assume that the § 1325(a) requirements are mandatory. *See* 559 U.S. 260, 277 ("That is because § 1325(a) instructs a bankruptcy court to confirm a plan *only* if the court finds, *inter alia*, that the plan complies with the 'applicable provisions' of the Code.") (emphasis added). Therefore, it would appear that binding case law suggests that the § 1325(a) requirements, including good faith, are mandatory requirements for confirmation.

B. Res Judicata

While the Court accepts Debtors' argument that, by confirming their Chapter 13 plan, the Court implicitly found that the plan was filed in good faith, the Court rejects Debtors' argument that that finding is *res judicata* with regard to the Court. 11 U.S.C. § 1327(a) states: "The provisions of a confirmed plan bind the debtor and each creditor, whether or not the claim of such creditor is provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan." The Court is not a creditor and Debtors have advanced no argument as to how § 1327(a) would prevent the Court from revisiting its finding of good faith. In fact, the Ninth Circuit Court of Appeals opinion that concluded the § 1325(a) requirements were mandatory stated the following: "Because section 1325(a)(3) of Title 11 requires the Chinichians to propose their plan in good faith, the bankruptcy court has jurisdiction to revoke a plan if the plan was not filed in good faith." *In re Chinichian*, 784 F.2d 1440, 1442 (9th Cir. 1986). The Ninth Circuit's further comments indicate

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

that it believed such powers were expansive:

The Chinichians argue, however, that because section 1330 is a specific statute it should govern the more general section 105. The *Mancari* rationale that a specific statute cannot be nullified by a more general one is only applicable where a conflict exists.

Section 1330 provides a method of revoking a confirmation order "on request of a party in interest." While it does not specifically authorize such a revocation by the court sua sponte, it does not prohibit such action. Section 105 constitutes authority for the court to issue any order necessary to carry out the provisions of the Code. That reservoir of power in no manner conflicts with the authority to act upon the request of an interested party, but constitutes a supplemental method of revocation in the event of fraud. It would be absurd to hold that the bankruptcy court is powerless to correct a fraud unless first requested by an interested party, and that is not what section 1330 provides.

Section 105 sets out the power of the bankruptcy court to fashion orders as necessary pursuant to the purposes of the Bankruptcy Code.

Further, a bankruptcy court is a court of equity. As a court of equity, it may look through form to the substance of a transaction and devise new remedies where those at law are inadequate. Further, it can modify or vacate its order so long as no intervening right has become vested in reliance thereon. Thus, the bankruptcy court had equitable power to revoke its order partially confirming the Chinichians' plan once it recognized the Chinichians did not file their plan in good faith as required by section 1325(a)(3).

Id. at 1442-43 (citations omitted).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

Debtors' argument that § 1327 operates to prevent the Court from modifying its implicit good faith finding when confirming the plan lacks merit. The statute states that the terms of the provisions of a confirmed plan are binding on the debtor and creditors. The Court is not a creditor or a debtor nor is the Court's good faith finding a provision of a confirmed plan. Nor does *res judicata* prevent a court from revoking or amending its own order. Such a principle would eliminate the ability to revoke or modify a judgment altogether, rendering obsolete FED. R. CIV. P. Rules 59 & 60, in addition to many others legal provisions. Debtors' argument that the Court is bound by its own previous finding due to *res judicata* is not compelling.

C. The Court Lacks Authority to Issue Sanctions

Debtors' argument that the Court lacks authority to issue sanctions can be summarized in the following: (1) the Court is precluded from finding that the plan was proposed in bad faith due to *res judicata*; and (2) the Court must find that the plan was proposed in bad faith for sanctions to be warranted. Because the Court rejects (1), as outlined above, Debtors' argument must fail.

D. The OSC is an "Illegal Ex Post Facto Law"

In their fourth argument, Debtors argue that this OSC is an *ex post facto* law. As noted by Debtors, Art. 1 §§ 9 & 10 of the Constitution prohibit *ex post facto* laws. Article 1 of the Constitution deals with the legislative branch – the branch of the government that makes laws. The Judicial Branch does not make laws. Debtors' argument that a court order is an *ex post facto* law is therefore, necessarily, invalid.

E. Rule 9011 is Inapplicable

FED. R. BANKR. P. Rule 9011(b)(2) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

By presenting to the court (whether by signing, filing, submitting, or later advocating) a petition, pleading, written motion, or other paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, --

(2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law

FED. R. BANKR. P. Rule 9011(c)(1)(B) states: "[O]n its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why it has not violated subdivision (b) with respect thereto."

Debtors' nine subsection argument why FED. R. BANKR. P. Rule 9011 is inapplicable is rather chaotic and disorganized. Regardless, the Court acknowledges that, as to Debtors, Rule 9011 sanctions are inapplicable due to the operation of Rule 9011(c)(2) (A). Therefore, the Court agrees that Rule 9011 cannot operate as the source of sanctions against Debtors.

III. Resnick's Opposition

A. Inherent Sanctioning Authority

The Supreme Court has stated: "it is firmly established that the power to punish for contempts is inherent in all courts." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991) (quoting *Ex parte Robinson*, 19 Wall. 505, 510 (1874)); see also *Fink v. Gomez*, 239

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... **Brad Stoddard and Deborah Ann Stoddard**

Chapter 13

F.3d 989, 992 (9th Cir. 2001) ("[T]he district court has the inherent authority to impose sanctions for bad faith, which includes a broad range of willful improper conduct."). The Ninth Circuit has stated: "*Itel* teaches that sanctions are justified when a party acts *for an improper purpose* – even if the act consists of making a truthful statement or a non-frivolous argument or objection. *Fink*, 239 F.3d at 922; *see also In re Dyer*, 322 F.3d 1178, 1196 (9th Cir. 2003) (discussing bad faith and willful misconduct).

Nevertheless, as Resnick states: "when there is bad-faith conduct in the course of litigation that could be adequately sanctioned under the Rules, the court ordinarily should rely on the Rules rather than the inherent power." *Chambers*, 501 U.S. at 50. Because the Court believes that the existing framework provides an adequate basis for sanctions in this type of situation, the Court need not rely on its inherent sanctioning authority.

B. Rule 9011

When imposing sanctions, *sua sponte*, under FED. R. BANKR. P. Rule 9011, "sanctions 'will ordinarily be imposed only in situations that are *akin to a contempt of court*.'" *United Nat'l Ins. Co. v. R&D Latex Corp.*, 242 F.3d 1102, 1116 (9th Cir. 2001) (*citing Barber v. Miller*, 146 F.3d 707, 711 (9th Cir. 1998); *see also* FED. R. CIV. P. Rule 11, Advisory Committee Notes ("Since show cause orders will ordinarily be issued only in situations that are akin to a contempt of court, the rule does not provide a 'safe harbor' to a litigant for withdrawing a claim, defense, etc., after a show cause has been issued on the court's own initiative.")). "[P]rior to imposing court-initiated sanctions, the district court is required to determine whether counsel's conduct is 'akin to contempt.'" *Gonzalez v. Texaco Inc.*, 344 Fed. Appx. 304, 308 (9th Cir. 2009) (*quoting R&D Latex Corp.*, 242 F.3d 1102, 1118)).

In this situation, the Court defers to Bankruptcy Judge TeSelle:

At the hearing on the motions to dismiss conducted by the Court in these cases

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT...

Brad Stoddard and Deborah Ann Stoddard

Chapter 13

on May 2, 2000, it was clear to the Court that debtors' counsel included these plan provisions in the hope that they would trap an unwary student loan creditor. If a plan containing a student loan discharge provision is confirmed, debtors and their counsel argue that the student loan obligation is discharged under the theory of *res judicata*, improperly relying on a skewed interpretation of the opinion of the Tenth Circuit Court of Appeals in *In re Andersen*, 179 F.3d 1253 (10th Cir. 1999) to support their position. If an objection to confirmation is raised by either the Trustee or the student loan creditor, the offending language is simply removed from the plan, and debtors are no worse off for their attempt. The Court will not permit this type of gamesmanship on the part of debtors and their counsel to continue. Conduct such as this has no place in the practice of bankruptcy law, and will not be tolerated by this Court.

The citation of the opinion of the Tenth Circuit in *Andersen, supra*, as authority for the practice of intentionally inserting language in a chapter 13 plan that violates the Bankruptcy Code and Rules, and as authorizing counsel to stand by silently and thereby induce the Court to confirm a plan that contains a provision that counsel knows violates the Bankruptcy Code and Rules, is at once offensive and specious. Counsel appearing before this Court are officers of the Court and are ethically obligated to inform the Court if they are aware of the existence of a plan provision that renders the plan non-confirmable.

Rather than recognizing their obligations to the Court and to opposing counsel, counsel for debtors in these cases go so far as to suggest that they are compelled by *Andersen* to recommend that their clients include these unlawful plan provisions, implying that their failure to do so might be an act of professional negligence. The Court does not believe that a fair reading of the opinion of the Tenth Circuit in *Andersen* can reasonably lead one to conclude that the Tenth Circuit intended to encourage the practice of intentionally inserting unlawful plan provisions in the hope that confirmation of the plan will occur and the time for appeal will pass before such provisions are noticed so that debtors and their counsel can then claim *res judicata*. Such a skewed reading of *Andersen* fails to account for the ethical obligations owed by members of the bar to the Court and to each other.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT...

Brad Stoddard and Deborah Ann Stoddard

Chapter 13

This is particularly true given the volume of chapter 13 filings in this district, and the fact that the Court does not have the time to independently review every chapter 13 plan and confirmation order to determine whether an attempt to unlawfully discharge a student loan obligation is being made. Because the Court has apparently been unable to rely on the ethical conduct of some of the counsel representing chapter 13 debtors appearing before it, the Court, up to his point in time, has been forced to rely on a party in interest other than the debtor to point out those instances in which such student loan discharges have been attempted through plan provisions. Where the Court has become aware of such attempts, either through objections by the student loan creditor or through the inclusion of such a provision in the order confirming the chapter 13 plan, the Court has refused to confirm the plan containing such language, and has stricken language from confirmation orders attempting to effect a discharge of student loan indebtedness in this manner.

...

In light of the existing case law concerning the impropriety of the inclusion of such student loan discharge provisions in chapter 13 plans, and the unambiguous language of the Bankruptcy Code and Rules, the Court believes that the inclusion of such a provision in a chapter 13 plan and/or order confirming a chapter 13 plan is both unethical and sanctionable conduct pursuant to Bankruptcy Rule 9011. Bankruptcy Rule 9011(b) concerns representations made to the Court. It states that by presenting a paper to the Court, an attorney or unrepresented party certifies to the best of his or her knowledge, information and belief, formed after a reasonable inquiry under the circumstances, that the legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law. *See* FED. R. BANKR. P. Rule 9011(b)(2).

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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT...

Brad Stoddard and Deborah Ann Stoddard

Chapter 13

The Court refuses to allow counsel for debtors to turn the inclusion of a student loan discharge provision in a chapter 13 plan into a "can't lose" proposition. The Court therefore concludes that *Andersen* provides no protection from the imposition of sanctions under Rule 9011(b) in cases in which a student loan discharge provision is included in a confirmed chapter 13 plan.

In re Hensley, 249 B.R. 318, 320-323 (Bankr. W.D. Okla. 2000).

C. Section 105

11 U.S.C. § 105(a) states:

- (a) The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary to enforce or implement court orders or rules, or to prevent an abuse of process.

Resnick offers a single argument in support of his position that § 105(a) is inapplicable: that the provision only applies to violations of a specific court order. Resnick cites *In re Dyer* in support of this statement. 322 F.3d 1178, 1196 (9th Cir. 2003) ("Civil contempt authority allows a court to remedy a violation of a specific order (including 'automatic' orders, such as the automatic stay or discharge injunction).").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

Dyer does not explicitly state that § 105(a) is strictly limited to remedying violations of specific court orders, nor does it cite any authority from which it could be inferred that the *Dyer* court had such an opinion. Indeed § 105(a) explicitly mentions, in addition to court orders, rules and "abuse of process"; the latter might be invoked in the absence of a specific court order.

The Supreme Court, on two occasions after *Dyer*, has written an opinion which indicates that § 105 is not strictly limited to correcting violations of specific court orders. First, in *Marrama v. Citizens Bank of Mass.*, the Supreme Court wrote:

On the contrary, the broad authority granted to bankruptcy judges to take any action that is necessary or appropriate to prevent an abuse of process described in § 105(a) of the Code, is surely adequate to authorize an immediate denial of a motion to convert filed under § 706 in lieu of a conversion order that merely postpones the allowance of equivalent relief and may provide a debtor with an opportunity to take action prejudicial to creditors.

549 U.S. 365, 375 (2007) (footnote omitted). The "abuse of process" referenced in *Marrama* was not a violation of a specific court order, but, rather, "an unmeritorious attempt to qualify as a debtor under Chapter 13." *Id.*

Second, in *Law v. Siegel*, the Supreme Court stated: "Section 105(a) confers authority to 'carry out' the provisions of the Code." This statement is natural, since the first sentence of § 105(a) states: "[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."

Here, the Court concludes that a specific and definite court order has not been violated. Nevertheless, the reconciliation of *Dyer* and *Marrama* helps illustrate the proper approach forward. The Ninth Circuit Court of Appeal's instructions that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

sanctions under § 105(a) are appropriate for violation of a specific and definite court order is derived from the non-bankruptcy standard for civil contempt. *See F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999) (*quoting Stone v. City & Cnty. of S.F.*, 968 F.2d 850, 856 n.9 (9th Cir. 1992)) ("The moving party has the burden of showing by clear and convincing evidence that the contemnors violated a specific and definite order of the court. The burden then shifts to the contemnors to demonstrate why they were unable to comply."). Nevertheless, as illustrated by *Marrama*, the Court's authority under § 105(a) is not strictly limited to issuing sanctions for civil contempt. While a civil contempt finding under § 105(a) may not be appropriate in these circumstances, it does not follow that the Court lacks the ability to adequately and equitably resolve this situation.

TENTATIVE RULING

The Court is inclined to CONTINUE the hearing for approximately thirty days to allow Debtors to file a supplemental brief addressing why they should not be sanctioned pursuant to the Court's inherent sanctioning authority. No further briefing from Resnick is requested.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Brad Stoddard

Represented By
Matthew D Resnik
David Brian Lally

Joint Debtor(s):

Deborah Ann Stoddard

Represented By
Matthew D Resnik
David Brian Lally

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Brad Stoddard and Deborah Ann Stoddard

Chapter 13

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:13-21098 Monica Faye Wooley

Chapter 7

#2.00 CONT Order to Show Cause why Debtor should not be held in Contempt of Court for Violation of Turnover Order

From: 12/13/17

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica Faye Wooley

Represented By
Filemon Kevin Samson III

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:13-26277 Charles Frederick Biehl

Chapter 7

#3.00 Order to show cause re Civil Contempt

EH__

Docket 234

***** VACATED *** REASON: CONTINUED TO 3/21/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Frederick Biehl

Represented By

Daryl L Binkley - DISBARRED -
Steven L Bryson

Trustee(s):

John P Pringle (TR)

Represented By

James C Bastian Jr
Elyza P Eshaghi
Brandon J Iskander
Lynda T Bui
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:16-13091 Luz Ampelia Castro

Chapter 7

#4.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 50

Tentative Ruling:

2/14/2018

No opposition has been filed.
Service was okay.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,750.00
Trustee Expenses: \$ 72.42

Attorney Fees: \$ 2,674.17
Attorney Costs: \$ 325.83

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Luz Ampelia Castro

Represented By
George P Hobson Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT...

Luz Ampelia Castro

Carmela Pagay

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:17-20424 LV Investments, LLC

Chapter 7

#5.00 Motion For Order Compelling Attorney To File Disclosure Of Compensation Pursuant To 11 U.S.C. § 329 And Federal Rule Of Bankruptcy Procedure 2016

EH__

Docket 9

Tentative Ruling:

2/14/18

BACKGROUND

On December 21, 2017, LV Investments, LLC ("Debtor") filed a Chapter 7 voluntary petition. On January 8, 2018, the case was dismissed for failure to file case commencement documents.

On January 17, 2018, UST filed a motion for an order compelling attorney to file disclosure of compensation pursuant to 11 U.S.C. § 329. On January 22, 2018, Debtor's attorney, Wayne Tucker, filed his disclosure of compensation for attorney.

DISCUSSION

11 U.S.C. § 329(a) states:

Any attorney representing a debtor in a case under this title, or in connection

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT...

LV Investments, LLC

Chapter 7

with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney, and the source of such compensation.

FED. R. BANKR. P. Rule 2016(b) provides further details regarding the requirements imposed by § 329. Here, Debtor's counsel has failed to file the required disclosure of compensation. The Court has authority to enter an order directing the disclosure of such compensation, and will routinely direct Debtor's counsel to file the required disclosure. *See, e.g., In re Shuma*, 124 B.R. 668, 677 (Bankr. W.D. Pa. 1991).

TENTATIVE RULING

It appears that Debtor's attorney filed the Statement of Attorney Compensation. Therefore, it appears that the matter is MOOT. Pending UST's review of the disclosure of compensation, the Court will retain jurisdiction over matters related to 11 U.S.C. § 329.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

LV Investments, LLC

Represented By
M Wayne Tucker

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... LV Investments, LLC

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#6.00 Motion for extension of time to file a complaint objecting to discharge

EH__

Docket 82

Tentative Ruling:

2/14/18

BACKGROUND

On April 4, 2017, William & Shawna Mendez ("Debtors") filed a Chapter 7 voluntary petition. On July 12, 2017, the Court approved the stipulation of Trustee and Debtors to extend the deadline to file a complaint objecting to discharge until September 1, 2017. On August 23, 2017, Trustee filed a motion for extension of time to file a complaint objecting to discharge. On September 15, 2017, the Court granted Trustee's motion extending the deadline to object to Debtors' discharge until October 16, 2017. Afterwards, Trustee and Debtors entered into two stipulations further extending the deadline for Trustee or UST to file a complaint objecting to discharge. The second stipulation imposed a deadline of January 19, 2018. On January 19, 2018, UST filed a motion for a further extension on the basis that Debtors have not yet provided adequate financial records.

DISCUSSION

FED. R. BANKR. P. Rule 4004(a) states:

- (1) In a chapter 7 case, a complaint, or a motion under § 727(a)(8) or (9) of the Code, objecting to the debtor's discharge shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). In a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT...

William A. Mendez, II and Shawna D. Mendez

Chapter 7

chapter 11 case, the complaint shall be filed no later than the first date set for the hearing on confirmation. In a chapter 13 case, a motion objecting to the debtor's discharge under § 1328(f) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). At least 28 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k) and to the trustee and the trustee's attorney.

And FED. R. BANKR. P. Rule 4004(b) states:

- (1) On motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge. Except as provided in subdivision (b)(2), the motion shall be filed before the time has expired.
- (2) A motion to extent the time to object to discharge may be filed after the time for objection has expired and before discharge is granted if (A) the objection is based on facts that, if learned after the discharge, would provide a basis for revocation under § 727(d) of the Code, and (B) the movant did not have knowledge of those facts in time to permit an objection. The motion shall be filed promptly after the movant discovers the facts on which the objection is based.

Here, Debtor's delay in providing the requested information constitutes sufficient cause to extend the deadline. *See* COLLIER ON BANKRUPTCY ¶ 4004.03[2] (16th ed. 2013) ("A debtor's delays in responding to discovery may be sufficient cause. Obviously, a delay in the meeting of creditors to a date close to or after the deadline may constitute such cause.") (*citing In re McCormack*, 244 B.R. 203 (Bankr. D. Conn. 2000)).

Moreover, Debtor's failure to oppose may be deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... William A. Mendez, II and Shawna D. Mendez

Chapter 7

The Court is inclined to GRANT the motion.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#7.00 Second Joint Motion and Moving Memorandum by Chapter 7 Trustee and Revere Financial Corporation for Order Approving Settlement between Chapter 7 Trustee and Revere Financial Corporation

Also #8

EH__

Docket 521

***** VACATED *** REASON: CONTINUED TO 3/28/18 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#8.00 CONT Motion to Approve Compromise Under Rule 9019 between Trustee and Dr. Eric L. Freedman

From: 5/11/16, 6/8/16, 6/29/16, 8/31/16, 10/5/16, 11/9/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17

Also #7

EH__

Docket 322

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 11:00 A.M.**

Tentative Ruling:

05/11/2016

Based on the representations made to the Court by counsel for the Parties that negotiations are ongoing, and based on the consent of the Parties to a continuance, the Court shall CONTINUE the hearing on the Motion to June 8, 2016 at 11:00 a.m.

APPEARANCES ARE WAIVED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat
Adv#: 6:15-01303 Cisneros v. AMERICAN EXPRESS

Chapter 7

#9.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01303. Complaint by A. Cisneros against AMERICAN EXPRESS. (Charge To Estate \$350). For Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 1/13/16, 3/23/16, 5/25/16, 6/29/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17 9/13/17, 12/13/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

AMERICAN EXPRESS

Represented By
Robert S Lampl
Chad V Haes

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#10.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Summer M Shaw
George Hanover

LIBERTY ORTHOPEDIC

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat
George Hanover

Chapter 7

UNIVERSAL ORTHOPAEDIC

Represented By
Summer M Shaw
George Hanover

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01308 Cisneros v. BWI CONSULTING, LLC et al

#11.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01308. Complaint by A. Cisneros against BWI CONSULTING, LLC, Black and White, Inc., BLACK AND WHITE BILLING COMPANY, BLACK AND WHITE INK, MEHRAN DEVELOPMENT CORPORATION. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 1/13/16, 3/23/16, 5/25/16, 7/27/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

BWI CONSULTING, LLC	Pro Se
Black and White, Inc.	Pro Se
BLACK AND WHITE BILLING	Pro Se
BLACK AND WHITE INK	Pro Se
MEHRAN DEVELOPMENT	Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01309 Cisneros v. DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN

#12.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01309. Complaint by A. Cisneros against DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential Transfer (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/2017

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

DOUGLAS J. ROGER, M.D., INC.

Represented By
Summer M Shaw

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:17-14228 Michelle Meredith

Chapter 7

Adv#: 6:17-01196 Grobstein, Chapter 7 Trustee v. Polacek, as Trustee of the Margaret J. Heath

#13.00 CONT Status Conference RE: [3] Amended Complaint First Amended Complaint for: (1) Declaratory Relief; (2) Accounting; and (3) Turnover of Property of the Estate by Noreen A Madoyan on behalf of Howard B Grobstein, Chapter 7 Trustee against Sharon Polacek, as Trustee of the Margaret J. Heath Revocable Living Trust, 2002, Amended July 1, 2016, or any successor Trustee. (RE: related document(s)1 Adversary case 6:17-ap-01196. Complaint by Howard B Grobstein, Chapter 7 Trustee against Sharon Polacek, as Trustee of the Margaret J. Heath Revocable Living Trust, 2002, Amended July 1, 2016, or any successor Trustee. (Charge To Estate \$350.00). Complaint for: (1) Declaratory Relief; (2) Accounting; and (3) Turnover of Property of the Estate (Attachments: # 1 Adversary Cover Sheet) Nature of Suit: (91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)) (Madoyan, Noreen) Modified on 9/15/2017. filed by Plaintiff Howard B Grobstein, Chapter 7 Trustee). (Madoyan, Noreen)

From: 11/15/17

EH__

Docket 3

***** VACATED *** REASON: ADVERSARY DISMISSED 1/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Meredith

Represented By
Summer M Shaw

Defendant(s):

Sharyn Polacek, as Trustee of the

Pro Se

Plaintiff(s):

Howard B Grobstein, Chapter 7

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Michelle Meredith

Chapter 7

Noreen A Madoyan

Trustee(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:14-14377 Hilary D Hill

Chapter 7

Adv#: 6:15-01206 Speier v. Simmons et al

#14.00 CONT Pre-Trial Conference RE: [1] Adversary case 6:15-ap-01206. Complaint by Steven M Speier against Angela Simmons, David Schanhals, Hilary D Hill

FROM: 12/13/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Defendant(s):

Angela Simmons

Represented By
David Brian Lally

David Schanhals

Represented By
David Brian Lally

Hilary D Hill

Represented By
David Brian Lally

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Hilary D Hill

Chapter 7

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Elizabeth A LaRocque

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:14-14377 Hilary D Hill

Chapter 7

Adv#: 6:17-01190 Speier v. U.S. Trust, Bank of America Private Wealth Managem

#15.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01190. Complaint by Steven M Speier against U.S. Trust, Bank of America Private Wealth Management, Hilary D Hill. (Charge To Estate- \$350.00). Complaint for Declaratory Relief re Alter Ego Liability of the Marion Newhall Hill Trust Nature of Suit: (71 (Injunctive relief - reinstatement of stay))

From: 11/8/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Defendant(s):

U.S. Trust, Bank of America Private

Represented By
Benjamin Nachimson

Hilary D Hill

Represented By
David Brian Lally

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Hilary D Hill

Chapter 7

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Elizabeth A LaRocque

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

6:13-30477 Master Design Inc

Chapter 7

Adv#: 6:15-01370 Speier v. Test-Rite Products Corp. et al

#16.00 CONT Status Conference Re: Complaint by Steven M Speier against Test-Rite Products Corp., Test-Rite International (U.S) Co. Ltd., Test-Rite International Co. Ltd., Judy Lee, Chester Lee, Christina Ma. (Charge To Estate). Complaint for: (1) Fraudulent Transfer Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code § 3439.04(a)(1) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (2) Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(A) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (3) Fraudulent Transfer Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05 and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (4) Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(B) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (5) Conversion; (6) Unlawful Payment of Dividends; (7) Breach of Fiduciary Duty by Officer; (8) Breach of Fiduciary Duty by Controlling Shareholder; and (9) Declaratory Relief as to Alter Ego Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 3/2/16, 4/6/16, 4/27/16, 6/29/16, 7/20/16, 8/3/16, 9/28/16, 11/9/16, 3/29/17, 8/2/17, 11/8/17, 1/10/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/11/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Defendant(s):

Test-Rite Products Corp.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Master Design Inc

Chapter 7

Julie A Garcia
John Y Kim
Aaron S Craig
Brian Wheeler

Test-Rite International (U.S) Co.

Represented By
Julie A Garcia
John Y Kim
Aaron S Craig

Test-Rite International Co. Ltd.

Represented By
Julie A Garcia
Aaron S Craig
Joon M Khang
John Y Kim
Brian Wheeler

Chester Lee

Represented By
Julie A Garcia
Joon M Khang
Aaron S Craig
Brian Wheeler

Christina Ma

Represented By
Julie A Garcia
Joon M Khang
Aaron S Craig
Brian Wheeler

Test-Rite International (US) Co. Ltd.

Represented By
Joon M Khang
Julie A Garcia
John Y Kim
Aaron S Craig
Brian Wheeler

Test-Rite Products Corp.

Represented By
Joon M Khang
Julie A Garcia

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 14, 2018

Hearing Room 303

2:00 PM

CONT... Master Design Inc

Chapter 7

John Y Kim
Aaron S Craig

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Marc C Forsythe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:14-21228 Roy Kenneth Scott and Tashiea Scott

Chapter 13

#1.00 CONT Motion to Dismiss or Convert to Chapter 13

From: 1/11/18

EH__

Docket 93

Tentative Ruling:

02/15/2018

The Court finds that provision 3.d.3. of the "order confirming plan which provides that the plan is modified to comply with the requirements of the court's approved plan form" implicitly incorporates the provision of the form plan which requires debtors to remain current as to postpetition taxes. Thus, based on the failure to remain current postpetition, the Court is inclined to GRANT the Motion and dismiss the case. Additionally, the Debtors, though properly served, have failed to file opposition. As such they are deemed to consent to the granting of the Motion pursuant to LBR 9013-1(h).

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Roy Kenneth Scott

Represented By
Sunita N Sood

Joint Debtor(s):

Tashiea Scott

Represented By
Sunita N Sood

Movant(s):

California Franchise Tax Board

Represented By
Brian D Wesley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

CONT... Roy Kenneth Scott and Tashiea Scott

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:16-20219 Robert Ibay Orina and Emmyruth Amizola Orina

Chapter 13

#2.00 Motion to vacate dismissal

EH__

Docket 51

Tentative Ruling:

02/15/2018

BACKGROUND

On November 17, 2016, Robert and Emmyruth Orina (collectively, the "Debtors") filed their petition for chapter 13 relief. The Debtors' chapter 13 plan was confirmed on January 31, 2017. The case was dismissed on December 4, 2017, after the Debtors failed to file opposition or response to a Trustee's Motion to Dismiss for failure to make plan payments.

On January 11, 2018, the Debtors filed a Motion to Vacate Dismissal ("Motion"). The Motion indicates that the Debtors fell behind because of a reduction in work hours. The Debtors indicate they now have the funds to cure the delinquency of \$4,905.79. However, the Trustee in his comments indicates that by the date of the hearing the delinquency of the Debtors will have increased to \$12,246.79. Moreover, the Court notes that there was no effort by the Debtors to oppose the Motion and seek suspension of payments via a Motion to Modify prior to the dismissal when the alleged reduction in pay occurred.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

CONT... Robert Ibay Orina and Emmyruth Amizola Orina

Chapter 13

Debtor(s):

Robert Ibay Orina

Represented By
Timothy L McCandless

Joint Debtor(s):

Emmyruth Amizola Orina

Represented By
Timothy L McCandless

Movant(s):

Robert Ibay Orina

Represented By
Timothy L McCandless

Emmyruth Amizola Orina

Represented By
Timothy L McCandless

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-19565 Cynthia Ramos

Chapter 13

#3.00 CONT Confirmation of Chapter 13 Plan

From: 12/21/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cynthia Ramos

Represented By
Hayk Grigoryan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20121 Agustin Napolion Joya and Dora Maria Joya

Chapter 13

#4.00 CONT Confirmation of Chapter 13 Plan

From: 2/8/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agustin Napolion Joya

Represented By
Daniel King

Joint Debtor(s):

Dora Maria Joya

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20136 Marco Alberto Flores

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Alberto Flores

Represented By
Rhonda Walker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20147 Gilbert Richard Enriquez and Lisa Lynn Enriquez

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert Richard Enriquez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Lisa Lynn Enriquez

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20177 Randal Scott Oakley and Christine Ann Oakley

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randal Scott Oakley

Represented By
Halli B Heston

Joint Debtor(s):

Christine Ann Oakley

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20183 Margaret Henson

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margaret Henson

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20187 Michael Adam Moore

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Adam Moore

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20229 Sean Phillip Coy

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20231 Nicholas Anthony Parisi

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas Anthony Parisi Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20240 Natona Smith and Tameiko Smith

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natona Smith

Represented By
Natalie A Alvarado

Joint Debtor(s):

Tameiko Smith

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20260 Ana M Orozco

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana M Orozco

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20277 Christina Irene Dillon

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christina Irene Dillon

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20319 Marc Burns

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Burns

Represented By
Stuart R Simone

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20336 John Martin Martinez

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Martin Martinez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20349 John Henry Vasquez

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Henry Vasquez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20377 Deborah L Tafolla

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah L Tafolla

Represented By

Jessica De Anda Leon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20382 Raymond Ballejos and Veronica Ballejos

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Ballejos

Represented By
Natalie A Alvarado

Joint Debtor(s):

Veronica Ballejos

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20434 Michelle Singleton

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Singleton

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20459 Elmy Martinez

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elmy Martinez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:17-20473 Felipe Gerardo

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe Gerardo

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#22.10 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14785 Alba Way Moreno Valley, CA 92553

MOVANT: LEONEL VILLA & LUCILA PINEDA

From: 2/13/18

EH__

Docket 8

Tentative Ruling:

02/13/2018

The prior case was dismissed on recommendation of the chapter 13 trustee because the Debtors failed to appear at the 341(a) meeting of creditors, failed to tender the November plan payment, and failed to account for the postpetition mortgage payment for November.

At the confirmation hearing on November 16, 2017, the Debtor's appearance counsel indicated that the Debtors had to travel to Mexico for a family emergency. The Debtor's declaration in support of the Motion reiterates this assertion. However, the attached booking confirmation indicates a return trip on Tuesday, November 7, 2017 (over a week prior to the 341(a) meeting of creditors held on November 16, 2017). This discrepancy is not explained by the Debtors. Nor did the Debtors address the failure to tender a November plan payment or to account for their November 2017 mortgage payment – which were two other bases for dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Leonel Villa

Represented By
Luis G Torres

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:30 PM

CONT... Leonel Villa and Lucila Pineda

Chapter 13

Joint Debtor(s):

Lucila Pineda

Represented By
Luis G Torres

Movant(s):

Leonel Villa

Represented By
Luis G Torres
Luis G Torres
Luis G Torres

Lucila Pineda

Represented By
Luis G Torres
Luis G Torres
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:13-20022 Encarnacion Iniguez

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Encarnacion Iniguez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:16-15453 Brenda Fleming Bell

Chapter 13

#24.00 CONT Trustee's Motion to Dismiss Chapter 13 Proceeding (Delinquency)

From: 12/21/17

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenda Fleming Bell

Represented By
Thomas Watkins

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:16-17855 Arthur Leo Gent and Wanda Sue Gent

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arthur Leo Gent

Represented By
April E Roberts

Joint Debtor(s):

Wanda Sue Gent

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:16-18820 Chase D Chung

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chase D Chung

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:16-19656 Jerome D Williams

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome D Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:17-10040 Tracie Cornett-Martin

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracie Cornett-Martin

Represented By
Nathan Fransen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 15, 2018

Hearing Room 303

12:31 PM

6:17-17241 Corinthia A. Williams

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

9:30 AM

6:14-13046 Allen Dale Sanderson

Chapter 7

Adv#: 6:14-01116 Verbree v. Sanderson

#1.00 Trial RE: [1] Adversary case 6:14-ap-01116. Complaint by Margaret Verbree against Allen Dale Sanderson. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Madoni, Stephen)

EH__

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 2/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen Dale Sanderson

Represented By
Robert K McKernan

Defendant(s):

Allen Dale Sanderson

Represented By
Robert K McKernan

Plaintiff(s):

Margaret Verbree

Represented By
Stephen A Madoni

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#2.00 CONT Emergency Motion for Approval of Stipulations Regarding Debtor's Use of Cash Collateral

From: 10/5/17, 11/14/17, 2/13/18

EH__

Docket 32

***** VACATED *** REASON: ORDER ENTERED 2/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

Movant(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#2.10 Motion to extend Automatic Stay or in the Alternative to Impose a Stay (Warren, Odeha)

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ohlone Tribe of Carmel First

Represented By
Odeha L Warren

Movant(s):

Ohlone Tribe of Carmel First

Represented By
Odeha L Warren

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

3:00 PM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#3.00 Motion to Reconsideration and Objection re: Judge Mark D. Houle's "Order Denying Motion for Disqualification against Bankruptcy Judge Meredith A. Jury filed and entered January 09, 2016

EH__

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Represented By
Nancy Korompis

Defendant(s):

Real Time Resolutions Inc

Represented By
Renee M Parker

THE BANK OF NEW YORK

Represented By
Renee M Parker

Riverside County Sheriff

Represented By
Ronak N Patel

Tavares

Pro Se

Movant(s):

Luevina Henry

Pro Se

Plaintiff(s):

Luevina Henry

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

3:00 PM

CONT... Luevina Henry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

3:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#4.00 Order setting hearing on an emergency basis for (1) Motion to dismiss/convert case; and (2) Motion for relief from automatic stay

Also #5

EH__

Docket 141

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 20, 2018

Hearing Room 303

3:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#5.00 Emergency motion to Approve Cash Collateral Expenditure Outside of Budget and Approve Debtor in Possession Financing of Annual Insurance Premiums

Also #4

EH__

Docket 147

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 21, 2018

Hearing Room 303

9:30 AM

6:14-13046 Allen Dale Sanderson

Chapter 7

Adv#: 6:14-01116 Verbree v. Sanderson

#1.00 CONT Trial RE: [1] Adversary case 6:14-ap-01116. Complaint by Margaret Verbree against Allen Dale Sanderson. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Madoni, Stephen)

From: 2/20/18

EH__

Docket 1

Party Information

Debtor(s):

Allen Dale Sanderson

Represented By
Robert K McKernan

Defendant(s):

Allen Dale Sanderson

Represented By
Robert K McKernan

Plaintiff(s):

Margaret Verbree

Represented By
Stephen A Madoni

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:15-14501 Vonetta M Mays

Chapter 13

#1.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #2 & #3

EH__

Docket 169

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Movant(s):

Vonetta M Mays

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:15-14501 Vonetta M Mays

Chapter 13

#2.00 Motion to Disallow Claims No 1 with Oakview Homeowners Association

Also #1 & #3

EH__

Docket 170

***** VACATED *** REASON: ORDER ENTERED 2/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Movant(s):

Vonetta M Mays

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:15-14501 Vonetta M Mays

Chapter 13

#3.00 Trustee's Motion to Dismiss Case

Also #1 & #2

EH__

Docket 168

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:16-13716 Deborah D. Pierce

Chapter 13

#4.00 Motion for Authority to Obtain Secured Post-Petition Financing to Purchase Real Property (Principal Residence)

EH__

Docket 33

Tentative Ruling:

2/27/2018

The Court is inclined to GRANT the motion.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Deborah D. Pierce

Represented By
M Wayne Tucker

Movant(s):

Deborah D. Pierce

Represented By
M Wayne Tucker
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#5.00 Application for Compensation Amended with proof of service for Dana Travis, Debtor's Attorney, Period: to, Fee: \$560.00, Expenses: \$.

EH__

Docket 143

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Movant(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-19892 Lena Dolores Wade

Chapter 13

#6.00 Motion to Value Personal Property Re: 2014 Volkswagen Tiguan

Also #7

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-19892 Lena Dolores Wade

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

Also #6

EH__

Docket 0

Tentative Ruling:

2/22/18

BACKGROUND

On November 29, 2017, Lena Wade ("Debtor") filed a Chapter 13 voluntary petition and plan. On December 28, 2017, Debtor filed an amended plan. On January 11, 2018, Trustee filed an objection to confirmation. Among the grounds listed in Trustee's objection was that confirmation should contain a condition that prohibited Debtor from modifying the plan to pay less than 100% to unsecured creditors unless Debtor paid all disposable income into the plan. On January 25, 2018, Debtor filed her opposition to Trustee's objection. On February 5, 2018, Trustee filed a reply brief.

DISCUSSION

Trustee requests that this Court adopt the holding of *In re McCarthy*, 554 B.R. 388 (Bankr. W.D. Tex. 2016). The Court declines to do so for the reasons that follow.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... Lena Dolores Wade

Chapter 13

11 U.S.C. § 1325(a) enumerates plan confirmation requirements. If the confirmation requirements are satisfied then "[e]xcept as provided in subsection (b), the court shall confirm [the] plan." *Id.* 11 U.S.C. § 1325(b)(1) states:

(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan ---

(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

(B) the plan provides that all of the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

Subject to the discussion below, for the sake of analysis, the Court will assume § 1325(b)(1) is applicable here. Trustee argues in section II.D of its brief that once § 1325(b)(1) is invoked, confirmation is discretionary:

However, the language in § 1325(b) is permissive and, therefore, more discretionary – "the court **MAY** not confirm unless . . ." Therefore, debtor's argument that the court **MUST** confirm the plan because it meets the requirements of § 1325 is not supported by the language of the statute. *In fact, the Chapter 13 Trustee would argue that it is the discretionary language of § 1325(b)(1) that allows the court, under its equitable powers, to order a conditional confirmation as the court did in McCarthy.*

[Dkt. No. 24, pg. 10, lines 1-8] (parenthesis omitted) (italicization added for emphasis). Trustee's assertion that the language of § 1325(b) is permissive and discretionary, however, is statutorily incorrect. 11 U.S.C. § 102(4) states: "'may not' is prohibitive, and not permissive." As a result, the foundation of Trustee's position appears to rest on a misreading of the statute.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... Lena Dolores Wade

Chapter 13

Instead, the Code provides for the following analysis at plan confirmation: (1) if the debtor has satisfied the § 1325(a) confirmation requirements and no objection is received, then the Court must confirm the plan; (2) if an objection is received and the debtor has not satisfied § 1325(b)(1), the Court cannot confirm the plan; and (3) if an objection is received and the debtor has satisfied § 1325(a)-(b)(1), then the Court must confirm the plan. *See, e.g.*, 8 COLLIER'S ON BANKRUPTCY ¶ 1325.11[e] (16th ed. 2016) ("If an objection to confirmation is filed under section 1325(b)(1), the objection must be denied when 'the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim.' . . . [I]f the plan provides that the claims are to be paid in full, the trustee cannot demand that the debtors devote all of their projected disposable income each month to payment of claims in order to pay them more quickly.").

Even if § 1325(b)(1) provided for a discretionary determination by the Court, the nature of the objection filed by Trustee is inadequate to invoke the § 1325(b)(1) requirements. *See, e.g., In re Torres*, 193 B.R. 319, 322-23 (Bankr. N.D. Cal. 1996) ("in order for that subsection [§1325(b)(1)(B)] to become applicable to confirmation, an objection to confirmation must be made alleging that a debtor is not devoting all disposable income to the plan for a minimum period of three years."). As a result, even if § 1325(b)(1) provided for a discretionary determination, the standard would be irrelevant in this case.

Apart from the statutory interpretations problems with the Trustee's argument, the Court finds that policy and equitable considerations weigh against Trustee's position. The Court notes that the disposable income requirement is disjunctive: either the debtor must pledge all disposable income to the plan or the debtor must pay unsecured creditors in full. The Trustee does not dispute that Debtor has satisfied the disjunctive test.

Ultimately, the Trustee relies upon the Court's § 105 equitable powers in support of the request at issue. Rarely will it be the case, however, that the equities will in favor of creating a fixed rule binding for years regardless of changes in circumstances. The review of a proposed plan modification is generally a highly equitable endeavor that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... Lena Dolores Wade

Chapter 13

emphasizes the totality of the circumstances. Replacing that equitable analysis with a rigid rule not provided for by the Code is simply inequitable.

The Court does agree, however, that a plan term requiring Debtors in a 100% plan to have to account for excess disposable income, in the even they later file a motion to modify, is of benefit.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-19894 William Edward Walker and Carla Sue Walker

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18

EH__

Docket 0

Tentative Ruling:

2/22/18

BACKGROUND

On November 29, 2017, William & Carla Walker ("Debtors") filed a Chapter 13 voluntary petition. On December 7, 2017, Debtors filed a Chapter 13 plan. On January 11, 2018, Trustee filed an objection to confirmation. Among the grounds listed in Trustee's objection was that confirmation should contain a condition that prohibited Debtors from modifying the plan to pay less than 100% to unsecured creditors unless Debtor paid all disposable income into the plan. On January 25, 2018, Debtors filed their opposition to Trustee's objection. On February 5, 2018, Trustee filed a reply brief.

DISCUSSION

Trustee requests that this Court adopt the holding of *In re McCarthy*, 554 B.R. 388 (Bankr. W.D. Tex. 2016). The Court declines to do so for the reasons that follow.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... William Edward Walker and Carla Sue Walker

Chapter 13

11 U.S.C. § 1325(a) enumerates plan confirmation requirements. If the confirmation requirements are satisfied then "[e]xcept as provided in subsection (b), the court shall confirm [the] plan." *Id.* 11 U.S.C. § 1325(b)(1) states:

(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan ---

(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

(B) the plan provides that all of the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

Subject to the discussion below, for the sake of analysis, the Court will assume § 1325(b)(1) is applicable here. Trustee argues in section II.D of its brief that once § 1325(b)(1) is invoked, confirmation is discretionary:

However, the language in § 1325(b) is permissive and, therefore, more discretionary – "the court **MAY** not confirm unless . . ." Therefore, debtor's argument that the court **MUST** confirm the plan because it meets the requirements of § 1325 is not supported by the language of the statute. *In fact, the Chapter 13 Trustee would argue that it is the discretionary language of § 1325(b)(1) that allows the court, under its equitable powers, to order a conditional confirmation as the court did in McCarthy.*

[Dkt. No. 24, pg. 10, lines 1-8] (parenthesis omitted) (italicization added for emphasis). Trustee's assertion that the language of § 1325(b) is permissive and discretionary, however, is statutorily incorrect. 11 U.S.C. § 102(4) states: "'may not' is prohibitive, and not permissive." As a result, the foundation of Trustee's position appears to rest on a misreading of the statute.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... William Edward Walker and Carla Sue Walker

Chapter 13

Instead, the Code provides for the following analysis at plan confirmation: (1) if the debtor has satisfied the § 1325(a) confirmation requirements and no objection is received, then the Court must confirm the plan; (2) if an objection is received and the debtor has not satisfied § 1325(b)(1), the Court cannot confirm the plan; and (3) if an objection is received and the debtor has satisfied § 1325(a)-(b)(1), then the Court must confirm the plan. *See, e.g.*, 8 COLLIER'S ON BANKRUPTCY ¶ 1325.11[e] (16th ed. 2016) ("If an objection to confirmation is filed under section 1325(b)(1), the objection must be denied when 'the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim.' . . . [I]f the plan provides that the claims are to be paid in full, the trustee cannot demand that the debtors devote all of their projected disposable income each month to payment of claims in order to pay them more quickly.").

Even if § 1325(b)(1) provided for a discretionary determination by the Court, the nature of the objection filed by Trustee is inadequate to invoke the § 1325(b)(1) requirements. *See, e.g., In re Torres*, 193 B.R. 319, 322-23 (Bankr. N.D. Cal. 1996) ("in order for that subsection [§1325(b)(1)(B)] to become applicable to confirmation, an objection to confirmation must be made alleging that a debtor is not devoting all disposable income to the plan for a minimum period of three years."). As a result, even if § 1325(b)(1) provided for a discretionary determination, the standard would be irrelevant in this case.

Apart from the statutory interpretations problems with the Trustee's argument, the Court finds that policy and equitable considerations weigh against Trustee's position. The Court notes that the disposable income requirement is disjunctive: either the debtor must pledge all disposable income to the plan or the debtor must pay unsecured creditors in full. The Trustee does not dispute that Debtor has satisfied the disjunctive test.

Ultimately, the Trustee relies upon the Court's § 105 equitable powers in support of the request at issue. Rarely will it be the case, however, that the equities will in favor of creating a fixed rule binding for years regardless of changes in circumstances. The review of a proposed plan modification is generally a highly equitable endeavor that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... William Edward Walker and Carla Sue Walker Chapter 13

emphasizes the totality of the circumstances. Replacing that equitable analysis with a rigid rule not provided for by the Code is simply inequitable.

The Court does agree, however, that a plan term requiring Debtors in a 100% plan to have to account for excess disposable income, in the even they later file a motion to modify, is of benefit.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Edward Walker

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Carla Sue Walker

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-19942 Mark Miller

Chapter 7

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Miller

Represented By
Bruce A Boice

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-20372 Anna C. Hopson and George E. Hopson

Chapter 13

#10.00 Motion to Avoid Junior Lien with The Bank of New York Mellon fka The Bank of New York Serviced by Specialized Loan Servicing LLC

Also #11

EH__

Docket 23

Tentative Ruling:

2/22/18

The Court has reviewed the motion and finding good cause, the Court is inclined to GRANT the motion, avoiding the lien of The Bank of New York Mellon upon receipt of a Chapter 13 discharge.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anna C. Hopson

Represented By
Julie J Villalobos

Joint Debtor(s):

George E. Hopson

Represented By
Julie J Villalobos

Movant(s):

Anna C. Hopson

Represented By
Julie J Villalobos

George E. Hopson

Represented By
Julie J Villalobos

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

CONT... Anna C. Hopson and George E. Hopson

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-20372 Anna C. Hopson and George E. Hopson

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Also #10

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna C. Hopson

Represented By
Julie J Villalobos

Joint Debtor(s):

George E. Hopson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-20388 Oracio Rosales Hernandez

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oracio Rosales Hernandez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-20395 John Henry Washington, Jr and Carolyn Washington

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Henry Washington Jr

Represented By
Jeffrey N Wishman

Joint Debtor(s):

Carolyn Washington

Represented By
Jeffrey N Wishman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:30 PM

6:17-20444 Michael Phillip Young

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Phillip Young

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:31 PM

6:13-25336 Enrique Artemio Barba

Chapter 13

#15.00 CONT Trustee's Motion to Dismiss Case

From: 1/25/18

EH__

Docket 150

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Enrique Artemio Barba

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:31 PM

6:15-15522 Scott Allan Oswald and Lisa Frances Oswald

Chapter 13

#16.00 CONT Trustee's Motion to Dismiss Case

From: 1/25/18

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Allan Oswald

Represented By
Richard Lynn Barrett

Joint Debtor(s):

Lisa Frances Oswald

Represented By
Richard Lynn Barrett

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, February 22, 2018

Hearing Room 303

12:31 PM

6:16-11794 ROBERT A HAGUE and DIANNE L HAGUE

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ROBERT A HAGUE

Represented By
Manfred Schroer

Joint Debtor(s):

DIANNE L HAGUE

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:31 PM

6:16-19967 Jeremy Joseph Salas and Ronda-Sue Alice Marie Salas

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Joseph Salas

Represented By
Robert W Ripley

Joint Debtor(s):

Ronda-Sue Alice Marie Salas

Represented By
Robert W Ripley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

12:31 PM

6:17-17241 Corinthia A. Williams

Chapter 13

#19.00 CONT Trustee's Motion to Dismiss Case

From: 2/15/18

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

1:00 PM

6:16-16362 Conchita C Ang

Chapter 13

#20.00 Motion to vacate dismissal order dated 10/12/16 for this case to allow an objection to the proof of claim filed with this court; request for injunction and TRO

EH__

Docket 53

Tentative Ruling:

02/22/2018

BACKGROUND:

On July 18, 2016, Conchita Ang ("Debtor") filed for chapter 13 relief. Rod Danielson is the duly appointed chapter 13 trustee ("Trustee").

On October 12, 2016, the Court granted the Motion of the United States Trustee to dismiss the Debtor's case with a re-filing bar, thereby dismissing the Debtor's case (the "Dismissal Order")

The Debtor subsequently appealed the dismissal of the case to the Bankruptcy Appellate Panel (the "BAP"). On August 10, 2017, the BAP affirmed the order of this Court dismissing the Debtor's case as a bad faith filing.

On February 1, 2018, the Debtor filed a Motion to Vacate the Dismissal Order (the "Motion"). On February 5, 2018, the Trustee filed comments recommending that the Court deny the Debtor's Motion.

APPLICABLE LAW: FRBP 9024, FRCP 60(b)

DISCUSSION:

Under FRBP 9024 (incorporating FRCP 60(b)), a court may relieve a party from judgment for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud or other misconduct; (4) a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

1:00 PM

CONT... Conchita C Ang

Chapter 13

void judgment; (5) a satisfied or discharged judgment; or (6) any other reason justifying relief from operation of judgment. FRBP 9024.

The Debtor does not specify under which subsection of Rule 60(b) she is moving. However, the allegations in the Motion appear to indicate that the Debtor believes fraud has occurred as to "alleged creditors" Wells Fargo Bank and Clear Recon Corp. Fraud falls within Rule 60(b)(3). Potentially, the Debtor is also alleging that relief is justified based on new evidence discovered during the appeal process which would fall under Rule 60(b)(2). (Motion at ¶5).

As a threshold matter, pursuant to Rule 60(c), a motion under Rule 60(b) that is brought for reasons (1), (2), or (3) cannot be brought more than a year after the entry of the order. FRCP 60(c). Here, more than one year has elapsed since the Dismissal Order was entered on October 12, 2016. Therefore, based on the allegations in the Motion, 60(b)(6) appears to be the only grounds upon which the Dismissal Order could be set aside.

The Ninth Circuit has held that Rule 60(b)(6) should be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances prevented a party from taking timely action to prevent or correct an erroneous judgment. *In re International Fibercom, Inc.*, 503 F.3d 933, 941 (9th Cir. 2007) (internal citations omitted). Accordingly, a party who moves for such relief "must demonstrate both injury and circumstances beyond his control that prevented him from proceeding with ... the action in a proper fashion. *Id.*

Here, the Debtor has failed to either (1) demonstrate manifest injustice, or (2) to demonstrate what extraordinary circumstances prevented her from bringing this Motion at an earlier juncture. Instead, the timing of the instant Motion appears more likely to reflect the Debtor's refusal to accept the ruling of the BAP which affirmed this Court's Dismissal Order. Further, as pointed out by the Trustee, the Debtor's Motion fails to address the numerous grounds for dismissal delineated in the Court's Dismissal Order, including the lack of disposable income to fund a chapter 13 plan and the Debtor's history of skeletal filings. Finally, the Debtor believes she should have an opportunity to object to proofs of claim filed in her dismissed case. However, there is no explanation or averment as to how a proof of claim filed in a dismissed case has caused or is causing injury to the Debtor.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

1:00 PM

CONT... Conchita C Ang

Chapter 13

In sum, while the Debtor believes she has meritorious grounds for alleging fraud against the "alleged creditors", the Motion fails to demonstrate that the bankruptcy court is the appropriate forum for the Debtor to litigate these disputes with the creditors given that the Debtor's case has been dismissed and that no evidence has been provided to warrant reinstating the bankruptcy case.

Separately, the Motion appears to seek the issuance of a temporary restraining order. However, LBR 7065 clearly states that a temporary restraining order or preliminary injunction may only be sought as a provision remedy in an adversary proceeding.

In addition to the foregoing, the Court also denies the Motion on the basis of improper service because the Debtor has failed to serve the Motion in accordance with FRBP 7004 as to the alleged creditors.

TENTATIVE RULING:

Based on the foregoing, the Motion is DENIED in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Conchita C Ang	Pro Se
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Movant(s):

Conchita C Ang	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#21.00 OSC why case should not be dismissed for failure to prosecute

EH__

Docket 0

*** VACATED *** REASON: CONTINUED TO 2/28/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, February 22, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Michael J Hemming

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:14-21370 Imelda Tapia

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25905 Floyd Avenue, Romoland, CA 92585

MOVANT: THE BANK OF NEW YORK MELLON

EH__

Docket 70

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Imelda Tapia

Represented By
Anthony Wilaras

Movant(s):

The Bank of New York Mellon FKA

Represented By
Mark S Krause

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:15-13752 Catalina Smith

Chapter 13

#2.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 16227 Miller Avenue, Fontana, CA 92336.

MOVANT: US ROF II/BANK NATIONAL ASSOC

From: 1/23/18

EH__

Docket 44

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: Yes

Movant to apprise Court of status of arrears and adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Catalina Smith

Represented By
Luis G Torres

Movant(s):

U.S. ROF II Legal Title Trust 2015-

Represented By
Megan E Lees

U.S. ROF II Legal Title Trust 2015-

Represented By
Megan E Lees
Alexander K Lee
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Catalina Smith

Armin M Kolenovic

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:15-14835 Bennea Cynthia Travis

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 NISSAN MAXIMA, VIN # 1N4AA5AP2EC437908

MOVANT: REGIONAL ACCEPTANCE CORPORATION

EH__

Docket 69

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Bennea Cynthia Travis

Represented By
Nicholas M Wajda

Movant(s):

REGIONAL ACCEPTANCE

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Bennea Cynthia Travis

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:16-14440 Michael Douglas Guerino and Xochitl Rodriguez Guerino Chapter 13

#4.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 15605 Esther St., Chino Hills CA 91709

MOVANT: BANK OF NEW YORK MELLON

From: 1/23/18

EH__

Docket 50

***** VACATED *** REASON: ORDER ENTERED 2/21/18**

Tentative Ruling:

1/23/2018

Service is Proper
Opposition: Yes

Movant to confirm that Debtors have cured arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael Douglas Guerino

Represented By
Joseph M Hoats

Joint Debtor(s):

Xochitl Rodriguez Guerino

Represented By
Joseph M Hoats

Movant(s):

The Bank of New York Mellon FKA

Represented By
Mark D Estle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Michael Douglas Guerino and Xochitl Rodriguez Guerino

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:16-15670 Graciela N Pedroza

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 10994 Evergreen Loop, Corona, CA 92883

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 2/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Graciela N Pedroza

Represented By
Paul Y Lee

Movant(s):

U.S. Bank National Association, as

Represented By
Aaron R Anglin
Jennifer C Wong

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Silverado 1500 Crew Cab LT P/U 4D 5 3/4

MOVANT: BALBOA THRIFT & LOAN

EH__

Docket 140

Tentative Ruling:

2/27/2018

Service is Proper

Opposition: Yes

Parties to apprise Court of status of arrears and adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Movant(s):

Balboa Thrift & Loan

Represented By
Keith E Herron

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:16-19018 Ingeborg Margarete Preisendanz

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 23305 Spring Meadow Drive Murrieta California

MOVANT: REVERSE MORTGAGE SOLUTIONS, INC

EH__

Docket 34

Tentative Ruling:

2/27/2018

Service is Proper

Opposition: Yes

Subject to discussion regarding Debtor's late opposition, based on failure to pay real property taxes accruing postpetition on reverse mortgage, the Court is inclined to GRANT relief from stay pursuant to § 362(d)(1), GRANT waiver of Rule 4001(a)(3) stay, GRANT requests under ¶¶ 2 and 3.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ingeborg Margarete Preisendanz

Represented By
Danny K Agai

Movant(s):

Reverse Mortgage Solutions Inc

Represented By
Madison C Wilson
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Ingeborg Margarete Preisendanz

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#8.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 935 Goldenrod St., Corona, CA 92882

MOVANT: WELLS FARGO BANK NA

From: 1/9/18

EH__

Docket 31

***** VACATED *** REASON: CONTINUED TO 4/10/18 AT 10:00 AM**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Limited

Parties to provide status of adequate protection discussions, and Debtors to explain why evidence that they are current was not attached to motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Bruce Howard Ruggles

Represented By
John F Brady

Joint Debtor(s):

Ann Marie Ruggles

Represented By
John F Brady

Movant(s):

WELLS FARGO BANK, N.A.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT...

Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

Brandy N Foreman

John Tamburo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#9.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Corolla VIN: 5YFBURHE1HP579809

MOVANT: SANTANDER CONSUMER USA INC

From: 1/9/18, 1/23/18

EH__

Docket 24

***** VACATED *** REASON: ORDER ENTERED 2/15/18**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT relief from the § 1301(a) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Chadwick Otieno Ochieng

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-17316 Luis Fernando Montoya, Jr.

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Harley-Davidson XL 1200CX Roadster

MOVANT: HARLEY-DAVIDSON CREDIT CORP

EH__

Docket 48

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Luis Fernando Montoya Jr.

Represented By
Anthony B Vigil

Movant(s):

Harley-Davidson Credit Corp as

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-18877 Fernando Macias Perez

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 61058 29 Palms Highway Joshua Tree CA 92252

MOVANT: JAMES TANGLER

Also #12

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Macias Perez

Represented By
Edgar P Lombera

Movant(s):

James Tangler

Represented By
Neil B Katz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-18877 Fernando Macias Perez

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 VOLVO S40

MOVANT: WESTLAKE FINANCIAL SERVICES

Also #11

EH__

Docket 28

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Fernando Macias Perez

Represented By
Edgar P Lombera

Movant(s):

Westlake Financial Services

Represented By
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Fernando Macias Perez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-20009 Shawn M Orms and Karishea Tranell Jones

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 DODGE Charger Sedan 4D SE V6

MOVANT: BMW FINANCIAL SERVICES NA LLC

EH__

Docket 9

Tentative Ruling:

2/27/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shawn M Orms

Represented By
Neil R Hedtke

Joint Debtor(s):

Karishea Tranell Jones

Represented By
Neil R Hedtke

Movant(s):

BMW Financial Services NA, LLC

Represented By
Bret D. Allen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Shawn M Orms and Karishea Tranell Jones

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:17-20535 Antonio Ochoa

Chapter 13

#14.00 CONT Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1860 Chicago Ave, Ste G-20, Riverside CA 92507

MOVANT: JS MCA HUNTER PARK LP

CASE DISMISSED 1/9/18

From: 1/23/18

EH__

Docket 15

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/9/18**

Tentative Ruling:

1/23/2018

Service is Improper
Opposition: None

Pursuant to Local Rule 4001-1(c)(1)(C), motions for relief from the automatic stay must be served on the debtor. Here, Movant did not serve the motion on Debtor. Therefore, the Court is inclined to CONTINUE the hearing to February 27, 2018 at 10:00 a.m. for Movant to file and serve the motion and notice of continued hearing and opportunity to object on Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Antonio Ochoa

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Antonio Ochoa

Chapter 13

Qais Zafari

Movant(s):

JS MCA Hunter Park LP

Represented By
Nicholas Firetag

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:18-10741 Santiago A. Anonical, Jr. and Shallee V Anonical

Chapter 13

#15.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 43465 Corte Barbaste Temecula, 92592

MOVANT: SANTIAGO AND SHALLEE ANONICAL

EH__

Docket 13

Tentative Ruling:

2/27/2018

Prior to the instant case, Debtor most recent bankruptcy case (16-10269) was dismissed on November 17, 2016. 11 U.S.C. § 362(c)(3) only applies if the debtor had a case pending in the previous year. A case that has been dismissed but has not yet been administratively closed is not pending. *See, e.g., In re Moore*, 337 B.R. 79, 80-81 (Bankr. E.D.N.C. 2005). The instant case was filed on January 31, 2018. Therefore, the Court will DENY the motion as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Shallee V Anonical

Represented By
Todd L Turoci

Movant(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Santiago A. Anonical, Jr. and Shallee V Anonical
Todd L Turoci

Chapter 13

Shallee V Anonical

Represented By
Todd L Turoci
Todd L Turoci
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:18-10841 Theresa Susanne Ysiano

Chapter 7

#16.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

MOVANT: THERESA SUSANNE YSIANO

EH__

Docket 7

Tentative Ruling:

2/27/2018

The Court has reviewed the motion and good cause appearing, the Court is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Theresa Susanne Ysiano

Represented By
William J Howell

Movant(s):

Theresa Susanne Ysiano

Represented By
William J Howell

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:18-10871 Francisco Javier Martinez

Chapter 13

#17.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property located 27649 Sonora Circle, Temecula, CA 92591

MOVANT: FRANCISCO JAVIER MARTINEZ

EH__

Docket 21

Tentative Ruling:

2/27/2018

The Court has reviewed the motion and good cause appearing, the Court is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Movant(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:18-10951 Bobby Joe Jackson, Jr

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 521 N. Oakdale Ave., Rialto, CA 92376

MOVANT: 2017-1 IH BORROWER L.P.

EH__

Docket 8

Tentative Ruling:

2/27/2018

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Bobby Joe Jackson Jr

Pro Se

Movant(s):

2017-1 IH BORROWER L.P.

Represented By
Scott Andrews

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:18-11080 Edgardo Aranda and Kelley Aranda

Chapter 13

#19.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY (Real Property: located at 970 Winston Circle, Corona CA 92881)

MOVANT: EDGARDO ARANDA AND KELLEY ARANDA

EH__

Docket 13

Tentative Ruling:

2/27/2018

The Court is inclined to DENY the motion. The Court finds that Debtors have not provided clear and convincing evidence sufficient to rebut the presumption arising under § 362(c)(3)(C) that this case was not filed in good faith. Specifically, the motion does not address the reasons the previous case was dismissed. Instead the motion and Debtor's declaration repeatedly recite that the Debtors are willing and able to make their plan payment without any specificity or detail being provided.

APPEARANCES REQUIRED. Paul Lee to personally appear.

Party Information

Debtor(s):

Edgardo Aranda

Represented By
Paul Y Lee

Joint Debtor(s):

Kelley Aranda

Represented By
Paul Y Lee

Movant(s):

Edgardo Aranda

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

CONT... Edgardo Aranda and Kelley Aranda

Chapter 13

Paul Y Lee

Kelley Aranda

Represented By

Paul Y Lee

Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

10:00 AM

6:18-10659 Tena Renee Fry

Chapter 7

#19.10 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 11043 Magnolia Ave Ste 202 Riverside CA 92505

MOVANT: DINESH PATEL, AUTHORIZED AGENT OF ECONO LODGE INN & SUITES IN RIVERSIDE CA

EH__

Docket 12

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tena Renee Fry

Pro Se

Movant(s):

Dinesh Patel

Represented By
Benjamin R Heston

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

Adv#: 6:17-01286 ASR Constructors Inc a California Corporation et a v. Gotte Electric, Inc. et

#20.00 Status Conference RE: [1] Adversary case 6:17-ap-01286. Complaint by ASR Constructors Inc a California Corporation, Another Meridian Company, LLC, Inland Machinery, Inc. against Gotte Electric, Inc., Insurance Company Of The West, Employment Development Department, Trico-Savi Business Park, L.P., a California limited partnership, Angela Denise McKnight, Steven Schonder, Western Alliance Bank, an Arizona corporation, United states of america, Carlin Law Group APC, Ledcor Construction, Inc., a Washington corporation, DOES 1 through 10, inclusive. (Charge To Estate - \$350.00). Complaint in Interpleader Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Bastian, James)
Trico-Savi Business Park L.P. - DISMISSED 12/28/17
Western Alliance Bank, dba Torrey Pines Bank - Dismissed 2/1/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By

James C Bastian Jr

Melissa Davis Lowe

Defendant(s):

Gotte Electric, Inc.

Pro Se

Insurance Company Of The West

Represented By

Jennifer Leland

David B Shemano

Howard J Weg

Employment Development

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... ASR Constructors Inc a California Corporation Chapter 11

Elisa B Wolfe-Donato

Angela Denise McKnight

Pro Se

Steven Schonder

Pro Se

United states of america

Represented By
Charles Parker

Carlin Law Group APC

Represented By
Kevin R Carlin

Ledcor Construction, Inc., a

Represented By
Daniel P Scholz

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Another Meridian Company, LLC

Represented By
James C Bastian Jr
Melissa Davis Lowe

Inland Machinery, Inc.

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#21.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Inland Machinery, Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18

Also #22 & #23

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#22.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **ASR Constructors Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18

Also #21 & #23

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#23.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Another Meridian Company LLC**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18

Also #21 & #22

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:17-11053 Rio Rancho Super Mall LLC

Chapter 11

#24.00 Motion for Order Dismissing Chapter 13 Case Pursuant to Bankruptcy Code Section 1112(b)

Also #25

EH__

Docket 141

Tentative Ruling:

2/27/18

BACKGROUND

On February 13, 2017, Rio Rancho Super Mall LLC ("Debtor") filed a Chapter 11 voluntary petition. On June 13, 2017, Debtor filed its disclosure statement and Chapter 11 plan. The disclosure statement was amended once but has not been approved. On July 24, 2017, Debtor filed a motion to set property value. After an evidentiary hearing, the Court valued the real property, located at 25211 Sunnymead Blvd., Moreno Valley, CA at \$13.5 million, a far higher valuation than Debtor's proposed \$7 million.

On January 30, 2018, Debtor filed a motion to dismiss its Chapter 11 case. On February 12, 2018, UST filed a limited opposition, arguing that Debtor should be required to pay its UST quarterly fees and that a six month re-filing bar should be imposed.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Rio Rancho Super Mall LLC

Chapter 11

11 U.S.C. § 1112(b)(1) states:

Except as provided in paragraph (2) and subsection (c), on request of a party I interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause – most of which are more appropriately considered when the moving party is an entity other than the debtor.

Here, Debtor’s Chapter 11 case has been pending for more than one year and Debtor has been unable to get its disclosure statement approved. Debtor now asserts that effectuation of a Chapter 11 plan is unrealistic and no creditors have filed a Chapter 11 plan or opposed this motion. Therefore, the Court finds there is cause to dismiss or convert the case under § 1112(b). Because Debtor does not have any meaningful unencumbered assets, the Court finds that dismissal is in the best interests of creditors.

UST requires that any dismissal order be conditioned on payment of the UST’s quarterly fees under 28 U.S.C. § 1930(a)(6). For the reasons set forth in *In re Rose*, 86 B.R. 439 (Bankr. E.D. Pa. 1988) the Court finds UST’s request to be appropriate.

UST also requests that the Court impose a six-month refiling bar. The Court finds such a bar to be inappropriate here because there are no indications of any bad faith on the part of Debtor. Indeed, Debtor’s inability to successfully confirm a plan in this case was largely driven by the adjudication following an evidentiary hearing on

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Rio Rancho Super Mall LLC

Chapter 11

Debtor's motion to value real property. Furthermore, the Court notes that UST references § 349 in support of its request for a re-filing bar. Section 349 states, in relevant part: "nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title." Section 109(g), however, is only applicable to individuals or family farmers, and, as such, the legal authority for such a request is, at best, unclear.

TENTATIVE RULING

The Court is inclined to GRANT the motion and DISMISS the case conditioned on the payment of any outstanding UST fees. Debtor to file a declaration attesting to the fulfillment of this condition prior to lodging the dismissal order.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

Movant(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:17-11053 Rio Rancho Super Mall LLC

Chapter 11

#25.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 3/28/17, 5/30/17, 7/25/17, 8/22/17, 10/18/17, 12/4/17, 1/22/18

Also #24

EH__

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rio Rancho Super Mall LLC

Represented By
Christopher J Langley
Steven P Chang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#26.00 CONT Motion for approval of chapter 11 disclosure statement

From: 1/30/18, 2/13/18

Also #27

EH__

Docket 82

Tentative Ruling:

2/27/18

I. PROCEDURAL BACKGROUND

On August 25, 2017, Rick's Patio, Inc. ("Debtor") filed a Chapter 11 voluntary petition. On October 10, 2017, the Court entered an interim order approving use of cash collateral. On October 13, 2017, the Court entered an OSC why the case should not be dismissed and Debtor's counsel sanctioned for using cash collateral without a court order or the consent of the secured creditor. On October 18, 2017, the Court authorized the employment of Rosenstein and Associates as counsel for Debtor. On November 15, 2017, the Court sanctioned Robert Rosenstein in the amount of \$500.

On December 26, 2017, Debtor filed its disclosure statement and Chapter 11 plan.¹ Two days later, Debtor filed a motion for an extension of time to have plan of reorganization confirmed. Debtor's request for an extension was granted on January 30, 2018, but Debtor never uploaded an order on the matter. The Court held a hearing on Debtor's disclosure statement on February 13, 2018, and continued the matter for two weeks. On February 20, 2018, the Court entered an order approving a stipulation between Debtor and First Home Bank regarding cash collateral. Later that day, Debtor filed an amended disclosure statement and Chapter 11 plan.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Ricks Patio, Inc

Chapter 11

II. FACTUAL BACKGROUND

Debtor is a California corporation engaged in the business of selling spas and supplies. Debtor operates from a leased location in Corona, California. Debtor moved to its present location in 2014; the Corona location is much larger and more expensive than the previous location in Moreno Valley.

Debtor states that, around the time of its move to Corona, a recession in the economy and a delay in freeway construction combined to slow down sales. The decline in sales combined with increased rent caused Debtor to seek a loan from First Home Bank. When sales did not quickly stabilize, however, Debtor opted to take additional loans to cover the loan to First Home Bank and became stuck in a "escalating cycle of debts." [Dkt. No. 109, pg. 3, lines 13-14]. Debtor subsequently filed bankruptcy.

III. DEADLINES

11 U.S.C. § 1129(e) states:

In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3).

11 U.S.C. § 1121(e)(3) provides three requirements which must be satisfied for the § 1129(e) deadline to be extended. The third provision requires that "the order extending time is signed before the existing deadline has expired." Here, the existing deadline to confirm Debtor's Chapter 11 plan was February 11, 2018, and Debtor did

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Ricks Patio, Inc

Chapter 11

not upload an order prior to that deadline. Therefore, Debtor is precluded from seeking an extension of the existing deadline.

Pursuant to § 1112(b)(4)(J), failure to confirm a plan within the time allowed by the applicable deadlines is cause for dismissal or conversion to Chapter 7. *See, e.g., In re Roots Rents, Inc.*, 420 B.R. 28, 37 (Bankr. D. Idaho 2009) (failure to confirm plan or obtain extension warrants dismissal of case). Generally, an amended plan relates back to the filing of an earlier plan, and, as a result, a small business Chapter 11 debtor cannot circumvent the applicable deadlines by simply amending the plan and generating new deadlines. *See, e.g., In re Star Ambulance Serv., LLC*, 540 B.R. 251, 258-59 (Bankr. S.D. Tex. 2015) (deadline calculated from original filing; analyzing relation back standard). Therefore, on the request of a party in interest, the Court would be compelled to dismiss or convert Debtor's case.

IV. DISCLOSURE STATEMENT

In addition to the disclosure statement, the following exhibits are included, in addition to a declaration of Debtor's Vice President, Richard Colosimo: (1) historical sales spreadsheet (Exhibit 1); (2) internet articles (Exhibit 2); (3) cash flow projections (Exhibit 3); and (4) the amended Chapter 11 plan.

While the disclosure statement generally adheres to the standard small business disclosure statement form, as noted in section IV, *infra*, there are certain deficiencies related to the specific facts here.

The Chapter 11 Plan's proposed effective date is ninety days after the entry of the confirmation order. There are four classes of claims and two categories of unclassified claims:

- 1) Class 1: Wells Fargo Commercial Distribution Finance, LLC -- \$551,794.95

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT...

Ricks Patio, Inc

Chapter 11

claim, apparently secured by blanket lien on all of Debtor's assets. To be paid in full at \$5k-\$20k/week until the claim has been paid in full (approximately two years). Debtor states that this class is unimpaired.

- 2) Class 2: First Home Bank -- \$257,858.19 claim, apparently secured by blanket lien on all of Debtor's assets. To be paid at \$3,402/month for approximately seven years. Debtor states that this class is unimpaired.
- 3) Class 3: General Unsecured Creditors -- Debtor has divided the general unsecured claims into six subclasses with each subclass holding one claim. Nevertheless, the subclasses have the exact same treatment: payment in full within six years. None of the subclasses identify the amount of the claim or the payment. Debtor also includes a provision that states the general unsecured creditors will receive at least \$15k/month.
- 4) Class 4: Equity Interests – will not be affected and class is unimpaired,
 - 1) Type 1: Rosenstein's fees (\$30k) – paid in full on effective date
 - 2) Type 2: Accounting fees – estimated at \$5,000, paid in full on effective date.
 - 3) Type 3: Priority tax claims – Debtor is subject to an audit by the California State Board of Equalization but disputes that it has any liability. If liability exists, claim will be paid in approximately equal monthly payments over four years.

V. LEGAL ANALYSIS

A. Adequate Information

A Chapter 11 disclosure statement is required to contain "adequate information" pursuant to 11 U.S.C. § 1125(b). Section 1125(f)(2) provides that: "the court may approve a disclosure statement submitted on standard forms approved by the court or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Ricks Patio, Inc

Chapter 11

adopted under section 2075 of title 28." The United States Courts have devised a disclosure statement template for small businesses, Form B25B, which Debtor generally adopted as to format.

As to the substance of a disclosure statement, 11 U.S.C. § 1125(a)(1) defines "adequate information" as:

information of a kind, and in sufficient detail as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan, but adequate information need not include such information about any other possible or proposed plan and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information

The type of information required varies with the circumstances. *See, e.g., In re Jeppson*, 66 B.R. 269, 292 (Bankr. D. Utah 1986) (listing nineteen categories of information commonly required); *see also In re Malek*, 35 B.R. 443, 443-44 (Bankr. E.D. Mich. 1983) (listing minimum requirements).

While the amended disclosure statement is improved in the description of the financial status of Debtor and the claims against the estate, the disclosure statement is still incomplete in several respects, including the following:

-First, Debtor's description of the primary claims and their proposed treatment under the proposed plan is incomplete. Specifically, Debtor indicates that it will pay Class 1 \$5,000-\$20,000 per week with no explanation how the exact amount is to be

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Ricks Patio, Inc

Chapter 11

calculated. Next, the description of the claims in Class 3, the general unsecured claims, is even vaguer. The plan provides that each of these claims will be paid in full with interest at the federal judgment over six years. Debtor does not identify, however, the amount of these claims, the monthly payment required, or an applicable interest rate. Debtor does provide claim amounts for the general unsecured claims in its liquidation analysis. It is unclear whether these amounts are reliable, however, given that Debtor lists an amount for "Class 3" (no sub class) when no such claim exists. Debtor has added a "payment provision section" which states that general unsecured claims are going to receive at least \$15,000/month. It is unclear how this amount would be distributed within the class, however, and if only minimum payments were made every month, the claims would not be paid in full.

-Second, Debtor's description of the overall financial condition of the business lacks sufficient detail. The "risk factor" section of the disclosure statement is simply not helpful. Debtor has added two exhibits, historical sales and cash flow projections, which provide details regarding Debtor's business operations. Debtor's cash flow projection assumes an increase in sales and indicates that Debtor will easily be able to satisfy its plan obligations. Nevertheless, to this point, the projections do not appear to contain an expense for Class 3, and some months do not appear to allow for funds to pay Class 3. Debtor's historical figures do not include expenses and so the Court (or an investor) is unable to ascertain the reasonableness of the predicted expenses.

-Third, the credibility of Debtor's projections is at issue. Specifically, Debtor's projections do not seem to reconcile with the small business operating reports filed with the Court. For instance, Debtor's cash flow projection indicates income of approximately \$168k and expenses of approximately \$181k for January 2018. The small business operating report, however, indicates income of approximately \$215k and expenses of approximately \$217k. Debtor's historical figures do not include expenses so the Court is unable to engage in a comparison outside of January 2018. Regarding income, however, the Court notes that the figures provided for October to December 2017 are substantially different in the small business operating reports than in the historical sales attached to the disclosure statement. The Court also notes that in those three months, Debtor was operating at an approximately \$10,000 loss/month, so it is unclear if the expense figures provided are reasonable, or, if they are, whether the plan is feasible.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

CONT... Ricks Patio, Inc

Chapter 11

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

Movant(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, February 27, 2018

Hearing Room 303

2:00 PM

6:17-17137 Ricks Patio, Inc

Chapter 11

#27.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 9/26/17, 11/14/17, 2/13/18

Also #26

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricks Patio, Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:15-11774 David K Fishbeck

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 72

Tentative Ruling:

02/28/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$4,750
Trustee Expenses: \$77.98

Attorney Fees: \$15,506.20
Attorney Costs: \$78.70

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED.

Party Information

Debtor(s):

David K Fishbeck

Represented By
Stephen H Darrow

Trustee(s):

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... **David K Fishbeck**
Karl T Anderson (TR)

Represented By
Hydee J Riggs

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:17-13483 Ricardo Enciso and Sonia Gamez

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 42

Tentative Ruling:

02/28/2018

No opposition has been filed.
Service was Proper.

The Trustee Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 1,976.01
Trustee Expenses: \$ 226.01

The trustee may submit on the tentative.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Ricardo Enciso

Represented By
Speros P Maniates

Joint Debtor(s):

Sonia Gamez

Represented By
Speros P Maniates

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Ricardo Enciso and Sonia Gamez

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:14-14377 Hilary D Hill

Chapter 7

#3.00 CONT Motion to Avoid Lien 956 South Calle Tomas, Palm Springs, Ca 92264
with Robert A. Nellessen

From: 11/29/17, 1/24/18

EH__

Docket 45

Tentative Ruling:

02/28/2018

Creditor Nellessen having filed non-opposition to the Motion, the Court is inclined to GRANT the Motion avoiding the lien of Nellessen. The Court makes no finding as to value.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

11/29/2017

The Court is inclined to allow the parties the opportunity to obtain appraisals or other valuations of the subject property.

Alternatively, Debtor's evidence of the amount of the lien of Wells Fargo refers to the balance as of the filing of the motion. While Debtor is free to brief the appropriate time for determining the amount of a lien, in the absence of any argument on the issue, the Court concludes that the appropriate date is the petition date.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Hilary D Hill

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Movant(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Elizabeth A LaRocque

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:16-14390 Jina Soo Choi

Chapter 7

#4.00 Motion for fine and/or disgorgement of fees against bankruptcy petition preparer United States Trustees Notice of Motion and Motion to Fine and Enjoin Bankruptcy Petition Preparer Sandra Cooper; Declaration of Dimple P. Mehra

EH__

Docket 83

Tentative Ruling:

02/28/2018

On May 16, 2016 ("Petition Date"), Jina Soo Choi ("Debtor") filed her petition for chapter 13 relief. On August 4, 2016, the case was converted to a case under chapter 7. On January 6, 2017, the Debtor moved the Court for an order dismissing her case. The case was dismissed on March 6, 2017.

On March 10, 2017, the Office of the United States Trustee ("UST") filed its Motion of United States Trustee For An Order Disgorging Fees, Assessing Damages, And Imposing Fines And Against Bankruptcy Petition Preparer Sandra Cooper ("Cooper") Pursuant to 11 U.S.C. § 110 ("First Motion"). The Motion was amended on March 29, 2017.

On September 6, 2017, the Court granted the First Motion and ordered Cooper to (1) disgorge \$2,000, (2) to pay \$2,000 in damages to the Debtor, (3) pay \$21,000 in fines to the UST. (Docket No. 80)(the "Prior Order"). Additionally, the Prior Order required Cooper to file a declaration attesting to her compliance with the Order within 45 days of its entry. No declaration was ever filed.

On January 23, 2018, the UST filed its Motion to Fine and Enjoin Bankruptcy Petition Preparer Sandra Cooper ("Motion").

DISCUSSION

The Motion seeks an order enjoining Cooper from engaging in any petition

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT...

Jina Soo Choi

Chapter 7

preparer services, whether directly or indirectly in any manner and fining Cooper an additional \$500 for her failure to comply with the Court's Prior Order.

Section 110(j)(3) provides that "[t]he court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee (or the bankruptcy administrator, if any)." 11 U.S.C. § 110(j)(3).

Here, the UST has provided multiple notices to Cooper her advising her of the Prior Order and of her duties in connection with that order. Notwithstanding such notice, Cooper has failed to file the required declaration, and has failed to respond or file opposition to the instant Motion. Based on the foregoing, the Court is inclined to GRANT the UST's request for an injunction.

Finally, as indicated by the UST, § 110(h)(5) authorizes an additional \$500 fine for each failure to comply with a court order to turn over funds. Cooper's failure to comply with the Prior Order warrants the imposition of the additional \$500 fine.

TENTATIVE RULING

Based on the foregoing, the tentative ruling is to GRANT the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jina Soo Choi

Represented By
Nicholas S Nassif

Movant(s):

United States Trustee (RS)

Represented By
Mohammad Tehrani
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Jina Soo Choi

Abram Feuerstein esq

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:17-11834 David Leroy Norwood and Carol Ann Norwood

Chapter 7

#5.00 Chapter 7 Trustee's Motion for Order Disallowing the Following Claim Pursuant to Rule 3001(c)(3) of Federal Rules of Bankruptcy Procedure: Claim No. 2 First National Bank of Omaha

EH__

Docket 41

Tentative Ruling:

02/28/2018

BACKGROUND:

On March 9, 2017 ("Petition Date"), David and Carol Norwood (collectively, "Debtors") filed for chapter 7 relief. Karl Anderson is the duly appointed chapter 7 trustee ("Trustee"). On January 29, 2018, Trustee filed Objection to Claims # 2 of First National Bank of Omaha ("Claimant").

Service was proper and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... **David Leroy Norwood and Carol Ann Norwood**

Chapter 7

must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

The Trustee objects that the Claim does not meet the requirements of FRBP 3001(c)(3). In support, the Trustee argues that he requested information necessary for Claimant to comply with FRBP 3001 and did not receive an adequate response. Specifically, the Trustee requested the information regarding the date of the last transaction, the date of the last payment on the account, and the date on which the account was charged to profit and loss. (Obj. at 8). The Objection does not otherwise contest the amount of the claim or assert any state law defense against the claim.

Trustee Objection fails to distinguish the Ninth Circuit BAP decision in *In re Campbell* which clarified the holding of *In re Heath*, that a claim objection that does not actually contest the debtor's liability or the amount of the debt is not enough to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... David Leroy Norwood and Carol Ann Norwood Chapter 7

disallow a proof of claim, even if the proof of claim lacks the documentation required by Rule 3001(c). *In re Campbell*, 336 B.R. 430, 434 (9th Cir. BAP 2005)(citing *In re Heath*, 331 B.R. 424 (9th Cir. BAP 2005)). *Campbell* explained the following reasons supporting its holding:

that under Section 502 the grounds for objection to claims do not include a lack of compliance with Rule 3001(c); that the procedure for claims allowance or disallowance is designed to be speedy and inexpensive; that Section 502(a) deems claims allowed; that Debtors cannot overcome that presumption by filing objections that do not actually dispute the liability or amount of the claim; and that nothing in this statutory scheme violates due process or equitable principles.

Campbell at 434-435. *See also In re Brunson*, 486 B.R. 759, 770 (Bankr. N.D. Tex. 2013) (discussing amendment of FRBP 3001 to provide courts with the ability to sanction creditors for noncompliance with FRBP 3001, without, however providing for disallowance of claims).

The Court notes that parties seeking disallowance for failure of a creditor to comply with Rule 3001 could alternatively object as to the liability where the sworn schedules do not identify the name of the claimant or the amount of the claim.

TENTATIVE RULING

Here, notwithstanding the infirmities identified in the Objection, under the circumstances of the facts presented here, the Court is inclined to order as follows:

1. The Objection is SUSTAINED;
2. The Claimant shall have 45 days to file an amended claim;
3. Failure by Claimant to file an amended claim with supporting documentation in compliance with FRBP 3001 shall be deemed as the Claimant's consent to the disallowance of the Claim.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... David Leroy Norwood and Carol Ann Norwood

Chapter 7

Debtor(s):

David Leroy Norwood

Represented By
Jenny L Doling

Joint Debtor(s):

Carol Ann Norwood

Represented By
Jenny L Doling

Movant(s):

Karl T Anderson (TR)

Represented By
Brandon J Iskander
Leonard M Shulman

Trustee(s):

Karl T Anderson (TR)

Represented By
Brandon J Iskander
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#6.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17, 2/7/18

EH__

Docket 148

*** VACATED *** REASON: CONTINUED TO 3/28/18 AT 11:00 AM

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.

Pro Se

Joint Debtor(s):

Tami Jo Springer

Pro Se

Movant(s):

Hilder & Associates

Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR)

Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#7.00 CONT Landlords Notice of Motion and Motion for Order Re: Allow and Authorize Immediate Payment of One El Paseo North, LLCs Gap Rent Claim under Section 502(f) of the Bankruptcy Code
(Holding Date)

From: 9/27/17, 1/24/18

EH__

Docket 29

***** VACATED *** REASON: ORDER ENTERED 2/13/18**

Tentative Ruling:

9/27/17

BACKGROUND

On July 12, 2017, an involuntary Chapter 7 petition was filed against Integrated Wealth Management, Inc. ("Debtor"). After an extension of the applicable deadline, Debtor filed its answer on September 12, 2017.

Prior to the answer being filed, One El Paseo North, LLC ("Landlord") filed a motion for immediate payment of its gap rent claim pursuant to § 502(f). Landlord asserts that it holds a gap rent claim totaling \$27,776.73, covering the time period between the filing of the involuntary petition, on July 12, 2017, and the time Debtor abandoned the premises, on August 18, 2017.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Integrated Wealth Management Inc

Chapter 11

11 U.S.C. § 502(f) states:

(f) In an involuntary case, a claim arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee and the order for relief shall be determined as of the date such claim arises, and shall be allowed under subsection (a), (b), or (c) of this section or disallowed under subsection (d) or (e) of this section, the same as if such claim had arisen before the date of the filing of the petition.

While Landlord is correct that the Bankruptcy Code allows payment of ordinary course business claims that accrue during the gap period, it is unclear what the legal justification is for Landlord's request that the Court order the gap claim to be paid immediately. 11 U.S.C. § 507(a)(3) specifically affords debts incurred pursuant to § 502(f) third-priority status. If the estate is administratively insolvent, or does not have funds to pay all first, second, and third-priority claims, then Landlord would not receive full payment of its claim. Because Landlord may not receive full payment of its claim, it would be inappropriate to order immediate payment of its claim.

Debtor further objects to the issuance of an order allowing Landlord's claim, asserting that a motion to allow a claim for an unpaid § 502(f) claim is procedurally improper. The Court disagrees with Debtor's contention that a party cannot seek allowance of an administrative claim separate from filing a proof of claim. As an order for relief has not yet been entered, however, the relief requested is premature, since, among other things, a Chapter 7 trustee has not had the opportunity to vet the request. As an aside, the Court notes that Landlord has filed a proof of claim, but it did not request administrative priority.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Integrated Wealth Management Inc

Chapter 11

The Court will DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera

Movant(s):

One El Paseo North, LLC

Represented By
Thomas J Polis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

6:17-19823 Randall Lee Hoover, Jr. and Amber LaRie Hoover

Chapter 7

#8.00 CONT Motion for Authority to Redeem Personal Property and Approval of Associated Financial and Attorney Fees

From: 2/7/18

EH__

Docket 16

Tentative Ruling:

02/28/2018

Debtors have filed a supplemental declaration in support of the valuation of the Vehicle. The Court, finding the evidence sufficient for purposes of redemption under section 722, is inclined to GRANT the Motion.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

02/07/2018

BACKGROUND:

On November 28, 2017, Randall and Amber Hoover (collectively, the "Debtors") filed their petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the Debtors' estate is a 2010 Toyota Prius (the "Vehicle").

On December 11, 2017, the Debtors filed their motion to redeem a the Vehicle, which is secured by the lien of Gateway One Lending ("Gateway"). The Debtors assert that the value of the Vehicle is no more than \$6,848. The Debtors believe the debt owed on the Vehicle is a dischargeable consumer debt and that the Vehicle has either been exempted or abandoned by the estate.

Service was proper and no opposition has been filed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Randall Lee Hoover, Jr. and Amber LaRie Hoover

Chapter 7

DISCUSSION:

The Debtors seek to redeem the Vehicle pursuant to FRBP 6008 and 11 U.S.C. § 722.

Redemption in Chapter 7

An individual Chapter 7 debtor may redeem tangible personal property intended primarily for personal, family or household use from a lien securing a dischargeable consumer debt, if either (1) the property is exempt under § 522 or (2) it has been abandoned under § 554. 11 U.S.C. § 722. Redemption is made by paying the lienholder the amount of its allowed claim secured by the lien. *Id.*

Though a chapter 7 debtor must take certain action to preserve the automatic stay when seeking to redeem personal property secured by a lien, *see* 11 U.S.C. §§ 362(h), 521(a)(2), & 521(a)(6), there is no deadline impacting a debtor's substantive right to redeem (even after a discharge has been entered). *In re Rodgers*, 273 B.R. 186, 191 (Bankr. C.D. Ill. 2002); *In re Cassar*, 139 B.R. 253, 254 (Bankr. D. Colo. 1992). Rather, redemption under § 722 requires that a debtor demonstrate only the following: (1) both the property subject to the lien and the underlying debt must be consumer-related; (2) the debt secured by the lien must be dischargeable in bankruptcy; (3) the property must either be exempted under § 522 or abandoned under § 554; and (4) the debtor must pay the lien holder the amount of the allowed secured claim. *In re Jewell*, 232 B.R. 904, 906 (Bankr. E.D. Tex. 1999). If the debtor fails to satisfy any of these requirements the motion shall be denied. *Id.*

In support of the Motion, the Debtors have provided no evidence to support the Motion. There is no declaration submitted by the Debtors attesting to the value of the Vehicle. Moreover, Schedule C appears to indicate that the Debtors did not exempt the Vehicle under §522 (however, given that the Trustee has issued a Report

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Randall Lee Hoover, Jr. and Amber LaRie Hoover Chapter 7

of No Distribution and that no opposition or response has been filed by Gateway, the Court is inclined to find that the Trustee's No Asset Report is sufficient to indicate abandonment under the circumstances of the instant case).

TENTATIVE RULING:

For the foregoing reasons, the tentative ruling is to CONTINUE the hearing on the Motion to February 28, 2018, at 11:00 a.m. for Debtors to provide evidence in support of the Motion.

APPEARANCES WAIVED. Debtors are directed to file and serve notice of the continuance.

Party Information

Debtor(s):

Randall Lee Hoover Jr.

Represented By
John A Varley
Lennie A Alzate

Joint Debtor(s):

Amber LaRie Hoover

Represented By
John A Varley
Lennie A Alzate

Movant(s):

Randall Lee Hoover Jr.

Represented By
John A Varley
Lennie A Alzate

Amber LaRie Hoover

Represented By
John A Varley
John A Varley
Lennie A Alzate
Lennie A Alzate

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

11:00 AM

CONT... Randall Lee Hoover, Jr. and Amber LaRie Hoover

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:17-10724 Bausman and Company Incorporated

Chapter 7

#8.10 Amended Motion (related document(s): 157 Motion Motion of National Wood Products, Inc. for Allowance of Administrative Expense Claim Pursuant to 11 U.S.C. 503(b)(1) filed by Creditor NATIONAL WOOD PRODUCTS, INC.) Amended Motion of National Wood Products, Inc. for Allowance of Administrative Expense Claim Pursuant to 11 U.S.C. 503(b)(1) & 11 U.S.C. 503(b)(9) (1) & 11 U.S.C. 503(b)(9) # 2 Proposed Order Amended Order After Hearing Approving National Wood Products, Inc.'s Amended Motion for Order Allowing an Administrative Expense Claim)

EH__

Docket 162

Tentative Ruling:

02/28/2017

Based on the Trustee's nonopposition and finding good cause for allowance of Movant's claim, the Court is inclined to GRANT the Motion allowing Movant's claim as an administrative expense claim under section 503(b)(1)(A).

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Bausman and Company Incorporated

Represented By
William A Smelko

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Best Best & Krieger
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#9.00 CONT Status Conference RE: Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha . willful and malicious injury
HOLDING DATE

From: 7/8/15, 11/4/15, 3/2/16, 12/14/16, 12/13/17, 4/5/17, 6/7/17, 7/12/17, 8/2/17, 9/27/17, 10/4/17, 11/1/17, 12/6/17, 12/20/17

EH__

Docket 1

Tentative Ruling:

02/28/2018

This hearing is vacated. The Status Conference is CONTINUED to March 21, 2018, at 2:00 p.m. The Court has provided notice to the parties of the continuance.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Plaintiff(s):

Charles Edward Schrader

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Narinder Sangha

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#10.00 CONT Status Conference RE: Complaint by Revere Financial Corporation, a California corporation, Jerry Wang against Douglas J Roger MD. false pretenses, false representation, actual fraud, 68 Dischargeability - 523(a)(6), willful and malicious injury, 67 Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 41 Objection / revocation of discharge - 727(c),(d),(e) **(Holding date)**

From: 11/26/14, 1/26/15, 1/28/15, 4/15/15, 7/22/15, 9/23/15, 1/27/16, 6/29/16, 9/28/16, 11/16/16, 2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 7/31/17, 10/4/17, 1/3/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/25/18 AT 2:00 P.M. -
ANOTHER SUMMONS ISSUED**

Tentative Ruling:

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:17-15809 Beatrice A Diaz

Chapter 7

Adv#: 6:17-01287 Cisneros v. Diaz

#11.00 Status Conference RE: [1] Adversary case 6:17-ap-01287. Complaint by Arturo M. Cisneros against Jose L Diaz. (Charge To Estate). - Complaint: (1) for Declaratory Relief; (2) Turnover of Property; and (3) Sale of Interest of Co-Owner in Property of the Estate [11 U.S.C. §§ 363 542] - Nature of Suit: (91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Friedman, Anthony)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beatrice A Diaz

Pro Se

Defendant(s):

Jose L Diaz

Pro Se

Plaintiff(s):

Arturo M. Cisneros

Represented By
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#12.00 Motion to vacate order Defendant Fernando Fabrigas, Jr.'s Notice of Motion and Motion for Order Vacating Default Judgment

EH__

Docket 29

*** VACATED *** REASON: CONTINUED TO 3/21/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Fernando Fabrigas, Sr.

Lynda T Bui
Brandon J Iskander

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

#13.00 CONT Motion RE: Objection to Claim Number 11 by Claimant Natasha Reynoso and Mark Reynoso
HOLDING DATE

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#14.00 CONT OSC why case should not be dismissed for failure to prosecute

From: 2/22/18

Also #15 & #16

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Edward T Weber

Chapter 13

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#15.00 CONT Status Conference RE: [26] Crossclaim by Anne Louise Goodman, Douglas Edward Goodman against all defendants

From: 8/31/17, 9/14/17, 11/9/17, 12/20/17

Also #14 & #16

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#16.00 CONT Status Conference RE: [13] Amended Complaint by Michael J Hemming on behalf of Mark & Natasha Reynoso against Anne Louise Goodman, Douglas Edward Goodman. (RE: related document(s)1 Adversary case 6:16-ap-01277. Complaint by Mark & Natasha Reynoso against Douglas Edward Goodman, Anne Louise Goodman. false pretenses, false representation, actual fraud) filed by Plaintiff Mark & Natasha Reynoso)
(Holding Date)

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17

Also #14 & #15

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, February 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:14-15845 Alex Soto

Chapter 13

#1.00 Motion to Reconsider Dismissal of Case

EH__

Docket 83

Tentative Ruling:

3/1/18

BACKGROUND

On May 5, 2014, Alex Soto ("Debtor") filed a Chapter 13 voluntary petition. On September 7, 2017, Debtor's Chapter 13 plan was confirmed.

On October 25, 2017, Trustee filed a motion to dismiss for delinquency. On November 17, 2017, Debtor filed her opposition and a request for hearing. On December 14, 2017, after a hearing, the case was dismissed.

On January 23, 2018, Debtor filed a motion to vacate dismissal stating she now has enough funds to cure the delinquency.

DISCUSSION

Debtor relies on Fed. R. Civ. P. Rule 60(b)(1), incorporated into bankruptcy proceedings by Fed. R. Bankr. P. Rule 9024, which allows for relief from an order based on "mistake, inadvertence, surprise, or excusable neglect." Here, Debtor appears

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

CONT...

Alex Soto

Chapter 13

to assert that he attempted to cure the plan delinquency, as well as file a motion to the modify the plan, but miscommunication between Debtor and his attorney, combined with a delay in the posting of the plan payment, resulted in the case being dismissed. Because Debtor has provided an explanation which arguably fits within the standard of excusable neglect and because Debtor was more than three years into his plan, the Court is inclined to grant the motion conditioned on compliance with the conditions in Trustee's comments,

TENTATIVE RULING

The Court is inclined to GRANT the motion conditioned on compliance with the Trustee's comments.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alex Soto

Represented By
Natalie A Alvarado

Movant(s):

Alex Soto

Represented By
Natalie A Alvarado
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-13851 Richard J Sarenana, Jr and Maria Sarenana

Chapter 13

#2.00 Motion to vacate dismissal

EH__

Docket 37

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard J Sarenana Jr

Represented By
Cynthia A Dunning
James D. Hornbuckle

Joint Debtor(s):

Maria Sarenana

Represented By
Cynthia A Dunning
James D. Hornbuckle

Movant(s):

Richard J Sarenana Jr

Represented By
Cynthia A Dunning
James D. Hornbuckle

Maria Sarenana

Represented By
Cynthia A Dunning
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-16037 Nadia M. Lipscomb

Chapter 13

#3.00 Motion to vacate dismissal

EH__

Docket 33

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Nadia M. Lipscomb

Represented By
James D. Hornbuckle

Movant(s):

Nadia M. Lipscomb

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20229 Sean Phillip Coy

Chapter 13

#4.00 Motion to Avoid Judicial Lien with Morgan Hill Homeowners Association

Also #5 - #8

EH__

Docket 49

Tentative Ruling:

3/1/18

Sean Coy ("Debtor") filed three motions to avoid liens held by Morgan Hill Homeowners Association ("HOA"). HOA filed opposition to all three motions, and Debtor filed a reply to each opposition.

One motion [Dkt. No. 49] sought the avoidance of an abstract of judgment (recorder's number 2009-0553451) pursuant to § 522(f). HOA states in its opposition that "[t]o the extent that the Abstract is the only lien which Debtor seeks to avoid, the Association does not object, but such avoidance would have no effect." In Debtor's reply, Debtor clarified that the motion sought to avoid the abstract of judgment. Therefore, because the abstract of judgment impairs an exemption of the Debtor, and HOA implicitly having consented to the relief requested, the Court is inclined to grant this motion.

A second motion [Dkt. No. 50] seeks the avoidance of a notice of levy (recorder's number 2017-0290203) pursuant to § 522(f). HOA states in its opposition that "[t]o the extent that the Notice of Levy is the only lien which Debtor seeks to avoid, the Association does not object, but such avoidance would have no effect." In Debtor's reply, Debtor clarified that the motion sought to avoid the notice of levy. Therefore, because the notice of levy impairs an exemption of the Debtor, and HOA implicitly having consented to the relief requested, the Court is inclined to grant this motion.

Finally, a third motion [amended as Dkt. No. 56] is less than clear. The motion identifies the subject lien as possessing recording number 2017-0290203, which is the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

CONT... Sean Phillip Coy

Chapter 13

recording number of the notice of levy identified above. HOA implicitly adopts the same position as was stated in the paragraph above. Additionally this motion having been brought pursuant to § 506(d) (instead of § 522(f)), the HOA argued that because its "secured" claim had not been disallowed, lien avoidance under § 506(d) was not permissible. The Court need not address this argument because this motion is redundant given the motion that is docket number 50. While Debtor's reply indicates that its intent was to avoid a different lien, the assessment lien, through the motion that is docket number 56, the motion identified the notice of levy as the lien to be avoided. Therefore, the Court is inclined to deny this motion as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20229 Sean Phillip Coy

Chapter 13

#5.00 Motion to Avoid Lien re Notice of Levy with Morgan Hill Homeowners Association

Also #4 - #8

EH__

Docket 50

Tentative Ruling:

3/1/18

Sean Coy ("Debtor") filed three motions to avoid liens held by Morgan Hill Homeowners Association ("HOA"). HOA filed opposition to all three motions, and Debtor filed a reply to each opposition.

One motion [Dkt. No. 49] sought the avoidance of an abstract of judgment (recorder's number 2009-0553451) pursuant to § 522(f). HOA states in its opposition that "[t]o the extent that the Abstract is the only lien which Debtor seeks to avoid, the Association does not object, but such avoidance would have no effect." In Debtor's reply, Debtor clarified that the motion sought to avoid the abstract of judgment. Therefore, because the abstract of judgment impairs an exemption of the Debtor, and HOA implicitly having consented to the relief requested, the Court is inclined to grant this motion.

A second motion [Dkt. No. 50] seeks the avoidance of a notice of levy (recorder's number 2017-0290203) pursuant to § 522(f). HOA states in its opposition that "[t]o the extent that the Notice of Levy is the only lien which Debtor seeks to avoid, the Association does not object, but such avoidance would have no effect." In Debtor's reply, Debtor clarified that the motion sought to avoid the notice of levy. Therefore, because the notice of levy impairs an exemption of the Debtor, and HOA implicitly having consented to the relief requested, the Court is inclined to grant this motion.

Finally, a third motion [amended as Dkt. No. 56] is less than clear. The motion

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

CONT... Sean Phillip Coy

Chapter 13

identifies the subject lien as possessing recording number 2017-0290203, which is the recording number of the notice of levy identified above. HOA implicitly adopts the same position as was stated in the paragraph above. Additionally this motion having been brought pursuant to § 506(d) (instead of § 522(f)), the HOA argued that because its "secured" claim had not been disallowed, lien avoidance under § 506(d) was not permissible. The Court need not address this argument because this motion is redundant given the motion that is docket number 50. While Debtor's reply indicates that its intent was to avoid a different lien, the assessment lien, through the motion that is docket number 56, the motion identified the notice of levy as the lien to be avoided. Therefore, the Court is inclined to deny this motion as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20229 Sean Phillip Coy

Chapter 13

#6.00 Motion to Avoid Junior Lien with Deutsche Bank National Trust Company, Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1

Also #4 - #8

EH__

Docket 46

Tentative Ruling:

3/1/18

On February 28, 2005, Debtor executed two notes and deeds of trust. One had an original amount of \$500,000, and the current beneficiary is FMJM RWL III Trust 2015-1. The other had an original amount of \$106,280, and the current beneficiary is Deutsche Bank National Trust Company ("Deutsche"). The security interest related to the latter is the subject of the lien avoidance motion here.

Deutsche asserts that Debtor and the first lienholder entered into a modification on June 1, 2013, and that such modification prejudiced the rights of Deutsche. Deutsche contends that the modification was without its permission, and that the senior lienholder relinquished its priority with respect to the modified terms. If Deutsche is correct, then Deutsche would not be wholly unsecured and Debtor's motion would be unsuccessful.

Subject to discussion from the parties, the Court is inclined to GRANT Deutsche's request for a continuance to allow Deutsche to file an adversary proceeding regarding the extent or priority of a lien.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

CONT... Sean Phillip Coy

Chapter 13

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20229 Sean Phillip Coy

Chapter 13

#7.00 Motion to Avoid Junior Lien with Morgan Hill Homeowners Association

Also #4 - #8

EH__

Docket 47

Tentative Ruling:

3/1/18

Sean Coy ("Debtor") filed three motions to avoid liens held by Morgan Hill Homeowners Association ("HOA"). HOA filed opposition to all three motions, and Debtor filed a reply to each opposition.

One motion [Dkt. No. 49] sought the avoidance of an abstract of judgment (recorder's number 2009-0553451) pursuant to § 522(f). HOA states in its opposition that "[t]o the extent that the Abstract is the only lien which Debtor seeks to avoid, the Association does not object, but such avoidance would have no effect." In Debtor's reply, Debtor clarified that the motion sought to avoid the abstract of judgment. Therefore, because the abstract of judgment impairs an exemption of the Debtor, and HOA implicitly having consented to the relief requested, the Court is inclined to grant this motion.

A second motion [Dkt. No. 50] seeks the avoidance of a notice of levy (recorder's number 2017-0290203) pursuant to § 522(f). HOA states in its opposition that "[t]o the extent that the Notice of Levy is the only lien which Debtor seeks to avoid, the Association does not object, but such avoidance would have no effect." In Debtor's reply, Debtor clarified that the motion sought to avoid the notice of levy. Therefore, because the notice of levy impairs an exemption of the Debtor, and HOA implicitly having consented to the relief requested, the Court is inclined to grant this motion.

Finally, a third motion [amended as Dkt. No. 56] is less than clear. The motion identifies the subject lien as possessing recording number 2017-0290203, which is the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

CONT... Sean Phillip Coy

Chapter 13

recording number of the notice of levy identified above. HOA implicitly adopts the same position as was stated in the paragraph above. Additionally this motion having been brought pursuant to § 506(d) (instead of § 522(f)), the HOA argued that because its "secured" claim had not been disallowed, lien avoidance under § 506(d) was not permissible. The Court need not address this argument because this motion is redundant given the motion that is docket number 50. While Debtor's reply indicates that its intent was to avoid a different lien, the assessment lien, through the motion that is docket number 56, the motion identified the notice of levy as the lien to be avoided. Therefore, the Court is inclined to deny this motion as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20229 Sean Phillip Coy

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 2/15/18

Also #4 - #7

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#9.00 CONT Confirmation of Chapter 13 Plan

From: 11/30/17, 12/21/17, 1/25/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20019 Frank Prouty

Chapter 13

#10.00 CONT Confirmation of Chapter 13 Plan

From: 2/8/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20515 Rasmey John Lim

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rasmey John Lim

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20516 Delfino Mendez

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Delfino Mendez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20519 Carlos Gutierrez

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Gutierrez

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20535 Antonio Ochoa

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antonio Ochoa

Represented By
Qais Zafari

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20560 Juana Santiago

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Santiago

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20610 Tatiana Noemi Alegre

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tatiana Noemi Alegre

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:17-20630 Jennifer Heredia

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Heredia

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:15-14501 Vonetta M Mays

Chapter 13

#17.10 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 2/22/18

Also #17.2

EH__

Docket 169

***** VACATED *** REASON: ORDER ENTERED 2/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Movant(s):

Vonetta M Mays

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:30 PM

6:15-14501 Vonetta M Mays

Chapter 13

#17.20 CONT Trustee's Motion to Dismiss Case

From: 2/22/18

Also #17.1

EH__

Docket 168

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:13-30641 Jacob J Cannon and Danielle M Cannon

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacob J Cannon

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Danielle M Cannon

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:14-21279 Reinaldo Rodriguez and Michelle Rodriguez

Chapter 13

#19.00 Trustee's Motion to Dismiss Chapter 13 Proceeding (Delinquency)

EH__

Docket 54

***** VACATED *** REASON: WITHDRAW OF MOTION FILED 2/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reinaldo Rodriguez

Represented By
Julie J Villalobos

Joint Debtor(s):

Michelle Rodriguez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:14-22362 James Lange and Michelle Lange

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 133

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lange

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Michelle Lange

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:14-23388 Jose N Recinos and Patricia Recinos

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 264

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose N Recinos

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Patricia Recinos

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:15-10488 Jose L Rangel and Rosa M Rangel

Chapter 13

#22.00 Trustee's Motion to Dismiss Chapter 13 Proceeding (Delinquency)

EH__

Docket 127

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose L Rangel

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Rosa M Rangel

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:15-19148 Esmeralda Caldera

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Esmeralda Caldera

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#24.00 Trustee's Motion to Dismiss Chapter 13 Proceeding (Delinquency)

EH__

Docket 145

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:16-18248 Juan Jose Franco

Chapter 13

#25.00 CONT Trustee's Motion to Dismiss Case

From: 2/8/18

EH__

Docket 76

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Franco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:17-13063 Ethel N Odimegwu

Chapter 13

#26.00 CONT Trustee's Motion to Dismiss Case

From: 2/1/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:17-13719 Sam Venero

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Venero

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:17-13804 John P Morris and Cassandra M Morris

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John P Morris

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Cassandra M Morris

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:17-16439 Oscar Avila

Chapter 13

#29.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 2/1/18

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Avila

Represented By
Sanaz S Bereliani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 01, 2018

Hearing Room 303

12:31 PM

6:15-15522 Scott Allan Oswald and Lisa Frances Oswald

Chapter 13

#30.00 CONT Trustee's Motion to Dismiss Case

From: 1/25/18, 2/22/18

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Allan Oswald

Represented By
Richard Lynn Barrett

Joint Debtor(s):

Lisa Frances Oswald

Represented By
Richard Lynn Barrett

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

9:30 AM

6:17-14501 Julie Lynn Salazar

Chapter 13

Adv#: 6:17-01213 Winegardner Masonry, Inc. v. Salazar

#1.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01213. Complaint by Winegardner Masonry, Inc. against Julie Lynn Salazar. fraud as fiduciary, embezzlement, larceny)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(72 (Injunctive relief - other)) (Smelko, William)

Holding Date

From: 12/21/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/17/18 AT 9:30 A.M.**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Defendant(s):

Julie Lynn Salazar

Represented By
Joseph C Markowitz

Plaintiff(s):

Winegardner Masonry, Inc.

Represented By
William A Smelko

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

9:30 AM

6:17-14501 Julie Lynn Salazar

Chapter 13

#2.00 Evidentiary Hearing re Motion RE: Objection to Claim Number 6 by Claimant Winegardner Masonry

From: 12/14/17, 12/21/17

EH__

Docket 46

***** VACATED *** REASON: CONTINUED TO 4/17/18 AT 9:30 A.M.**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Julie Lynn Salazar

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:09-01235 DIAMOND v. Empire Partners, Inc., a California Corporation et

**#3.00 CONT Status Conference re complaint
HOLDING DATE**

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17

EH____

Docket 1

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

David Loughnot

Jonathan A Loeb

Jeffrey Rosenfeld

DOES 1 through 100, inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

Plaintiff(s):

RICHARD K. DIAMOND

Represented By

Richard S Berger
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01319 DIAMOND v. Empire Partners, Inc., a California Corporation et

**#4.00 CONT Status Conference re complaint
HOLDING DATE**

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13, 12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
01/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17

EH____

Docket 1

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

Jeffrey Rosenfeld

P Sabin Willett

James P Previti

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Larry Day

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Neil M Miller

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Paul Roman

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

O'Melveny & Myers, LLP

Represented By
Howard Steinberg
P Sabin Willett

Peter T. Healy

Represented By
Howard Steinberg
P Sabin Willett

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger
Peter M Bransten
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
Cynthia M Cohen
Royce Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

Michael I Gottfried
Richard S Berger
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01329 DIAMOND v. Empire Partners, Inc., a California Corporation et

#5.00 CONT Status Conference re complaint
(Defendant - Empire Partners, Inc) HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17

EH____

Docket 1

Party Information

Debtor(s):

Empire Land, LLC

Represented By
James Stang
Robert M Saunders
Michael I Gottfried
----- O'melveny & Myers
Dean A Ziehl
Jonathan A Loeb
P Sabin Willett
Richard K Diamond (TR)
Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld

James P Previti

Represented By
Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

	Jeffrey Rosenfeld
Previti Realty Fund, L.P.	Represented By Jonathan A Loeb Jeffrey Rosenfeld
The James Previti Family Trust	Represented By Jonathan A Loeb Jeffrey Rosenfeld

Plaintiff(s):

RICHARD K DIAMOND	Represented By Richard S Berger Michael I Gottfried Aleksandra Zimonjic Monica Rieder John P Reitman Peter M Bransten Cynthia M Cohen Roye Zur
-------------------	--

Trustee(s):

Richard K Diamond (TR)	Represented By Michael I Gottfried Richard S Berger Rodger M Landau Richard K Diamond Peter M Bransten Aleksandra Zimonjic Monica Rieder Lisa N Nobles Peter J Gurfein Paul Hastings Roye Zur Amy Evans Best Best & Krieger Franklin C Adams
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 05, 2018

Hearing Room 303

1:00 PM

CONT...

Empire Land, LLC

Thomas J Eastmond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-11212 Diana J Everett

Chapter 13

#1.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY

MOVANT: DIANA J. EVERETT

EH__

Docket 8

Tentative Ruling:

03/06/2018

The Debtor indicates that the case was dismissed for two reasons: (1) the Debtor's disability income decreased, and (2) the Debtor's daughter was in a serious accident in November 2017 and the Debtor has been paying her medical and legal fees associated with the accident.

The Debtor's explanation for the dismissal of the prior case is sufficiently detailed. However, the Motion does not address whether there has been a change in the financial or personal affairs of the Debtor since January 2018 (when the case was dismissed) such that the Debtor is likely to be able to complete her plan going forward. In particular, there is no indication that the medical emergency which resulted in dismissal of the Debtor's prior case has ended. Additionally, the Debtor now indicates that she is supporting her unemployed domestic partner. The Debtor's disposable income has decreased from \$4,197.72 in her prior case to \$704.72 in the current case.

Separately, the Court notes that the Notice of Motion did not specify the identities of the Debtor's secured creditors as required by the Court's form motion. As such, notice for the secured creditors is improper.

For these reasons, the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Diana J Everett

Chapter 13

Party Information

Debtor(s):

Diana J Everett

Represented By
Paul Y Lee

Movant(s):

Diana J Everett

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-11096 Mercedes Estrada Ayala

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 200 S. Linden Ave., #12-P, Rialto, CA 92376

MOVANT: HARVEST GLEN LP

EH__

Docket 10

Tentative Ruling:

03/06/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 7(b), 9(b) and 11 of the prayer for relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mercedes Estrada Ayala

Pro Se

Movant(s):

Harvest Glen LP

Represented By
Scott Andrews

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-11080 Edgardo Aranda and Kelley Aranda

Chapter 13

#3.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY (Real Property: located at 970 Winston Circle, Corona CA 92881)

MOVANT: EDGARDO ARANDA AND KELLEY ARANDA

From: 2/27/18

EH__

Docket 13

Tentative Ruling:

2/27/2018

The Court is inclined to DENY the motion. The Court finds that Debtors have not provided clear and convincing evidence sufficient to rebut the presumption arising under § 362(c)(3)(C) that this case was not filed in good faith. Specifically, the motion does not address the reasons the previous case was dismissed. Instead the motion and Debtor's declaration repeatedly recite that the Debtors are willing and able to make their plan payment without any specificity or detail being provided.

APPEARANCES REQUIRED. Paul Lee to personally appear.

Party Information

Debtor(s):

Edgardo Aranda

Represented By
Paul Y Lee

Joint Debtor(s):

Kelley Aranda

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Edgardo Aranda and Kelley Aranda

Chapter 13

Movant(s):

Edgardo Aranda

Represented By
Paul Y Lee
Paul Y Lee

Kelley Aranda

Represented By
Paul Y Lee
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-11078 Danny Howard Weeks

Chapter 13

#4.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

MOVANT: DANNY HOWARD WEEKS

EH__

Docket 6

Tentative Ruling:

03/06/2018

The declaration in support of the Motion establishes clear and convincing evidence that the instant case was filed in good faith for purposes of continuance of the stay under § 362(c). Based on the evidence that the Debtor's prior case was adversely impacted by issues with his vehicle and on his assertion that he is now relying on company-provided vehicles, the Court's tentative ruling is to GRANT the Motion and continue the automatic stay as to all creditors (with the exception of Mission Financial Services which obtained relief from stay in the prior case).

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
Stephen S Smyth

Movant(s):

Danny Howard Weeks

Represented By
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-10659 Tena Renee Fry

Chapter 7

#5.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 11043 Magnolia Ave Ste 202 Riverside CA 92505

MOVANT: DINESH PATEL, AUTHORIZED AGENT OF ECONO LODGE INN & SUITES IN RIVERSIDE CA

From: 2/27/18

EH__

Docket 12

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tena Renee Fry

Pro Se

Movant(s):

Dinesh Patel

Represented By
Benjamin R Heston

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-10546 Rick Allen Skans

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Pacific Coach BlazeN 21FS

MOVANT: LBS FINANCIAL CREDIT UNION

EH__

Docket 7

Tentative Ruling:

03/06/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rick Allen Skans

Represented By
Neil R Hedtke

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:18-10468 Dionna C Bell

Chapter 7

#7.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 15665 Lasselle St #81, Moreno Valley, CA 92551 with Exhibits

MOVANT: BANK OF AMERICA NA

EH__

Docket 8

Tentative Ruling:

03/06/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request under ¶3.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Dionna C Bell

Represented By
Charles W Daff

Movant(s):

Bank of America, N.A.

Represented By
Megan E Lees

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-20622 Marc A Mercurio

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 5885 Colorado Ave NW, Unit 401 WASHINGTON, District of Columbia 20011 UNDER 11 U.S.C. § 362.

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 10

Tentative Ruling:

03/06/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶¶ 3 and 12.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Marc A Mercurio

Represented By
Aaron Lloyd

Movant(s):

Nationstar Mortgage LLC

Represented By
John D Schlotter

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-18300 Deborah Stevenson

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11771 GENIL COURT Mira Loma, Ca, 91752 UNDER 11 U.S.C. § 362. (Schlotter, John)

MOVANT: NATIONSTAR MORTGAGE, LLC

EH__

Docket 31

Tentative Ruling:

03/06/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay and authority to offer loan workout options.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Deborah Stevenson

Represented By
Edward T Weber

Movant(s):

Nationstar Mortgage, LLC dba Mr.

Represented By
John D Schlotter

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-17523 Rowena I Argonza and Emerald D Argonza

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 4585 Grand Avenue, Montclair, California 91763

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 31

Tentative Ruling:

03/06/2018

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT authority to offer loan workout options.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rowena I Argonza

Represented By
Julie J Villalobos

Joint Debtor(s):

Emerald D Argonza

Represented By
Julie J Villalobos

Movant(s):

U.S. Bank National Association, not

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Rowena I Argonza and Emerald D Argonza

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-17316 Luis Fernando Montoya, Jr.

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ducati 959 Panigale

MOVANT: VW CREDIT INC

EH__

Docket 52

Tentative Ruling:

03/06/2018

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENIED as to § 362(d)(2) for lack of evidence regarding necessity for reorganization.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Luis Fernando Montoya Jr.

Represented By
Anthony B Vigil

Movant(s):

VW Credit, Inc., dba Ducati

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-13804 John P Morris and Cassandra M Morris

Chapter 13

#12.00 CONT Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Mazda 5

MOVANT: JP MORGAN CHASE BANK NA

From: 1/9/18, 2/13/18

EH__

Docket 36

***** VACATED *** REASON: CASE DISMISSED 3/1/18**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John P Morris

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Cassandra M Morris

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... John P Morris and Cassandra M Morris
Jamie D Hanawalt

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-13608 Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

#13.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8893 Orange Street, Rancho Cucamonga, California 91701

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 2/13/18

EH__

Docket 23

Tentative Ruling:

02/13/2018
Service: Proper
Opposition: Yes

Subject to discussions re adequate protection, the Court's tentative is to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay, GRANT authority to offer loan workout options pursuant to ¶3 of prayer for relief and GRANT relief from the co-debtor stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Warren Alan Hall

Represented By
Lionel E Giron

Joint Debtor(s):

Kelly Suzanne Hall

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

Lionel E Giron

Movant(s):

U.S. Bank National Association, as

Represented By

Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-12307 Darla Bell

Chapter 13

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3575 Las Vegas Boulevard South, Las Vegas, NV 89109

MOVANT: HILTON RESORTS CORPORATION

EH__

Docket 22

Tentative Ruling:

03/06/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Darla Bell

Represented By
Andrew Nguyen

Movant(s):

Hilton Resorts Corporation

Represented By
Thomas R Mulally

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#15.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

From: 2/6/18

EH__

Docket 31

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:16-14108 Charles M. Wallace, Jr. and Raquel A. Wallace

Chapter 13

#16.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 20006 Waco Road, Apple Valley, California 92308

MOVANT: WELLS FARGO BANK N.A.

From: 2/6/18

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/5/18**

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT relief from § 1301(a) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Charles M. Wallace Jr.

Represented By
Robert W Ripley

Joint Debtor(s):

Raquel A. Wallace

Represented By
Robert W Ripley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Charles M. Wallace, Jr. and Raquel A. Wallace

Chapter 13

Movant(s):

Wells Fargo Bank, N.A./Wells Fargo

Represented By
Norman Harrison
Armin M Kolenovic
John Chandler

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:15-12404 Anthony E Turkson

Chapter 13

#17.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 12016 Quantico Dr, Riverside, CA 92505

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 1/9/18, 2/6/18

EH__

Docket 89

***** VACATED *** REASON: ORDER ENTERED 3/5/18**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Yes

Parties to provide status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Deutsche Bank National Trust

Represented By
April Harriott
Keith Labell
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Anthony E Turkson

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

6:12-27192 Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

#18.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 28114 Championship Dr, Moreno Valley, CA 92555

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18

EH__

Docket 100

***** VACATED *** REASON: CONTINUED TO 4/10/18 AT 10:00 AM**

Tentative Ruling:

11/28/2017

Service: Proper

Opposition: Yes

Debtors have provided evidence that regular payments were made between May 2016 and November 1, 2017 (with the exception of the August 2016 and December 2016 payments for which Debtors are seeking evidence). Exhibit 5, which is the Movant's summary of post-petition payments reflects numerous debits for 2016 payments which appears to corroborate Debtors' assertion that refunds were made due to a mix-up in payments being made by the Trustee's office.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Achilles A. LaSalle Jr.

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Elsie LaSalle

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

10:00 AM

CONT... Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Debbie Hernandez
Rosemary Allen

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 11

#19.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15400 HWY 173, Hesperia CA 92345

MOVANT: VANHOOPS HOLDINGS LP

Also #21 & #22

EH__

Docket 19

Tentative Ruling:

03/06/2018

BACKGROUND

On January 18, 2018, Ohlone Tribe of Carmel First Settlers of Chino Valley, CA Inc. ("Debtor") filed its petition for chapter 11 relief. The Debtor's prior case was dismissed on January 9, 2018.

On February 2, 2018, Vanhoops Holdings, LP ("Vanhoops") filed a motion for relief from the automatic stay ("Motion") seeking authority to lift the stay as to certain property located at 15400 Highway 173 in Hesperia, CA (the "Property"). The Property is asserted to be commercial land and the Debtor asserts that the land is occupied by a small number of tenants, including the Debtor's principal. The Debtor filed its response to the Motion on February 20, 2018.

DISCUSSION

Vanhoops seeks an order lifting the stay pursuant to 11 U.S.C. §§ 362(d)(1), (d)(2), and (d)(4) alleging:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

CONT... Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

1. A lack of adequate protection;
2. Bad faith filing;
3. By its terms, the note is due and payable in its entirety.

In support of the Motion, Vanhoops asserts that the loan matured on January 18, 2018, and that it holds a total claim of \$3,201,486.50. The Motion further indicates based on an attached declaration of the Debtor's principal, David Vargas, that the Debtor transferred the Property to Mr. Vargas's wife, Danielle Maria Madrigal, without notice to Vanhoops and without its consent.

In response, the Debtor asserts that the Motion is premature as it was filed early in the case and that Vanhoops has not provided evidence of the fair market value of the Property, and that the current case has been filed in good faith.

Here, Vanhoops' Motion lacks evidence regarding whether the Debtor was making payments in accordance with the terms of the Note. Additionally, there is no evidence to support the lack of equity in the Property. However, despite the deficiencies in the Motion generally, the Court finds that the evidence that the Debtor conveyed the Property to Danielle Madrigal in direct contravention of the terms of the Note and without authorization from Vanhoops, coupled with the evidence that the Debtor filed its current and prior bankruptcies to forestall foreclosure by Vanhoops, as evidence that the instant bankruptcy filing has been made in bad faith and that the Debtor's case is really a two party dispute between the Debtor and Vanhoops.

TENTATIVE RULING

The Court is inclined to GRANT the Motion under §362(d)(1) and (d)(4) as a bad faith filing. The Court is further inclined to GRANT the order under ¶¶ 10(b) and 12 of the prayer for relief. The requests under ¶¶ 4 and 11 are DENIED for lack of cause shown, and the request under ¶ 13 is DENIED as moot.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

CONT... Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

Debtor(s):

Ohlone Tribe of Carmel First Settlers

Represented By
Odeha L Warren

Movant(s):

Vanhoops Holdings LP

Represented By
Diana J Carloni

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#21.00 Order on the Courts own Motion Hearing re Application to Employ Odeha Warren as Attorney

Also #20 & #22

EH__

Docket 0

Tentative Ruling:

03/06/2018

BACKGROUND

On January 18, 2018, Ohlone Tribe of Carmel First Settlers of Chino Valley, CA Inc. ("Debtor") filed its petition for chapter 11 relief. The Debtor's prior case was dismissed on January 9, 2018.

On February 19, 2018, the Debtor filed its Application to Employ Odeha Warren as Counsel to Debtor ("Application"). On February 21, 2018, the Court set the Application for hearing. No oppositions have been filed. On March 5, 2018, the Office of the United States Trustee filed its Objection to the Application.

DISCUSSION

The UST correctly points out that the Application was not served in accordance with LBR 2014-1 (there was no proof of service at all). Additionally,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

CONT... Ohlone Tribe of Carmel First Settlers of Chino Val Chapter 11

when setting the hearing, the Court ordered that the Debtor give notice of the hearing. The Debtor did not comply with the Court's order. Finally, the UST has correctly pointed out that the Application does not include a Notice indicating to interested parties their deadline for opposition or response.

TENTATIVE RULING

Based on the foregoing, the Court need not reach the merits of the Application. The failure to comply with the most basic LBR 2014 requirements, including Applicant's responsibility to indicate her qualifications, warrants denial of the Application.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ohlone Tribe of Carmel First Settlers

Represented By
Odeha L Warren

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#22.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

Also #20 & #21

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ohlone Tribe of Carmel First Settlers

Represented By
Odeha L Warren

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#23.00 Emergency motion to Approve the Stipulation Regarding DIP Financing and Modification of Cash Collateral Stipulation Between Auto Strap Transport, LLC and Nations Fund I, LLC

Also #23.1

EH__

Docket 170

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#23.10 Joint Motion for Entry of An Order Pursuant to 11 U.S.C. Sections 105(a) and 363 Authorizing The Debtor to (A) Retain Scramble Systems, LLC to Provide the Debtor with a Chief Restructuring Officer and (B) Appoint the Chief Restructuring Officer

Also #23

EH__

Docket 171

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#24.00 Motion of Debtor and Debtor-in-Possession For Entry of an Order Authorizing the Debtor to: (1) Engage J. Michael Issa as Chief Restructuring Officer of the Debtor; and (2) Employ GlassRatner Advisory Capital Group, LLC to Assist the Chief Restructuring Officer

Also #25

EH__

Docket 135

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 6, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#25.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 2/6/18, 2/13/18

Also #24

EH__

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

10:00 AM

6:17-10522 Joanne Saycon

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Db a GM Financial re 2013 Toyota Prius

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Saycon

Represented By
Terrence Fantauzzi

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

10:00 AM

6:17-19035 Stacy Aleen Eble

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Darden Credit Union re
2014 Dodge Charger

Also #3

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy Aleen Eble

Represented By
Daniel King

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

10:00 AM

6:17-19035 Stacy Aleen Eble

Chapter 7

**#3.00 Pro se Reaffirmation Agreement Between Debtor and Darden Credit Union re
2009 GMC Sierra**

Also #2

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy Aleen Eble

Represented By
Daniel King

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

10:00 AM

6:17-19552 Maria Angeles Lozano

Chapter 7

**#4.00 Pro se Reaffirmation Agreement Between Debtor and SchoolsFirst FCU re
Overdraft Protection Loan**

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Angeles Lozano

Represented By
Daniel King

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

10:00 AM

6:17-19909 Michelle Rene Katz and Michael Alan Katz

Chapter 7

#5.00 Motion for Approval of Reaffirmation Agreement Between Debtor(s) and with Navy Federal Credit Union Re: 2015 Jeep Cherokee

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Rene Katz Pro Se

Joint Debtor(s):

Michael Alan Katz Pro Se

Movant(s):

Navy Federal Credit Union #5905 Pro Se

Trustee(s):

Steven M Speier (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

6:17-18754 Young Sil Han Wang

Chapter 7

#6.00 Motion to Avoid Judicial Lien with Canterbury at Indian Hills HOA

EH__

Docket 13

Tentative Ruling:

3/7/2018

On October 20, 2017, Young Wang ("Debtor") filed a Chapter 7 voluntary petition. On January 29, 2018, Debtor received a discharge.

On February 8, 2017, Debtor filed a motion to avoid the judicial lien of Canterbury at Indian Hills HOA ("HOA"). On February 22, 2017, HOA filed its opposition, and, on February 27, 2018, Debtor filed a reply.

The crux of the dispute relates to the nature of the Debtor's property interest. Debtor appears to assert that she has a 50% equitable interest in the property. Debtor asserts that she purchased the property with her daughter because she could not qualify for a loan, and further asserts that she lives at the property and makes mortgage payments.

HOA makes two distinct arguments in its opposition. First, HOA argues that that the lien did not attach to any interest of the Debtor, and, therefore, Debtor cannot avoid the lien. Second, HOA argues that Debtor is not entitled to take an exemption in the property. Regarding this latter argument, the Court notes that a claimed exemption is "presumptively valid." *see, e.g., In re Carter*, 182 F.3d 1027, 1029 n.3 (9th Cir. 1999). If HOA wants to dispute the claimed exemption of Debtor, it needs to file an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

CONT... Young Sil Han Wang

Chapter 7

objection to the claimed exemption following the procedures of FED. R. BANKR. P. Rule 4003, if the deadline to do so has not yet run.

Regarding the first argument, HOA is correct that in order to avoid a lien under § 522(f), the debtor must have had an interest in the property at the time that the lien attached. *See Farrey v. Sanderfoot*, 500 U.S. 291, 296 (1991) ("Therefore, unless the debtor had the property interest to which the lien attached at some point *before* the lien attached to that interest, he or she cannot avoid the fixing of the lien under the terms of § 522(f)(1)."). This does not appear to be the operative question, however, because it appears that any interest that Debtor possesses in the property predates the recordation of the lien. The question, instead, is, assuming Debtor has an equitable interest in the property, whether HOA's lien attaches to that interest.

California law now explicitly provides that judgment liens can attach to equitable interests. *See* CAL. CODE CIV. P. § 697.340. Nevertheless, Debtor was not the entity against which HOA obtained a judgment; the judgment is against Debtor's daughter. Debtor has not advanced any argument or authority as to why Debtor's interest in property is subject to the enforcement of a money judgment obtained against Debtor's daughter. If HOA had obtained a money judgment against Debtor, it is possible that the recordation of the abstract of judgment would operate to fix a lien on Debtor's equitable interest in real property. But HOA obtained a judgment against Debtor's daughter, which attaches only to interests of the daughter, and Debtor's interest does not appear to be subject to the money judgment. Therefore, HOA's lien never attached to Debtor's alleged equitable interest, and Debtor, as a result, cannot avoid the lien.

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

CONT... Young Sil Han Wang

Chapter 7

Debtor(s):

Young Sil Han Wang

Represented By
Robert G Uriarte

Movant(s):

Young Sil Han Wang

Represented By
Robert G Uriarte
Robert G Uriarte
Robert G Uriarte
Robert G Uriarte
Robert G Uriarte

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

6:18-10336 Eduvina Juanita Paredes Leon

Chapter 7

#7.00 Motion to Dismiss Case for Abuse and Dismiss Case with Re-Filing Bar

EH__

Docket 8

Tentative Ruling:

3/7/18

BACKGROUND

On January 17, 2018, Eduvina Leon ("Debtor") filed a Chapter 7 voluntary petition. Debtor had previously filed two bankruptcies in the previous eighteen months, both of which were quickly dismissed. On February 1, 2018, UST filed a motion to dismiss case with a re-filing bar.

DISCUSSION

I. Dismissal

11 U.S.C. § 707(b)(1) permits the Court to dismiss a Chapter 7 case for abuse. 11 U.S.C. § 707(b)(3)(A) states:

(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

CONT...

Eduvina Juanita Paredes Leon

Chapter 7

paragraph (2)(A)(i) does not arise or is rebutted, the court shall consider –

(A) whether the debtor filed the petition in bad faith

In determining whether a case should be dismissed under § 707(b)(3)(A), the Court considers the totality of the circumstances, but is ultimately instructed to consider whether "the debtor's intention in filing a bankruptcy petition is inconsistent with the Chapter 7 goals of providing a 'fresh start' to debtors and maximizing the return to creditors." *In re Mitchell*, 357 B.R. 142, 154-55 (Bankr. C.D. Cal. 2006) (listing factors to be considered in making that determination).

The majority of the *Mitchell* factors are inapplicable when, as here, a debtor files a skeletal petition that does not provide the Court with sufficient information to apply the *Mitchell* test. Only factor seven (history of bankruptcy filings) and, possibly, factor nine (egregious behavior) can be assessed when a debtor files a skeletal petition. Both those factors weigh in favor of dismissal when, as here, a debtor repeatedly files skeletal petitions during a short period of time, and does not disclose previous filings. While § 707(a)(1) and (3) provide for dismissal when a debtor fails to fulfill his duties under the Bankruptcy Code, when a debtor repeatedly filed bankruptcy and fails to evince any attempt to comply with the filing requirements, it can be inferred, absent any indication to the contrary, that the debtor's purpose in filing bankruptcy is not to take advantage of the fresh start. *See, e.g., In re Craighead*, 377 B.R. 648, 655 (Bankr. N.D. Cal. 2007) ("Courts generally hold that when a debtor repeatedly files bankruptcy petitions and then repeatedly fails to file schedules or to comply with other requirements, this pattern of behavior is evidence of bad faith and an attempt to abuse the system."). Dismissal under § 707(b)(3) is appropriate in those circumstances.

II. Re-Filing Bar

The court is empowered to impose a refiling bar under 11 U.S.C. § 349(a). As

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

CONT... Eduvina Juanita Paredes Leon

Chapter 7

COLLIER notes, courts' analysis of this section is somewhat confused due to confounding "dismissal with prejudice" with "dismissal with injunction against future filings." COLLIER ON BANKRUPTCY ¶ 349.02[3]; *compare In re Garcia*, 479 B.R. 488 (Bankr. N.D. Ind. 2012) (denying motion for dismissal with prejudice, but imposing three-year refiling bar) *with In re Craighead*, 377 B.R. 648 (Bankr. N.D. Cal. 2007) (appearing to equate dismissal with prejudice with an injunction against refiling).

There is also a circuit split concerning whether an injunction on refiling for more than 180 days is allowed under the Bankruptcy Code. *Compare In re Frieouf*, 938 F.2d 1099 (10th Cir. 1991) (180 days is maximum allowed length of refiling injunction) *with Casse v. Key Bank Nat. Ass'n*, 198 F.3d 327 (2nd Cir. 1999) (injunction against filing for more than 180 days permissible). 11 U.S.C. § 349(a) reads:

Unless, the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.

The disagreement revolves around whether the qualifier "Unless, the court, for cause, orders otherwise" modifies the content after the semi-colon. *In re Leavitt* noted this disagreement, but since the court was dealing with a dismissal with prejudice, rather than an injunction against refiling, it did not resolve the issue. 209 B.R. 935, 942 (9th Cir. B.A.P. 1997). Within the Ninth Circuit, it appears the trend is to adopt the reasoning of the Second Circuit and allow injunctions for more than 180 days. *See e.g. In re Velasques*, 2012 WL 8255582 at *3 (Bankr. E.D. Cal. 2012).

Here, Debtor has filed four skeletal bankruptcies in the previous two years and failed to disclose the previous filings. As noted above, the Court has determined that Debtor's behavior is sufficient to warrant dismissal for bad faith and the Court finds the requested one year refiling bar to be appropriate.

Moreover, Debtor's failure to oppose is deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

11:00 AM

CONT... Eduvina Juanita Paredes Leon

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Eduvina Juanita Paredes Leon	Pro Se
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Movant(s):

United States Trustee (RS)	Represented By Abram Feuerstein esq
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Trustee(s):

Arturo Cisneros (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#8.00 CONT Status conference RE: [1] Adversary case 6:17-ap-01138. Complaint to Determine Non-Dischargeability of Debt by Phillip Musharbash , Violette Musharbash against Issa M Musharbbash , Amal Musharbbash

From: 9/20/17, 2/7/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

6:12-37346 Carmen Elisabeth Barrios

Chapter 7

Adv#: 6:13-01111 Vega v. Barrios

#9.00 Opposition to Claim of Exemption (Wage Garnishment)

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Elisabeth Barrios

Represented By
David H Chung

Defendant(s):

Carmen Elisabeth Barrios

Represented By
Andrew Edward Smyth

Plaintiff(s):

Crystal Vega

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#10.00 Plaintiff's Motion for Summary Judgment or Alternatively Partial Summary Adjudication

Also #11

EH__

Docket 68

Tentative Ruling:

3/7/2018

I. PROCEDURAL BACKGROUND

On February 26, 2016, Sam & Greeta Dason (Sam, individually, "Dason") (collectively, "Debtors") filed a Chapter 7 voluntary petition. On August 22, 2016, Juddy Olivares & Eric Panitz (individually, "Olivares" and "Panitz") (collectively, "Plaintiffs") filed a complaint against Dason to determine dischargeability of debt (11 U.S.C. § 523(a)(6)) and for attorney's fees. On September 20, 2016, the complaint was amended. On January 11, 2017, the Court dismissed Panitz from the complaint. On March 7, 2017, Olivares filed her second amended complaint.

On August 9, 2017, Dason filed an answer and a counter-claim¹ against Olivares. On October 2, 2017, Olivares filed her answer to the counter-claim. On January 19, 2018, Olivares filed the instant motion for summary judgment. On February 13, 2018, Dason filed his opposition to the motion for summary judgment. On February 21, 2018, Olivares filed her reply.

The Court notes that Dason has conceded that his counter-claim is moot in light of this Court's order annulling the automatic stay. As a result of this concession, it is the Court's intention to dismiss the counter-claim in the absence of any objection from Dason.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT...

Sam Daniel Dason

Chapter 7

II. FACTUAL BACKGROUND

Olivares began working as a dental assistant in 2010 for Colton Dental Group, the business name of Dason's dental corporation, Sam Daniel Dason, DDS ("Dason DDS"). Olivares states that she "was subjected to offensive sexual comments and inquiries, and other unwelcome, sexually-based, offensive conduct by Defendant." Furthermore, Olivares states that she "was subjected to repeated unwelcome sexual touching at the hands of Defendant," which is extensively detailed in the complaint and the motion for summary judgment. On January 17, 2013, Olivares left early and did not return to work. On February 26, 2016, the San Bernardino County Superior Court entered a judgment against Dason and Dason DDS in the amount of \$1,724,996.34 (the "Judgment").² The judgment contained the following components:

- 1) \$300,000 for past emotional distress – hostile work environment
- 2) \$200,000 for past emotional distress – *quid pro quo* sexual harassment
- 3) \$500,000 for future emotional distress
- 4) \$100,000 for punitive damages³
- 5) \$1,875 for future psychiatric care
- 6) \$8,125 for future psychological care
- 7) \$6,735.22 for past lost income
- 8) \$608,261.12 for attorney's fees and costs

Olivares contends that the judgment is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6). Olivares bases her motion for summary judgment both on issue preclusion and the record in this case. Dason argues that the record in this case cannot support summary judgment and that the state court judgment does not contain adequate findings to support issue preclusion.

III. DISCUSSION

Olivares requests that the Court apply issue preclusion and find that the Judgment is non-dischargeable under 11 U.S.C. § 523(a)(6). The Bankruptcy Code excepts from discharge any debt for "willful and malicious injury by the debtor to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). The creditor bears the burden of proving each element of § 523(a)(6) by a preponderance of the evidence. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 287 (1991).

To prevail on a claim under § 523(a)(6), a creditor must demonstrate three elements:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT... **Sam Daniel Dason**

Chapter 7

(1) willful conduct; (2) malice; and (3) causation. *See In re Butcher*, 200 B.R. 675, 680 (Bankr. C.D. Cal. 1996) (*quoting In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995)). A willful injury is a "deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). "A malicious injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." *In re Barboza*, 545 F.3d 702, 706 (9th Cir. 2008) (*quoting In re Jercich*, 238 F.3d 1202, 1209 (9th Cir. 2001)).

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. 56(c) (incorporated by FED. R. BANKR. P. 7056).

The moving party has the burden of establishing the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324. The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

A. Plaintiff's State Court Claim

The legal provision under which the relevant portion of the Judgment was based is CAL. GOV. CODE § 12940(j)(1), which states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(j)(1) For an employer, labor organization, employment agency, apprenticeship training program or any training program leading to employment, or any other person, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. Harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing cases involving the acts of nonemployees, the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees shall be considered. An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.

Olivares reference EEOC guidelines which create two categories of sexual harassment: (1) quid pro quo and (2) hostile environment. Olivares also points to case law which acknowledges the two categories. *See, e.g., Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986); *Beyda v. City of Los Angeles*, 65 Cal. App. 4th 511, 516-517 (Cal. Ct. App. 1998) ("There are two recognized categories of sexual harassment claims. The first is quid pro quo harassment, where a term of employment or employment itself is conditioned upon submission to unwelcome sexual advances. The second, and the one at issue in this case, is hostile work environment, where the harassment is sufficiently pervasive so as to alter the conditions of employment and create an abusive work environment.") (citations and quotations omitted).

The delineation of two separate categories of sexual harassment is relevant and important here. First, the Court notes that the Judgement references Olivares's claim for "Hostile Work Environment and Quid Pro Quo Sexual Harssament," and the state

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT...

Sam Daniel Dason

Chapter 7

court specifically identified separate damages for "past emotional distress hostile work environment" and "past emotional distress quid pro quo sexual harassment." [Dkt. No. 70 at pg. 8, lines 1-2]. Because these two categories of sexual harassment implicate different issues and require different findings to be made, issue preclusion may operate differently with respect to each issue.

B. Issue Preclusion on Plaintiff's Claim under 11 U.S.C. § 523(a)(6)

Issue preclusion applies in nondischargeability proceedings to bar the relitigation of factual issues that were determined in a prior state court action. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 284-85, n.11 (1991). To determine the issue-preclusive effect of a California state court's judgment, California preclusion law must be applied. *See* 28 U.S.C. § 1738; *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985); *Gayden v. Nourbakhsh (In re Nourbakhsh)*, 67 F.3d 798, 800 (9th Cir. 1995). Under California law, the party asserting issue preclusion has the burden of establishing the following "threshold" requirements:

- (1) the issue sought to be precluded must be identical to that decided in a former proceeding;
- (2) the issue must have been actually litigated in the former proceeding;
- (3) it must have been necessarily decided in the former proceeding;
- (4) the decision in the former proceeding must be final and on the merits; and,
- (5) the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

Additionally, the application of issue preclusion requires a "mandatory 'additional' inquiry into whether imposition of issue preclusion would be fair and consistent with sound public policy." *In re Khaligh*, 338 B.R. 817, 824-25 (9th Cir. B.A.P. 2006). As stated by the California Supreme Court

We have repeatedly looked to the public policies underlying the doctrine before concluding that collateral estoppel should be applied in a particular setting.... Accordingly, the public policies underlying collateral estoppel—preservation of the integrity of the judicial system,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT...

Sam Daniel Dason

Chapter 7

promotion of judicial economy, and protection of litigants from harassment by vexatious litigation—strongly influence whether its application in a particular circumstance would be fair to the parties and constitutes sound judicial policy.

Lucido v. Super. Ct., 51 Cal. 3d 335, 342–43 (Cal. 1990) (internal citations omitted).

Here, the Court's focus is on the second and third elements of the *Harmon* test because there is no dispute that the Judgment is final and on the merits, and that the parties are the same. Specifically, the Court is concerned with whether "willfulness" was actually litigated and necessarily decided in state court.⁴

For a default judgment to be "actually litigated," the material factual issues must have been both raised in the pleadings and necessary to uphold the default judgment. *Gottlieb v. Kest*, 141 Cal. App. 4th 110, 149 (Cal. Ct. App. 2006). An express finding need not have occurred if the court in the prior proceeding necessarily decided the issue. *Cantrell v. Cal-Micro, Inc. (In re Cantrell)*, 329 F.3d 1119, 1124 (9th Cir.2003).

Under California law, an issue is necessarily decided when (1) there are explicit findings of an issue made in a judgment or decision, or (2) or when the issue is a conclusion that must have been necessarily decided by the court. *Samuels v. CMW Joint Venture (In re Samuels)*, 273 F. App'x 691, 693 (9th Cir. 2008).

Olivares argues that "[c]ourts analogize *quid pro quo* sexual harassment to 'extortion,' which is not only an intentional tort but is also a crime." [Dkt. No. 68, pg. 14, lines 24-26]. The Court finds the analogy to be apt. The injury sustained in a *quid pro quo* sexual harassment claim is a tangible, negative effect on employment terms. *See, e.g., Henson v. City of Dundee*, 682 F.2d 897, 909 (11th Cir. 1982). The *quid pro quo* conditioning of these employment terms is, necessarily, an intentional action of the employer. As noted in section III, "willfulness" requires an intentional injury, not merely an intentional act. In the case of *quid pro quo* sexual harassment, the distinction is illusory – intentionally and negatively conditioning an individual's employment terms with unwanted sexual advances is the equivalent of intentionally causing an injury. *See, e.g., In re Roth*, 2014 WL 684630 at *6 (Bankr. D. Colo. 2014) (applying issue preclusion to find *quid pro quo* sexual harassment to be willful, albeit in a non-default situation). Therefore, that part of the Judgment which deals with *quid pro quo* sexual harassment contains a finding of "willfulness."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

The analysis regarding hostile workplace, however, is different. As noted by Olivares, the "hostile workplace" theory of sexual harassment generally requires unwanted sexual advances that have the "effect of unreasonably interfering with an individual's work performance." *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986). In contrast to the *quid pro quo* liability, where the injury results from an employer's intentional reaction or retaliation, the injury under a hostile workplace theory is subjective and dependent upon the employee's perspective. An employer is certainly capable of unintentionally creating a hostile work environment.

The issue preclusion section of Olivares's motion for summary judgment focuses on the *quid pro quo* theory of sexual harassment. The Court agrees with Olivares's that "willfulness," as it is used in 11 U.S.C. § 523(a)(6), is implicit within a judgment for *quid pro quo* sexual harassment. But it is not necessarily implicit in a judgment under the "hostile workplace" theory of sexual harassment – the hostile workplace could be created negligently or unintentionally, based on incorrect assumptions of the employer.

Dason has not advanced any argument why the application of collateral estoppel to the facts of this specific case would not be "fair and consistent with sound public policy." Dason's opposition concedes Dason was aware that a trial was scheduled and the date when the trial would occur. Yet, after three years of litigation, no appearance was made on behalf of Dason at the trial. Given the extensive litigation that occurred in state court and the fact that the non-appearance of Dason at trial was due to a conscious choice, and part of a deliberate litigation strategy, the Court concludes that application of issue preclusion would continue to preserve the integrity of the judicial system and promote judicial economy. Thus, partial application of issue preclusion would further the policy and interests underlying the doctrine. *See, e.g., In re Baldwin*, 249 F.3d 912, 919-920 (9th Cir. 2001) (describing policies underlining collateral estoppel).

C. Absence of a Genuine Issue of Material Fact

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Olivares alternatively argues that the record in this case is sufficient to warrant summary judgment independent of the state court judgment. The Court disagrees. The record in this case essentially consists of: (1) Olivares's extensive and detailed description of the alleged sexual harassment; and (2) Dason's denial of the allegations. After the partial application of issue preclusion noted above, the only remaining factual issue is whether the "willfulness" requirement of § 523(a)(6) is satisfied as to that part of the Judgment which arises from a hostile workplace theory of sexual harassment. Here, the Court is simply presented with competing declarations from Dason and Olivares which assert, respectively, that Dason did not intend to create a hostile workplace environment and that it can be inferred that Dason had such an intention. Apart from those declarations, the record contains two pages of a deposition of Cesar Espinoza stating that Olivares complained that Dason grabbed her posterior at some point in time. Given the paucity of the existing record and the unambiguously contradictory declarations of Dason and Olivares, the Court concludes that summary judgment is inapplicable on this record.

TENTATIVE RULING

The Court is inclined to GRANT summary judgment as to the Judgment in so far as the Judgment relates to a *quid pro quo* theory of sexual harassment and DENY summary judgment in so far as the Judgment relates to a hostile workplace theory of sexual harassment for failure to satisfy the "willfulness" requirement of § 523(a)(6). The Court may order briefing regarding the apportionment of damages that are not specifically assigned to one category.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

Juddy Olivares

Represented By
Lazaro E Fernandez

Juddy Olivares

Pro Se

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#11.00 CONT Status Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

From: 11/2/16, 1/4/17, 3/1/17, 3/8/17, 6/7/17, 7/26/17, 9/13/17, 1/24/18

Also #10

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 7, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:30 PM

6:12-25054 James Edward Bierly and Betty Ann Bierly

Chapter 13

#1.00 Motion For Wavier of Financial Course Requirement of Deceased Co Debtor

EH__

Docket 112

Tentative Ruling:

03/08/2018

BACKGROUND

On June 22, 2012, James and Betty Bierly (collectively, "Debtors") filed their petition for chapter 13 relief. The Debtors have reached the end of their chapter 13 case. However, during the pendency of the case, James Bierly passed away.

On January 26, 2018, Debtor Wife Betty Bierly moved this Court for a waiver of the financial course requirement for her deceased husband ("Motion"). The Motion was properly served and no opposition has been filed.

DISCUSSION

Section 1328(g)(2) exempts certain debtors from the requirement that an instructional course concerning personal financial management be completed as a condition of receipt of a discharge. Section 1328(g)(2) applies specifically to debtors that are unable to complete the requirements because of "incapacity, disability, or active military duty in a military combat zone." 11 U.S.C. § 109(h)(4).

In *In re Trembulak*, 362 B.R. 205, 207 (Bankr. D.N.J. 2007), the Court analyzed the requirement that debtors complete a financial management course in the context of section 727 and the policies underlying receipt of a discharge. The *Trembulak* Court analyzed cases in which debtors had been excused from the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:30 PM

CONT... **James Edward Bierly and Betty Ann Bierly**
requirement and determined that

Chapter 13

[C]learly the Debtor herein cannot participate in an instructional course on personal financial management and obviously such a course will not aid the Debtor in avoiding future financial distress. It seems palpably obvious that if a financial management course would be meaningless for an 81 year old, hearing-impaired debtor, suffering from prostate cancer, then such a course would likewise offer even less benefit to a deceased debtor.

Id. The Court concurs with, and adopts the analysis of the *Trembulak* Court.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion exempting James Bierly from the § 1328(g) financial management course requirement.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

James Edward Bierly

Represented By
Hector C Perez

Joint Debtor(s):

Betty Ann Bierly

Represented By
Hector C Perez

Movant(s):

James Edward Bierly

Represented By
Hector C Perez

Betty Ann Bierly

Represented By
Hector C Perez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:30 PM

CONT... James Edward Bierly and Betty Ann Bierly

Chapter 13

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:30 PM

6:12-31792 Jesse Delgado and Rocio Delgado

Chapter 13

#2.00 Order to appear and show cause why Sundee Teeple should not be sanctioned for filing a frivolous motion

EH__

Docket 175

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse Delgado

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

Joint Debtor(s):

Rocio Delgado

Represented By

Dale Parham - INACTIVE -

Michael Smith

Sundee M Teeple

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By

Amrane (SA) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:30 PM

6:18-11080 Edgardo Aranda and Kelley Aranda

Chapter 13

#2.10 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY (Real Property: located at 970 Winston Circle, Corona CA 92881)

MOVANT: EDGARDO ARANDA AND KELLEY ARANDA

From: 2/27/18, 3/6/18

EH__

Docket 13

Tentative Ruling:

03/08/2018

The Court has reviewed the Debtors' supplemental declaration and finds cause to GRANT the Motion in its entirety.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

2/27/2018

The Court is inclined to DENY the motion. The Court finds that Debtors have not provided clear and convincing evidence sufficient to rebut the presumption arising under § 362(c)(3)(C) that this case was not filed in good faith. Specifically, the motion does not address the reasons the previous case was dismissed. Instead the motion and Debtor's declaration repeatedly recite that the Debtors are willing and able to make their plan payment without any specificity or detail being provided.

APPEARANCES REQUIRED. Paul Lee to personally appear.

Party Information

Debtor(s):

Edgardo Aranda

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:30 PM

CONT... Edgardo Aranda and Kelley Aranda

Chapter 13

Joint Debtor(s):

Kelley Aranda

Represented By
Paul Y Lee

Movant(s):

Edgardo Aranda

Represented By
Paul Y Lee
Paul Y Lee

Kelley Aranda

Represented By
Paul Y Lee
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:31 PM

6:12-27553 Mary Black-Williams

Chapter 13

#3.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 11/9/17, 1/11/18, 2/8/18

EH__

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Black-Williams

Represented By
Marjorie M Johnson

Trustee(s):

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:31 PM

6:12-35294 Penelope Ann Young

Chapter 13

#4.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 11/9/17

EH__

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Penelope Ann Young

Pro Se

Trustee(s):

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:31 PM

6:12-36522 Jacquelyn Anna Palmer

Chapter 13

#5.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 12/14/17, 2/8/18

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacquelyn Anna Palmer

Represented By
Steven A Alpert

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:31 PM

6:12-37001 Eleanor L. Harvey

Chapter 13

#6.00 Trustee's Motion to Dismiss Case Due to Material Default

EH__

Docket 117

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eleanor L. Harvey

Represented By
Dale Parham - INACTIVE -
Michael Smith
Sundee M Teeple

Movant(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-14501 Julie Lynn Salazar

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 7/6/17, 10/5/17, 10/26/17, 12/14/17, 12/21/17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-19719 Frank J Cordova

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 2/8/18

EH__

Docket 0

***** VACATED *** REASON: CASE REASSIGNED TO JUDGE YUN**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank J Cordova

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-19722 Daniel Verduzco

Chapter 13

#9.00 CONT Motion to Avoid Junior Lien with FCI Lender Services, 2005 Residential Trust 3-2, Countrywide Bank FSB
HOLDING DATE

From: 1/4/18, 2/8/18

Also #10

EH__

Docket 14

Tentative Ruling:

01/04/2018

Summary of the Motion:

Notice: Proper

Opposition: Yes

Address: 24420 Robie Ct in Moreno Valley, CA 92551

First trust deed: \$277,791.30 with Bank of America

Second trust deed (to be avoided): \$115,756.89 with 2005 Residential Trust 3-2 ("Creditor")

Fair market value: \$270,000 (Appraisal)

TENTATIVE

Creditor by its opposition requests a continuance of at least 30 days to obtain a verified appraisal of the Property.

Debtor argues that because the Motion must be filed and heard prior to confirmation of the chapter 13 plan, a continuance of the Motion cannot be granted. However, the Debtor presumes that the plan will be confirmed on January 4, 2018. It is common practice to permit secured creditors an opportunity to obtain an appraisal prior to ruling on a motion to avoid junior lien. Debtor provides no authority for the proposition that such a continuance would be unjustified in circumstances such as these nor has the Debtor articulated any legal prejudice that would result from the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... **Daniel Verduzco**
continuance.

Chapter 13

In sum, the Court finds no merit in the Debtor's reply. A continuance of the Motion for the appraisal is warranted.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Movant(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-19722 Daniel Verduzco

Chapter 13

#10.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 2/8/18

Also #9

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Verduzco

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-19892 Lena Dolores Wade

Chapter 13

#11.00 CONT Motion to Value Personal Property Re: 2014 Volkswagen Tiguan

From: 2/22/18

Also #12

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-19892 Lena Dolores Wade

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 2/22/18

Also #11

EH__

Docket 0

Tentative Ruling:

03/08/2018

BACKGROUND

VW objects to Debtor's plan because it proposes a 1.5% interest rate (which is the contract rate). VW asserts that under *Till* it should receive 7.25% (representing prime of 4.25 plus a 3% increase for the additional risk factor).

In *Till v. SCS Credit Corp.*, the Supreme Court held that the formula approach, requiring adjustment of prime national interest rate based on risk of nonpayment, was the appropriate method for determining adequate rate of interest on a crammed down loan. 541 U.S. 465 (2004).

The approach begins by looking to the national prime rate. *Id.* at 478-479. The approach then requires a bankruptcy court to adjust the prime rate according to the bankrupt debtors' risk of nonpayment. *Id.* The appropriate size of that risk adjustment depends on such factors as (1) the circumstances of the estate, (2) the nature of the security, and (3) the duration and feasibility of the reorganization plan. Additionally, the court must hold a hearing at which the debtor and any creditors may present evidence about the appropriate risk adjustment. Finally, the Court indicated that creditors should bear the evidentiary burden as to risk.

Here, VW's claim on the Petition Date was \$17,876.35 (per VW's proof of claim). The Plan proposes to cramdown VW's claim, paying VW in full only on the secured portion of its claim. Thus, under *Till*, VW as the holder of a crammed down loan is entitled to an adjusted interest rate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... Lena Dolores Wade

Chapter 13

In *Till*, the Supreme Court indicated that a court choosing a cramdown interest rate *need not consider* the creditor's individual circumstances, *such as its prebankruptcy dealings* with the debtor or the alternative loans it could make if permitted to foreclose. *Id.* Rather, the court should aim to treat similarly situated creditors similarly, and to ensure that an objective economic analysis would suggest the debtor's interest payments will adequately compensate all such creditors for the time value of their money and the risk of default. *Id.* Thus, here, the Debtor is incorrect that simply because she has proposed a 100% plan and has a pre-bankruptcy contract rate of 1.5%, VW should simply accept that pre-bankruptcy rate. Such rate simply does not recognize the reality acknowledged by the Supreme Court that "on the one hand, the fact of the bankruptcy establishes that the debtor is overextended and thus poses a significant risk of default and on the other hand, the postbankruptcy obligor is no longer the individual debtor but the court-supervised estate, and the risk of default is thus somewhat reduced."

TENTATIVE RULING

Based on the foregoing, the Court finds that under *Till*, the interest rate can and should be adjusted to account for the different risk profile presented by the Debtor now as opposed to when the Debtor obtained the contract rate. At a minimum, VW's Objection should be SUSTAINED such that it should receive at least the 4.25% prime interest rate. Given the risk of default of a borrower in bankruptcy, the Court would be inclined to add an additional percentage point to the prime rate, for a total interest rate of 5.25% for VW.

2/22/18

BACKGROUND

On November 29, 2017, Lena Wade ("Debtor") filed a Chapter 13 voluntary petition and plan. On December 28, 2017, Debtor filed an amended plan. On January 11,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT...

Lena Dolores Wade

Chapter 13

2018, Trustee filed an objection to confirmation. Among the grounds listed in Trustee's objection was that confirmation should contain a condition that prohibited Debtor from modifying the plan to pay less than 100% to unsecured creditors unless Debtor paid all disposable income into the plan. On January 25, 2018, Debtor filed her opposition to Trustee's objection. On February 5, 2018, Trustee filed a reply brief.

DISCUSSION

Trustee requests that this Court adopt the holding of *In re McCarthy*, 554 B.R. 388 (Bankr. W.D. Tex. 2016). The Court declines to do so for the reasons that follow.

11 U.S.C. § 1325(a) enumerates plan confirmation requirements. If the confirmation requirements are satisfied then "[e]xcept as provided in subsection (b), the court shall confirm [the] plan." *Id.* 11 U.S.C. § 1325(b)(1) states:

(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan ---

(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

(B) the plan provides that all of the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

Subject to the discussion below, for the sake of analysis, the Court will assume § 1325(b)(1) is applicable here. Trustee argues in section II.D of its brief that once § 1325(b)(1) is invoked, confirmation is discretionary:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... Lena Dolores Wade

Chapter 13

However, the language in § 1325(b) is permissive and, therefore, more discretionary – "the court **MAY** not confirm unless . . ." Therefore, debtor's argument that the court **MUST** confirm the plan because it meets the requirements of § 1325 is not supported by the language of the statute. *In fact, the Chapter 13 Trustee would argue that it is the discretionary language of § 1325(b)(1) that allows the court, under its equitable powers, to order a conditional confirmation as the court did in McCarthy.*

[Dkt. No. 24, pg. 10, lines 1-8] (parenthesis omitted) (italicization added for emphasis). Trustee's assertion that the language of § 1325(b) is permissive and discretionary, however, is statutorily incorrect. 11 U.S.C. § 102(4) states: "'may not' is prohibitive, and not permissive." As a result, the foundation of Trustee's position appears to rest on a misreading of the statute.

Instead, the Code provides for the following analysis at plan confirmation: (1) if the debtor has satisfied the § 1325(a) confirmation requirements and no objection is received, then the Court must confirm the plan; (2) if an objection is received and the debtor has not satisfied § 1325(b)(1), the Court cannot confirm the plan; and (3) if an objection is received and the debtor has satisfied § 1325(a)-(b)(1), then the Court must confirm the plan. *See, e.g., 8 COLLIER'S ON BANKRUPTCY ¶ 1325.11[e]* (16th ed. 2016) ("If an objection to confirmation is filed under section 1325(b)(1), the objection must be denied when 'the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim.' . . . [I]f the plan provides that the claims are to be paid in full, the trustee cannot demand that the debtors devote all of their projected disposable income each month to payment of claims in order to pay them more quickly.").

Even if § 1325(b)(1) provided for a discretionary determination by the Court, the nature of the objection filed by Trustee is inadequate to invoke the § 1325(b)(1) requirements. *See, e.g., In re Torres*, 193 B.R. 319, 322-23 (Bankr. N.D. Cal. 1996) ("in order for that subsection [§1325(b)(1)(B)] to become applicable to confirmation, an objection to confirmation must be made alleging that a debtor is not devoting all disposable income to the plan for a minimum period of three years."). As a result,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... Lena Dolores Wade

Chapter 13

even if § 1325(b)(1) provided for a discretionary determination, the standard would be irrelevant in this case.

Apart from the statutory interpretations problems with the Trustee's argument, the Court finds that policy and equitable considerations weigh against Trustee's position. The Court notes that the disposable income requirement is disjunctive: either the debtor must pledge all disposable income to the plan or the debtor must pay unsecured creditors in full. The Trustee does not dispute that Debtor has satisfied the disjunctive test.

Ultimately, the Trustee relies upon the Court's § 105 equitable powers in support of the request at issue. Rarely will it be the case, however, that the equities will in favor of creating a fixed rule binding for years regardless of changes in circumstances. The review of a proposed plan modification is generally a highly equitable endeavor that emphasizes the totality of the circumstances. Replacing that equitable analysis with a rigid rule not provided for by the Code is simply inequitable.

The Court does agree, however, that a plan term requiring Debtors in a 100% plan to have to account for excess disposable income, in the even they later file a motion to modify, is of benefit.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-19894 William Edward Walker and Carla Sue Walker

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 2/22/18

EH__

Docket 0

Tentative Ruling:

2/22/18

BACKGROUND

On November 29, 2017, William & Carla Walker ("Debtors") filed a Chapter 13 voluntary petition. On December 7, 2017, Debtors filed a Chapter 13 plan. On January 11, 2018, Trustee filed an objection to confirmation. Among the grounds listed in Trustee's objection was that confirmation should contain a condition that prohibited Debtors from modifying the plan to pay less than 100% to unsecured creditors unless Debtor paid all disposable income into the plan. On January 25, 2018, Debtors filed their opposition to Trustee's objection. On February 5, 2018, Trustee filed a reply brief.

DISCUSSION

Trustee requests that this Court adopt the holding of *In re McCarthy*, 554 B.R. 388 (Bankr. W.D. Tex. 2016). The Court declines to do so for the reasons that follow.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... William Edward Walker and Carla Sue Walker

Chapter 13

11 U.S.C. § 1325(a) enumerates plan confirmation requirements. If the confirmation requirements are satisfied then "[e]xcept as provided in subsection (b), the court shall confirm [the] plan." *Id.* 11 U.S.C. § 1325(b)(1) states:

(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan ---

(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

(B) the plan provides that all of the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

Subject to the discussion below, for the sake of analysis, the Court will assume § 1325(b)(1) is applicable here. Trustee argues in section II.D of its brief that once § 1325(b)(1) is invoked, confirmation is discretionary:

However, the language in § 1325(b) is permissive and, therefore, more discretionary – "the court **MAY** not confirm unless . . ." Therefore, debtor's argument that the court **MUST** confirm the plan because it meets the requirements of § 1325 is not supported by the language of the statute. *In fact, the Chapter 13 Trustee would argue that it is the discretionary language of § 1325(b)(1) that allows the court, under its equitable powers, to order a conditional confirmation as the court did in McCarthy.*

[Dkt. No. 24, pg. 10, lines 1-8] (parenthesis omitted) (italicization added for emphasis). Trustee's assertion that the language of § 1325(b) is permissive and discretionary, however, is statutorily incorrect. 11 U.S.C. § 102(4) states: "'may not' is prohibitive, and not permissive." As a result, the foundation of Trustee's position appears to rest on a misreading of the statute.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... William Edward Walker and Carla Sue Walker

Chapter 13

Instead, the Code provides for the following analysis at plan confirmation: (1) if the debtor has satisfied the § 1325(a) confirmation requirements and no objection is received, then the Court must confirm the plan; (2) if an objection is received and the debtor has not satisfied § 1325(b)(1), the Court cannot confirm the plan; and (3) if an objection is received and the debtor has satisfied § 1325(a)-(b)(1), then the Court must confirm the plan. *See, e.g.*, 8 COLLIER'S ON BANKRUPTCY ¶ 1325.11[e] (16th ed. 2016) ("If an objection to confirmation is filed under section 1325(b)(1), the objection must be denied when 'the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim.' . . . [I]f the plan provides that the claims are to be paid in full, the trustee cannot demand that the debtors devote all of their projected disposable income each month to payment of claims in order to pay them more quickly.").

Even if § 1325(b)(1) provided for a discretionary determination by the Court, the nature of the objection filed by Trustee is inadequate to invoke the § 1325(b)(1) requirements. *See, e.g., In re Torres*, 193 B.R. 319, 322-23 (Bankr. N.D. Cal. 1996) ("in order for that subsection [§1325(b)(1)(B)] to become applicable to confirmation, an objection to confirmation must be made alleging that a debtor is not devoting all disposable income to the plan for a minimum period of three years."). As a result, even if § 1325(b)(1) provided for a discretionary determination, the standard would be irrelevant in this case.

Apart from the statutory interpretations problems with the Trustee's argument, the Court finds that policy and equitable considerations weigh against Trustee's position. The Court notes that the disposable income requirement is disjunctive: either the debtor must pledge all disposable income to the plan or the debtor must pay unsecured creditors in full. The Trustee does not dispute that Debtor has satisfied the disjunctive test.

Ultimately, the Trustee relies upon the Court's § 105 equitable powers in support of the request at issue. Rarely will it be the case, however, that the equities will in favor of creating a fixed rule binding for years regardless of changes in circumstances. The review of a proposed plan modification is generally a highly equitable endeavor that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... William Edward Walker and Carla Sue Walker Chapter 13

emphasizes the totality of the circumstances. Replacing that equitable analysis with a rigid rule not provided for by the Code is simply inequitable.

The Court does agree, however, that a plan term requiring Debtors in a 100% plan to have to account for excess disposable income, in the even they later file a motion to modify, is of benefit.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Edward Walker

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Carla Sue Walker

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:17-20652 Marian Amelia Pagano

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marian Amelia Pagano

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10003 Lenton T. Hutton

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton T. Hutton

Represented By
Brian Nomi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10012 Ronny DePasquale and Trudy DePasquale

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronny DePasquale

Represented By
Julie J Villalobos

Joint Debtor(s):

Trudy DePasquale

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10016 Marilyn N Koehnlein

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marilyn N Koehnlein

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10022 Lourdes Yanga

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lourdes Yanga

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10023 Evangelina Leyva

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evangelina Leyva

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10039 Shelley R. Long

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shelley R. Long

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10066 Amanuel Montrell Bradberry and Katrina Lashall

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanuel Montrell Bradberry

Represented By
Gary S Saunders

Joint Debtor(s):

Katrina Lashall Bradberry

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

6:18-10407 Caesar A Rodriguez

Chapter 13

#22.00 Motion by United States Trustee to Dismiss Chapter 13 Case with a Re-filing Bar

EH__

Docket 10

Tentative Ruling:

03/08/2018

BACKGROUND

On January 19, 2018 ("Petition Date"), Caesar Rodriguez (the "Debtor") filed his petition for chapter 13 relief.

The docket reflects that the Debtor has filed numerous prior cases as follows:

1. Case Number 17-13967, Chapter 13 filed in California Central Bankruptcy on 05/11/2017, Dismissed for Failure to File Information on 05/30/2017;
2. Case Number 17-12050, Chapter 13 filed in California Central Bankruptcy on 03/16/2017, Dismissed for Failure to File Information on 04/03/2017;
3. Case Number 16-16171, Chapter 13 filed in California Central Bankruptcy on 07/11/2016, Dismissed for Failure to File Information on 07/29/2016;
4. Case Number 16-14241, Chapter 13 filed in California Central Bankruptcy on 05/11/2016, Dismissed for Failure to File Information on 05/31/2016;
5. Case Number 13-10260, Chapter 13 filed in California Central Bankruptcy on 01/07/2013, Dismissed for Other Reason on 02/21/2013; and
6. Case Number 10-29451, Chapter 7 filed in California Central Bankruptcy on 06/23/2010, Standard Discharge on 10/12/2010.

On February 5, 2018, the Office of the United States Trustee ("UST") filed a Motion to Dismiss Chapter 7 Case with a Re-Filing Bar (the "Motion"). No opposition has been filed.

DISCUSSION

As set forth by the Ninth Circuit in *In re Leavitt*, 171 F.3d 1219, 1224 (9th Cir. 1999), bad faith, as cause for the dismissal of a Chapter 13 petition with prejudice,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT...

Caesar A Rodriguez

Chapter 13

involves the application of the "totality of the circumstances" test. *In re Eisen*, 14 F.3d 469, 470 (9th Cir.1994). The Ninth Circuit has instructed courts deciding whether to dismiss a Chapter 13 petition to consider the following factors:

1. whether the debtor "misrepresented facts in his [petition or] plan, unfairly manipulated the Bankruptcy Code, or otherwise [filed] his Chapter 13 [petition or] plan in an inequitable manner," *id.* (citing *In re Goeb*, 675 F.2d 1386, 1391 (9th Cir.1982));
2. "the debtor's history of filings and dismissals," *id.* (citing *In re Nash*, 765 F.2d 1410, 1415 (9th Cir.1985));
3. whether "the debtor only intended to defeat state court litigation," *id.* (citing *In re Chinichian*, 784 F.2d 1440, 1445–46 (9th Cir.1986)); and
4. whether egregious behavior is present, *In re Tomlin*, 105 F.3d 933, 937 (4th Cir.1997); *In re Bradley*, 38 B.R. 425, 432 (Bankr.C.D.Cal.1984).

A finding of bad faith does not require fraudulent intent by the debtor.

[N]either malice nor actual fraud is required to find a lack of good faith. The bankruptcy judge is not required to have evidence of debtor ill will directed at creditors, or that debtor was affirmatively attempting to violate the law-maleficance is not a prerequisite to bad faith.

In re Powers, 135 B.R. 980, 994 (Bankr.C.D.Cal.1991) (relying on *In re Waldron*, 785 F.2d 936, 941 (11th Cir.1986)).

The UST asserts based on the Debtor's petition and history of cases that (1) the Debtor failed to disclose several of his prior cases; (2) that the Debtor's schedules lists only one creditor, Ditech, which may be an indication that the case was filed with the sole purpose of attempting to delay a foreclosure or unlawful detainer proceeding; (3) a second debtor named Roxane Arambula has filed three recent cases within a three month period and has listed the same address on her petition as the address of the Debtor; (4) the Debtor has had at least four cases dismissed for failure to file complete schedules.

Here, the record set forth by the UST demonstrates the Debtor's bad faith willingness to use inappropriate filings to forestall his creditors. This bad faith finding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:32 PM

CONT... Caesar A Rodriguez

Chapter 13

is further supplemented by evidence that the Debtor has worked in concert with Ms. Arambula to prevent hinder and delay their creditors. Based on the foregoing facts, including a record of noncompliance with the duties of a debtor, the UST has established that dismissal is warranted and that a two-year bar under the Court's § 105 and § 349 authority is appropriate.

TENTATIVE RULING

The Court's tentative ruling is to GRANT the Motion in its entirety DISMISSING the Debtor's case and imposing a two-year re-filing bar.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Caesar A Rodriguez

Pro Se

Movant(s):

United States Trustee (RS)

Represented By

Abram Feuerstein esq

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:33 PM

6:13-14560 David Sandoval and Mary Celine Sandoval

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Sandoval

Represented By
Bryant C MacDonald

Joint Debtor(s):

Mary Celine Sandoval

Represented By
Bryant C MacDonald

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:33 PM

6:16-19656 Jerome D Williams

Chapter 13

#24.00 CONT Trustee's Motion to Dismiss Case

From: 2/15/18

EH__

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome D Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 8, 2018

Hearing Room 303

12:33 PM

6:17-16455 Elizabeth Jucaban Tuason

Chapter 13

#25.00 CONT Trustee's Motion to Dismiss Case

From: 2/1/18

EH__

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Jucaban Tuason

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

9:30 AM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#1.00 Evidentiary hearing re Order to Show Cause Why Jesse Bojorquez, American Business Investments, William Morschauser, Stephen Collias and Continental Capital, LLC, Should Not Be Sanctioned for Facilitating Payment to and/or Receiving Payment for Broker Services in Contravention of this Court's August 11, 2003, Sale Order

Also #2

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/22/18 AT 9:30 AM**

Tentative Ruling:

09/13/2017

On August 16, 2017, the Court entered its Order Imposing Sanctions ("Sanctions Order") as to Defendant/Cross-Defendants Continental Capital, LLC, Stephen Collias, and their Counsel, for failure to comply with the deadlines imposed by the Court in its May 16, 2017, Order to Show Cause ("OSC"). The Sanctions Order included: (1) a sanction payable to the Court of \$500; and (2) attorney's fees for time spent attending the July 26, 2017, hearing and for time spent preparing declarations in support of the fee sanctions. The Court docketed receipt of the \$500 sanctions due to the Court on August 28, 2017.

On August 16, 2017, the sanctioned parties filed their request that the Court reverse its Sanctions Order as to attorney fees, and their alternative opposition to the reasonableness of the fees sought by Bojorquez and Morschauser. The fees sought by each party is set forth below:

BOJORQUEZ FEE BREAKDOWN

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

Hourly Rate for Lawrence Kuhlman: \$350/hr

Preparation for Status Conference, including call with client re: same – 1.7 hours

Travel to/Attendance at Status Conference – 3.9 hours

Draft Declaration re: Fees - .3 hours

Total: 5.9 hour x 350 = \$2,065

MORSCHAUSER FEE BREAKDOWN

Hourly Rate for Reid Winthrop: \$595

Preparation for Status Conference, including call with client re: same – 2.8 hours

Travel to/Attendance at Status Conference - 4.3 hours

Draft Declaration re: Fees - .5 hours

Total: 7.6 hours x \$595 = \$4,522 (Note: a miscalculation of the summation resulted in a request of \$4,581.50 for 7.7 hours in the Winthrop Declaration).

As a threshold matter, the sanctioned parties seek reversal of the fee sanctions award. However, there is no authority or analysis provided as to why the modification of the Court's sanctions award is appropriate under Rule 60. Separately, the Court is not satisfied that the explanation for why the error occurred would warrant setting aside of the sanctions award. Additionally, although the sanctioned parties argue that the "Status Conference" on the OSC would have occurred with or without the error, the Court disagrees that no time was wasted. In particular, the late filing of the responsive pleading by the sanctioned parties necessitated a further hearing for the other parties to reply in order to provide the Court and parties with all of the briefing to permit an informed discussion regarding the bounds of an evidentiary hearing.

Finally, as to the fees requested, the Court finds that the billing rates are reasonable and the sanctioned parties have provided no evidence to controvert the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

reasonableness of the hourly rates. However, the Court shall reduce the fee requests for travel time and time expended in preparation for the July 26 hearing, based on reasonableness of the time entries, reducing 3 hours for Mr. Winthrop and 1.5 hours for Mr. Kuhlman, for a total reduction of \$1,758 as to Mr. Winthrop's fees and a reduction of \$525 as to Mr. Kuhlman.

Thus, Mr. Kuhlman's fee shall be reduced by \$525 to \$1,540, and Mr. Winthrop's fee shall be reduced by \$1,785 to \$2,737.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Devore Stop A General Partners	Represented By Arshak Bartoumian - DISBARRED - Newton W Kellam
Devore Stop	Represented By Hutchison B Meltzer

Defendant(s):

Continental Capital LLC	Represented By Cara J Hagan
Stephen Collias	Represented By Cara J Hagan
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ
American Business Investments	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

9:30 AM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#2.00 CONT Status Conference RE: [1] Complaint by William G Morschauser against Continental Capital LLC , Stephen Collias , Jesse Bojorquez , American Business Investments , Mohammed Abdizadeh . (91 (Declaratory judgment)) , (72 (Injunctive relief - other))

HOLDING DATE

From: 3/11/15, 5/20/15, 7/29/15, 12/16/15, 2/3/16, 3/16/16, 5/11/16, 8/31/16, 11/2/16, 11/16/16, 3/8/17, 6/7/17, 7/26/17, 9/13/17

Also #1

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/22/18 AT 9:30 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Devore Stop A General Partners

Represented By
Arshak Bartoumian - DISBARRED -
Newton W Kellam

Devore Stop

Represented By
Hutchison B Meltzer

Defendant(s):

Continental Capital LLC

Represented By
Cara J Hagan

Stephen Collias

Represented By
Cara J Hagan

Jesse Bojorquez

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

Lawrence J Kuhlman
Autumn D Spaeth ESQ

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

4:00 PM

6:18-11212 Diana J Everett

Chapter 13

#3.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY

MOVANT: DIANA J. EVERETT

From: 3/6/18

EH__

Docket 8

Tentative Ruling:

03/06/2018

The Debtor indicates that the case was dismissed for two reasons: (1) the Debtor's disability income decreased, and (2) the Debtor's daughter was in a serious accident in November 2017 and the Debtor has been paying her medical and legal fees associated with the accident.

The Debtor's explanation for the dismissal of the prior case is sufficiently detailed. However, the Motion does not address whether there has been a change in the financial or personal affairs of the Debtor since January 2018 (when the case was dismissed) such that the Debtor is likely to be able to complete her plan going forward. In particular, there is no indication that the medical emergency which resulted in dismissal of the Debtor's prior case has ended. Additionally, the Debtor now indicates that she is supporting her unemployed domestic partner. The Debtor's disposable income has decreased from \$4,197.72 in her prior case to \$704.72 in the current case.

Separately, the Court notes that the Notice of Motion did not specify the identities of the Debtor's secured creditors as required by the Court's form motion. As such, notice for the secured creditors is improper.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

4:00 PM

CONT... Diana J Everett

Chapter 13

For these reasons, the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana J Everett

Represented By
Paul Y Lee

Movant(s):

Diana J Everett

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, March 12, 2018

Hearing Room 303

4:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#4.00 Emergency Motion for Authorization to Use Cash Collateral and Provide Adequate Protection

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

Movant(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:18-10659 Tena Renee Fry

Chapter 7

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 11043 Magnolia Ave Ste 202 Riverside CA 92505

MOVANT: DINESH PATEL, AUTHORIZED AGENT OF ECONO LODGE INN & SUITES IN RIVERSIDE CA

From: 2/27/18, 3/6/18

EH__

Docket 12

***** VACATED *** REASON: WITHDRAWAL FILED 3/19/18**

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tena Renee Fry

Pro Se

Movant(s):

Dinesh Patel

Represented By
Benjamin R Heston

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:18-10490 Everett W Delbridge, III

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2941 South Cucamonga, Avenue Ontario, CA 91761

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 11

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Everett W Delbridge III Pro Se

Movant(s):

SPECIALIZED LOAN SERVICING Represented By
Christina J O

Trustee(s):

Todd A. Frealy (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-20433 Leslie Marie Spaur

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: N 2016 CHEVROLET SPARK; Vin No. KL8CB6SA5GC587815

MOVANT: BANK OF AMERICA, N.A.

EH__

Docket 12

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Leslie Marie Spaur Pro Se

Movant(s):

Bank of America, N.A. Represented By
Megan E Lees

Trustee(s):

Lynda T. Bui (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-20271 Jeremy L. Moore and Angelina R. Moore

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Lexus IS250

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 15

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jeremy L. Moore

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Angelina R. Moore

Represented By
Patricia M Ashcraft

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

CONT... Jeremy L. Moore and Angelina R. Moore

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-20145 Willie J Bryant

Chapter 7

#5.00 Motion for Relief from Stay re 2 2015 Peterbilt 389-series Tractors 131" 6x4

MOVANT: BMO HARRIS BANK N.A.

EH__

Docket 9

Tentative Ruling:

3/20/2018

Service is Improper
Opposition: None

The Court is inclined to CONTINUE the hearing on the motion for improper service. Specifically, Local Rule 4001(c)(1)(C) requires service on the debtor, in addition to the debtor's attorney. Here, Movant has not served Debtor. The hearing is continued to April 17, 2018, at 10:00 a.m. for Movant to serve Debtor with a copy of the motion and serve all proper parties with a notice of continuance.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Willie J Bryant

Represented By
Ronald L Brownson

Movant(s):

BMO Harris Bank N.A.

Represented By
Deborah S Cochran

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-19942 Mark Miller

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 28625 Willow Rd., Skyforest, CA

MOVANT: THE REO GROUP

EH__

Docket 41

Tentative Ruling:

3/20/2018

Service is Proper

Opposition: Late

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. DENY request for relief under § 1301(a) because this is not a Chapter 13 proceeding. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request for adequate protection as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Miller

Represented By
Bruce A Boice

Movant(s):

The REO Group, Inc.

Represented By
Coby Halavais

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

CONT... Mark Miller

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-19831 Samuel Canovas Gomez

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2004 Nissan Titan Crew Cab-V8, VIN: 1N6AA07B14N501834

MOVANT: WELLS FARGO BANK

EH__

Docket 10

Tentative Ruling:

3/20/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT request for relief pursuant to § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request for relief under ¶ 2. DENY alternative request for relief under ¶ 11.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Samuel Canovas Gomez

Represented By
Lauren M Foley

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Sheryl K Ith

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-17806 Gerald Curtis Collins and Valerie Cecelia Collins

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 35247 Sunnyside Drive, Yucaipa, California 92399

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 31

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Curtis Collins

Represented By
M Wayne Tucker

Joint Debtor(s):

Valerie Cecelia Collins

Represented By
M Wayne Tucker

Movant(s):

U.S. Bank National Association, as

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-16024 Stacy N Reagor

Chapter 13

#9.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Domestic Support w/ PofS.) (Schroer, Manfred)

MOVANT: THEATLAS REAGOR, JR.

EH__

Docket 25

Tentative Ruling:

3/20/18

On July 19, 2017, Stacy Reagor ("Debtor") filed a Chapter 13 voluntary petition. On September 7, 2017, Debtor's Chapter 13 plan was confirmed.

On January 23, 2018, Debtor's ex-husband, Theatlas Reagor ("Movant"), filed a motion for relief from the automatic stay. Movant selected an improper hearing date, however, and so the motion was not set for hearing, and a notice to filer was generated. On February 20, 2018, Movant filed an amended notice of hearing. Movant requests relief from the automatic stay to "obtain a State Court Order to enforce reimbursement of one-half of all amounts expended by Movant in regards to medical services for his minor children in accordance with Domestic Support Order dated December 29, 2010, and for modification of Child support." Movant also seeks annulment of the automatic stay.

First, the Court notes that 11 U.S.C. § 362(b)(2)(A)(ii) excepts from the automatic stay acts "for the establishment or modification of an order for domestic support obligations." Furthermore, 11 U.S.C. § 362(b)(2)(C) provides a mechanism to enforce

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

CONT... Stacy N Reagor

Chapter 13

a domestic support obligation which is automatically excepted from the scope of the automatic stay. The combined operation of these two provisions would seem to render the instant motion unnecessary, to the extent the motion seeks prospective relief from the automatic stay. The Court will construe this request as a request for a comfort order to make clear that the stay does not operate to stop enforcement of the support obligations.

Second, while the Court notes that it is unclear what action, if any violated the automatic stay, the Court finds that the application of the *Fjeldsted* factors warrants annulment of the automatic stay. Specifically, the Court notes that Movant has provided evidence it was not aware of the bankruptcy filing. Furthermore, the Court notes that Debtor was, probably inappropriately, omitted from Debtor's master mailing matrix in this case. Additionally, the evidence before the Court indicates that Debtor promptly halted his actions in state court upon learning of the bankruptcy filing. Finally, as noted in the paragraph above, it is not clear that the actions of Movant actually violate the automatic stay. For all those reasons, and because Debtor has not opposed the instant motion, which the Court deems to be consent to the relief requested pursuant to Local Rule 9013-(1)(h), the Court is inclined to annul the automatic stay.

The Court is inclined to CONFIRM that the automatic stay does not operate to stop enforcement of the support obligations and otherwise ANNUL the automatic stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Stacy N Reagor

Represented By
M Wayne Tucker

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

CONT... Stacy N Reagor

Chapter 13

Movant(s):

Stacy N Reagor

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#10.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 977 Allegre Drive, Corona CA 92879

MOVANT: WELLS FARGO BANK

EH__

Docket 54

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.
DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Movant(s):

Wells Fargo Bank, National

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:16-14858 Tony Rene Lee

Chapter 13

#11.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Nissan Altima Sedan 4D S I4

MOVANT: CAPITAL ONE AUTO FINANCE

EH__

Docket 51

***** VACATED *** REASON: STIPULATED ORDER ENTERED ON
3/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tony Rene Lee

Represented By
Brian J Soo-Hoo

Movant(s):

Capital One Auto Finance, a

Represented By
Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#12.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 43375 Madison St, Indio, CA 92201

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18

EH__

Docket 69

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

HSBC Bank USA, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:13-19245 Oscar R Avila and Alice M Avila

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 32164 Machado Street, Lake Elsinore, California 92530

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

EH__

Docket 104

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar R Avila

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Alice M Avila

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Deutsche Bank Trust Company

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:13-15321 John Douglas Bacon and Monica Marie Bacon

Chapter 13

#14.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2938 Pine Grove Dr, Mount Shasta, CA 96067

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 54

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

John Douglas Bacon

Represented By
Andrew Moher

Joint Debtor(s):

Monica Marie Bacon

Represented By
Andrew Moher

Movant(s):

Nationstar Mortgage LLC as

Represented By
Jennifer C Wong

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

CONT... John Douglas Bacon and Monica Marie Bacon

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

6:13-13746 Ronald Andrew Lopez and Lisa Darlene Lopez

Chapter 13

#15.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 11014 San Miguel Way, Montclair, CA 91763

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 163

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

Parties to apprise Court of status of arrears and adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ronald Andrew Lopez

Represented By
David Lozano

Joint Debtor(s):

Lisa Darlene Lopez

Represented By
David Lozano

Movant(s):

U.S. Bank National Association, as

Represented By
Leslie M Klott
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

10:00 AM

CONT... Ronald Andrew Lopez and Lisa Darlene Lopez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#16.00 Motion in Individual Ch 11 Case for Order Employing Professional (LBR 2014-1): Nicholas Gebelt as General Bankruptcy Counsel

Also #17

EH__

Docket 35

Tentative Ruling:

3/20/18

BACKGROUND

On January 26, 2018, Markus Boyd ("Debtor") filed a Chapter 11 voluntary petition. On January 30, 2018, Debtor filed a motion to employ Nicholas Gebelt ("Counsel") as bankruptcy counsel, and Counsel filed a statement of disinterestedness.

On February 13, 2018, UST filed an objection to the employment application. UST's objection related to several fee provisions in Counsel's retainer agreement. Specifically, UST objected to the characterization of the pre-petition retainer as "earned-upon-receipt and nonrefundable," in addition to a few other provisions.

On February 26, 2018, Counsel filed an amended employment application to address the concerns raised by UST. After a review of the amended application, it appears to the Court that Counsel has removed all of the provisions objected to by UST.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

DISCUSSION

11 U.S.C. § 327(a) states:

- (a) Except as otherwise provided in this section, the trustee, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title.

Pursuant to 1107(a), Debtor, as a debtor in possessions, has the rights in duties of a trustee. Debtor's counsel has submitted adequate evidence establishing his disinterestedness in this case. Subject to additional concerns of UST, the Court is inclined to approve the application.

TENTATIVE RULING

The Court is inclined to APPROVE the application.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Nicholas W Gebelt

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#17.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

Also #16

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#18.00 Trustee's Motion to Dismiss Case Pursuant to 11 U.S.C sect 1112(b) & Judgment for Quarterly Fees Pursuant to 28 U.S.C sect 1930

Also #19

EH__

Docket 38

Tentative Ruling:

3/20/18

BACKGROUND

On January 18, 2018, Ohlone Tribe of Carmel First Settlers of Chino Valley CA, Inc. ("Debtor") filed a Chapter 11 voluntary petition.

On February 2, 2018, Vanhoops Holdings LP ("Creditor") filed a motion for relief from the automatic stay. At a hearing on March 6, 2018, the Court substantially granted the Creditor's motion, and also made a finding that Debtor filed its petition in bad faith. Additionally, at the hearing on March 6, the Court authorized UST to set a hearing on a motion to dismiss on shortened time.

DISCUSSION

11 U.S.C. § 1112(b)(1) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT... Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

Except as provided in paragraph (2) and subsection (c), on request of a party I interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause. 11 U.S.C. § 1112(b)(2) provides certain exceptions for dismissal or conversion for cause.

Here, UST asserts that cause exists pursuant to § 1112(b)(4)(A), which states that cause includes "substantial or continuing loss or diminution of the estate and the absence of a reasonable likelihood of rehabilitation." UST asserts that after Creditor obtained relief from stay to foreclosure on certain real property which constitutes the only material asset of Debtor, Debtor has no source of revenue and essentially no assets. The Court agrees that these circumstances constitute cause pursuant to § 1112(b). The Court further finds that neither of the exceptions identified in § 1112(b)(2) are applicable in this case. Finally, because Debtor does not have material unencumbered assets to distribute to any unsecured creditors, the Court concludes that conversion to Chapter 7 would be fruitless, and, therefore, dismissal is in the best interests of creditors.

TENTATIVE RULING

The Court is inclined to GRANT the motion and DISMISS the case.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT... Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

Debtor(s):

Ohlone Tribe of Carmel First Settlers

Represented By
Odeha L Warren

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:18-10381 Ohlone Tribe of Carmel First Settlers of Chino Val

Chapter 11

#19.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/6/18

Also #18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ohlone Tribe of Carmel First Settlers

Represented By
Odeha L Warren

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: multiple tractors and trailers

MOVANT: BMO HARRIS BANK N.A.

Also #21

EH__

Docket 161

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

BMO HARRIS BANK N.A.

Represented By
Jennifer Witherell Crastz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: four tractors and two trailers

MOVANT: BMO HARRIS BANK N.A.

Also #20

EH__

Docket 168

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief from stay pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

BMO HARRIS BANK N.A.

Represented By
Jennifer Witherell Crastz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#22.00 Motion to Appoint a Chapter 11 Trustee

Also #23

EH__

Docket 173

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#23.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 2/6/18, 2/13/18, 3/6/18

Also #22

EH__

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

Adv#: 6:17-01286 ASR Constructors Inc a California Corporation et a v. Insurance Company

#24.00 Motion to Deposit Funds into Court Registry Plaintiffs Motion for Order
Authorizing Deposit of Disputed Funds and Granting Related Interpleader Relief

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Defendant(s):

Insurance Company Of The West

Represented By
Jennifer Leland
David B Shemano
Howard J Weg

Employment Development

Represented By
Elisa B Wolfe-Donato

Angela Denise McKnight

Pro Se

Steven Schonder

Pro Se

United states of america

Represented By
Charles Parker

Carlin Law Group APC

Represented By
Kevin R Carlin

Ledcor Construction, Inc., a

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, March 20, 2018

Hearing Room 303

2:00 PM

CONT...

ASR Constructors Inc a California Corporation

Chapter 11

Daniel P Scholz

DOES 1 through 10, inclusive

Pro Se

Movant(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Another Meridian Company, LLC

Represented By
James C Bastian Jr
Melissa Davis Lowe

Inland Machinery, Inc.

Represented By
James C Bastian Jr
Melissa Davis Lowe

Plaintiff(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Another Meridian Company, LLC

Represented By
James C Bastian Jr
Melissa Davis Lowe

Inland Machinery, Inc.

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

10:00 AM

6:17-19035 Stacy Aleen Eble

Chapter 7

#1.00 CONT Pro se Reaffirmation Agreement Between Debtor and Darden Credit Union re 2014 Dodge Charger

From: 3/7/18

Also #2

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy Aleen Eble

Represented By
Daniel King

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

10:00 AM

6:17-19035 Stacy Aleen Eble

Chapter 7

#2.00 CONT Pro se Reaffirmation Agreement Between Debtor and Darden Credit Union re 2009 GMC Sierra

From: 3/7/18

Also #1

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy Aleen Eble

Represented By
Daniel King

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

10:00 AM

6:17-10522 Joanne Saycon

Chapter 7

#3.00 CONT Reaffirmation Agreement Between Debtor and Americredit Financial Services, Inc. Dba GM Financial re 2013 Toyota Prius

From: 3/7/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joanne Saycon

Represented By
Terrence Fantauzzi

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:15-16033 Eduardo Garcia

Chapter 7

#4.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 34

Tentative Ruling:

03/21/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 2,250
Trustee Expenses: \$ 309.23

The trustee may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Eduardo Garcia

Represented By
Sydell B Connor

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:14-18549 Matthew Joseph Pautz and Alice Louise Pautz

Chapter 7

#5.00 CONT Order to Show Cause re Bodily Detention Order

From: 8/15/17, 9/18/17, 10/18/17, 11/13/17, 11/27/17,1/18/18

EH__

Docket 135

***** VACATED *** REASON: CONTINUED TO 9/12/18 AT 11:00 A.M.**

Tentative Ruling:

APPEARANCES WAIVED. Per consent of the parties, the Court will issue an order continuing the matter for approximately 30 days.

Party Information

Debtor(s):

Matthew Joseph Pautz

Represented By
Todd L Turoci
Julie Philippi

Joint Debtor(s):

Alice Louise Pautz

Represented By
Todd L Turoci
Julie Philippi

Trustee(s):

Karl T Anderson (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe
Samuel J Romero

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:14-13131 Erma Fay Dorn

Chapter 7

#6.00 Trustee's Final Report and Applications for Compensation

EH__

Docket 148

Tentative Ruling:

03/21/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 1,750
Trustee Expenses: \$ 646.64

The Trustee may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Erma Fay Dorn

Represented By
Patricia M Ashcraft

Trustee(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Kiana Khajeh
Dane W Exnowski
Katelyn R Knapp

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:13-30477 Master Design Inc

Chapter 7

#7.00 Application for Compensation First And Final Fee Application Of Goe & Forsythe, LLP As Special Litigation Counsel

Also #8 & #9

EH__

Docket 129

Tentative Ruling:

03/21/2018

The Court has reviewed the Application for Fees and Costs under Section 328 and approves on a final basis the following:

G&F Contingency Fee:	\$200,340
G&F Expenses:	\$7,969.81

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Movant(s):

Goe & Forsythe, LLP

Represented By
Robert P Goe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:13-30477 Master Design Inc

Chapter 7

#8.00 Application for Compensation First And Final Fee Application Of Stein, Shostak, Shostak, Pollack & OHara, LLP As Special U.S. Customs Counsel

Also #7 & #9

EH__

Docket 130

Tentative Ruling:

03/21/2018

The Court has reviewed the Application for Fees and Costs under Section 328 and approves on a final basis the following:

SSSPO Contingency Fee: \$76,917
SSSPO Expenses: \$456.97

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Movant(s):

Stein Shostak Shostak Pollack &

Represented By
Elon A Pollack
Robert P Goe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

CONT... Master Design Inc

Donald Reid

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:13-30477 Master Design Inc

Chapter 7

#9.00 Application for Compensation First And Final Application Of with proof of service for Glassratner Advisor & Capital Group, Financial Advisor, Period: 3/1/2016 to 2/27/2018, Fee: \$52,290.00, Expenses: \$0.00.

Also #7 & #8

EH__

Docket 131

Tentative Ruling:

03/21/2018

The Court has reviewed the Application for Fees and Costs under Section 327 and 330 and approves on a final basis the following:

GlassRatner Fees:	\$52,290
GlassRatner Expenses:	\$7,969.81

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Movant(s):

Glassratner Advisor & Capital

Represented By
Robert P Goe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

CONT... Master Design Inc

Donald Reid

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:13-27611 Douglas Jay Roger

Chapter 7

**#10.00 CONT Objection to Claim #17 by Revere Financial Corporation
(Holding date)**

From: 10/1/14, 11/5/14, 12/3/14, 12/15/14, 1/28/15, 4/15/15, 7/22/15, 9/23/15,
10/21/15, 11/18/15, 12/16/15, 1/13/16, 3/2/16, 5/4/16, 6/1/16, 9/28/16, 11/16/16,
2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 9/20/17

EH___

Docket 333

Tentative Ruling:

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:13-26277 Charles Frederick Biehl

Chapter 7

#11.00 CONT Order to show cause re Civil Contempt

From: 2/14/18

EH__

Docket 234

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Frederick Biehl

Represented By
Daryl L Binkley - DISBARRED -
Steven L Bryson

Trustee(s):

John P Pringle (TR)

Represented By
James C Bastian Jr
Elyza P Eshaghi
Brandon J Iskander
Lynda T Bui
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

11:00 AM

6:13-17565 Bertrand Tenke Kengni

Chapter 7

#12.00 Motion to Enforce Settlement

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bertrand Tenke Kengni

Represented By
Terrence Fantauzzi

Movant(s):

Carisa Kengni

Represented By
W. Derek May

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:17-19010 Sara Durham

Chapter 7

Adv#: 6:18-01020 SCE Federal Credit Union v. Durham

#13.00 Status Conference Re: Complaint by SCE Federal Credit Union against Sara Durham. (14),(14A) priority tax claims)), 62 - Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Durham

Represented By
Edgar P Lombera

Defendant(s):

Sara Durham

Pro Se

Plaintiff(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:17-16272 Martha Lorena Soto Jimenez

Chapter 7

Adv#: 6:17-01191 Frealy v. Cebadas et al

#14.00 CONT Motion for Default Judgment Against Armando Cebadas, Jose Alfredo Cebadas, Victor Armando Cebadas Soto, and Martha Lorena Soto Jimenez **(Dismissed first, third, sixth, and eighth claims on 3/16/18)**

From: 1/31/18

Also #15

EH__

Docket 24

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED
3/20/18**

Tentative Ruling:

1/31/18

BACKGROUND

On October 15, 2015, Martha Loreno Soto Jimenez ("Debtor") and her (ex)husband acquired certain real property located at 1475 Capri Ln., San Jacinto, CA 92583 (the "Property"). On July 20, 2016, a divorce judgment provided that the Property was the separate property of Debtor. On June 22, 2017, Debtor and her (ex)husband transferred the Property to their sons via grant deed. The grant deed states: "This is a bonafide gift and the grantor received nothing in return.

On July 27, 2017, Debtor filed a Chapter 7 voluntary petition. On September 8, 2017, Trustee filed a complaint for: (1) declaratory relief; (2) avoidance of voidable transfer;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT...

Martha Lorena Soto Jimenez

Chapter 7

(3) recovery of avoided transfer; (4) sale of interest of co-owner in property of the estate; and (5) turnover of property against Armando Cebadas (Debtor's husband or ex-husband), Jose Alfredo Cebadas Soto (Debtor's son), Victor Armando Cebadas Soto (Debtor's son), and Debtor (collectively, "Defendants"). On October 17, 2017, the clerk entered default against Defendants. On January 10, 2018, Trustee filed a motion for default judgment.

DISCUSSION

A. Entry of Default

Fed. R. Civ. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

Fed. R. Bankr. P. Rule 7004(b)(1) states, in part:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT...

Martha Lorena Soto Jimenez

Chapter 7

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, Trustee served Defendants at the Property. It is unclear, however, whether the property is the "dwelling house or usual place of abode" for Debtor's (ex)husband and two children. The Court requires additional evidence to establish that the Defendants (other than Debtor) were served in accordance with the requirements of Fed. R. Bankr. P. Rule 7004(b)(1).

2. Merits of Plaintiff's claim

Assuming Trustee establishing that service was proper, the Court will address the merits of the motion. Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes nine causes of action: (1) declaratory relief; (2) five separate causes of action for avoidance of voidable transfer; (3) recovery of avoided transfer; (4) sale of interest of co-owner in property of the estate; and (5) turnover of property

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Regarding the first cause of action, declaratory relief, the complaint requests a determination that the Property is the community property of Debtor and her ex-husband. Trustee alleges in the complaint that Debtor and Armando acquired their interest in the Property prior to the petition date, while they were married. While this appears true, Trustee has provided additional information in the motion for default judgment, namely a divorce judgment, which indicates that the property is actually the separate property of Debtor. This creates a dilemma because, upon default, the factual allegations of the complaint are to be taken as true. Furthermore, Trustee cannot ask for relief (i.e. a declaration that the Property is Debtor's separate property) which goes beyond the scope of the relief requested in the complaint. Therefore, the Court cannot grant Trustee's request for a determination that the Property is separate property. The Court also cannot grant Trustee's request for a determination that the Property is community property because Trustee has submitted evidence establishing that the Property is in fact not community property.

Regarding the second through sixth causes of action, avoidance of voidable transfer, Trustee has cited three Code provisions authorizing avoidance of the transfer of the Property to Debtor's sons: §544(b) (with reference to Cal. Civ. Code § 3439.04(a)(1) &(2), §3439.05, and § 3439.07), § 548(a)(1)(A), and § 548(a)(1)(B). The first cause of action for avoidable transfer cites 11 U.S.C. §§ 544(b) and 550(a) and Cal. Code Civ. P. §§ 3439.04(a)(1) and 3439.07. Section 544(b) states that a trustee may avoid a transfer of an interest of the debtor that is voidable under applicable law. Cal. Code Civ. P. § 3439.04(a)(1) states that a debtor's transfer of an interest in property is voidable if the transfer was made "[w]ith actual intent to hinder, delay, or defraud" creditors. Trustee's complaint sufficiently alleges that the transfer was made with actual intent to hinder, delay, or defraud creditors. 11 U.S.C. § 548(a)(1)(A) is materially identical to Cal. Code Civ. P. § 3439.04(a)(1) so Trustee has also satisfied the former.

Cal. Code Civ. P. § 3439.04(a)(2) provides that a transfer is voidable if the debtor does not receive reasonable equivalent value and either (a) was engaged or about to engage in a transaction for which its remaining assets were unreasonable small or (b)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

or believed or reasonably should have believed it would incur debts beyond the debtor's ability to pay. While the grant deed indicates it was a bona fide gift, and thus no reasonably equivalent value was received, Trustee has not provided sufficient factual allegations to satisfy the latter component of the test. Specifically, there is no factual allegation which supports the contention that Debtor's assets were unreasonably small for future transactions or that Debtor was about to incur debts beyond the debtor's ability to pay. 11 U.S.C. § 548(a)(1)(B) is materially identical to Cal. Code Civ. P. § 3439.04(a)(2) so the analysis is the same regarding the former.

Cal. Code Civ. P. § 3439.05 provides that a transfer is voidable as to a creditor whose claim arose before the transfer if the debtor did not receive reasonably equivalent value and the debtor was or became insolvent as a result of the transfer. Trustee's complaint sufficiently alleges that Debtor did not receive reasonably equivalent value, that Debtor was insolvent as a result of the transfer and that there is a creditor whose claim arose before the transfer.

Regarding recovery of the avoidable transfer, 11 U.S.C. § 550 provides that transfers avoided under §§ 544 and 548 are recoverable from the initial transferee. Trustee's complaint sufficiently alleges that Debtor's two sons, named defendants, are the initial transferees, and, therefore Trustee has satisfied § 550.

Regarding Trustee's request to sell an interest of a co-owner of property under § 363 (h), the Court is inclined to conclude that Trustee's complaint sufficiently establishes the four statutory requirements.

Finally, regarding Trustee's request for turnover, Section 542(a) provides for turnover of property of the estate that is of consequential value. Here, Trustee has sufficiently satisfied the requirements of § 542(a) by demonstrating that the Property is property of the estate and that the Property is not of inconsequential value.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

3. Amount of Damages

Here, Trustee is not requesting any damages, and, therefore, no evidence is required establishing the amount of damages.

TENTATIVE RULING

Conditioned on Trustee establishing that service on Defendants was proper, the Court is inclined to issue judgment in favor of the Trustee on the second, fourth, fifth, seventh, eighth, and ninth claims for relief. The motion for default judgment is denied without prejudice as to the third and sixth claims for relief. The motion for default judgment is denied with prejudice as to the first claim for relief, although to the extent necessary Trustee is free to amend the complaint as to the first claim for relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Martha Lorena Soto Jimenez

Represented By
Marlin Branstetter

Defendant(s):

Armando Cebadas

Pro Se

Jose Alfredo Cebadas Soto

Pro Se

Victor Armando Cebadas Soto

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Martha Lorena Soto Jimenez

Pro Se

Movant(s):

Todd A. Frealy

Represented By
Carmela Pagay

Plaintiff(s):

Todd A. Frealy

Represented By
Carmela Pagay

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:17-16272 Martha Lorena Soto Jimenez

Chapter 7

Adv#: 6:17-01191 Frealy v. Cebadas et al

#15.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01191. Complaint by Todd A. Frealy against Armando Cebadas, Jose Alfredo Cebadas Soto, Victor Armando Cebadas Soto, Martha Lorena Soto Jimenez. (Charge To Estate). (Attachments: # 1 Adversary Coversheet) Nature of Suit: (91 (Declaratory judgment)),(14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property))
(Dismissed first, third, sixth, and eighth claims on 3/16/18)

From: 11/8/17, 1/31/18

Also #14

EH__

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED
3/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha Lorena Soto Jimenez

Represented By
Marlin Branstetter

Defendant(s):

Armando Cebadas

Pro Se

Jose Alfredo Cebadas Soto

Pro Se

Victor Armando Cebadas Soto

Pro Se

Martha Lorena Soto Jimenez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Plaintiff(s):

Todd A. Frealy

Represented By
Carmela Pagay

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:17-14684 Timothy Wayne Lambert

Chapter 7

Adv#: 6:18-01026 United States Trustee for the Central District of v. Lambert et al

#16.00 Status Conference RE: [1] Adversary case 6:18-ap-01026. Complaint by United States Trustee for the Central District of California, Region 16 against Timothy Wayne Lambert, Lisa Renee Lambert. (Fee Not Required). with adversary cover sheet Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Green, Everett)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/25/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Wayne Lambert

Represented By
Edgar P Lombera

Defendant(s):

Timothy Wayne Lambert

Pro Se

Lisa Renee Lambert

Pro Se

Joint Debtor(s):

Lisa Renee Lambert

Represented By
Edgar P Lombera

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#17.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18

EH__

Docket 29

*** VACATED *** REASON: CONTINUED TO 4/11/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:17-12748 William A. Mendez, II

Chapter 7

Adv#: 6:18-01021 Cisneros v. Ganahl Lumber Company, A California Corporation

#18.00 Status Conference re Complaint by Arturo Cisneros against Ganahl Lumber Company, A California Corporation for Avoidance Of Fraudulent Transfers; Recovery Of Avoided Transfer; Recovery of money/property - 548 fraudulent transfer and other actions that would have been brought in state court if unrelated to bankruptcy

EH__

Docket 1

*** VACATED *** REASON: CONTINUED TO 5/16/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Defendant(s):

Ganahl Lumber Company, A

Pro Se

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Plaintiff(s):

Arturo Cisneros

Represented By
Todd A Frealy
Lindsey L Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:16-19799 Jaison Vally Surace

Chapter 7

Adv#: 6:16-01295 Abbasi v. Surace et al

#19.00 CONT Status Conference Re: Complaint by Setareh Abbasi, Bruce Dannemeyer, Jaison Vally Surace against Jaison Vally Surace, Walie Qadir, Marym Qadir. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 13 - Recovery of money/property - 548 fraudulent transfer, 91 - Declaratory judgment, 02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)

From: 2/15/17, 5/17/17, 6/7/17, 10/25/17, 11/29/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Defendant(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Walie Qadir

Represented By
Batkhand Zoljargal

Marym Qadir

Represented By
Batkhand Zoljargal

Plaintiff(s):

Setareh Abbasi

Represented By
Bruce Dannemeyer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Jaison Vally Surace

Chapter 7

Bruce Dannemeyer

Trustee(s):

John P Pringle (TR)

Represented By

Todd A Frealy

Carmela Pagay

Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:16-16191 Sheri Tanaka Christopher

Chapter 7

Adv#: 6:17-01028 Frealy, Chapter 7 Trustee v. Tanaka et al

#20.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01028. Complaint by Todd A Frealy, Chapter 7 Trustee against Ronald Howard Tanaka, Carolyn Naomi Tanaka, Ryan Satoshi Tanaka, Leora Linda Tanaka, Estate of Yaeko Sato, a California Probate Estate. (Charge To Estate). Complaint for: (1) Sale of Real Property Pursuant to 11 U.S.C. § 363(h); and (2) Turnover of Property of the Estate Pursuant to 11 U.S.C. § 542 (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property))

From: 4/5/17, 6/7/17, 8/2/17, 1/24/18, 1/31/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 3/19/18**

Tentative Ruling:

1/31/2018

The status conference will be continued to March 21, 2018 at 2:00 p.m.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Sheri Tanaka Christopher

Represented By
Brian J Soo-Hoo

Defendant(s):

Ronald Howard Tanaka

Represented By
David L Prince

Carolyn Naomi Tanaka

Represented By
Phillips S Barry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Sheri Tanaka Christopher

Chapter 7

Ryan Satoshi Tanaka

Represented By
David L Prince

Leora Linda Tanaka

Represented By
Phillips S Barry

Estate of Yaeko Sato, a California

Represented By
David L Prince

Plaintiff(s):

Todd A Frealy, Chapter 7 Trustee

Represented By
Montserrat Morales

Trustee(s):

Todd A. Frealy (TR)

Represented By
Montserrat Morales

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:14-16813 M. A. Tabor

Chapter 7

Adv#: 6:16-01128 Frealy v. Trotochau et al

#21.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01128. Complaint by Todd A. Frealy against Robin Sherrie Trotochau, Pacific Mortgage Exchange, Inc.. (Charge To Estate). - Complaint: (1) For Breach Of Contract; (2) For Common Counts; (3) To Avoid And Recover Fraudulent Transfers; And (4) To Preserve Recovered Transfers For Benefit Of Debtor's Estate (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)
(Stip Judgment with Robin Trotochau 12/4/17)
(Dismissed as to Defendant Pacific Mortgage Exchange Inc. 3/19/18)

From: 7/20/16, 9/28/16, 1/11/17, 3/8/17, 6/7/17, 8/23/17, 9/27/17, 1/31/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 3/19/18**

Tentative Ruling:

1/31/2018

The status conference will be continued to March 21, 2018 at 2:00 p.m.

APPEARANCES WAIVED.

Party Information

Debtor(s):

M. A. Tabor

Represented By
Judith Runyon

Defendant(s):

Robin Sherrie Trotochau

Pro Se

Pacific Mortgage Exchange, Inc.

Represented By
Leib M Lerner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... M. A. Tabor

Chapter 7

Plaintiff(s):

Todd A. Frealy

Represented By
Anthony A Friedman

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#22.00 CONT Status Conference RE: Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha . willful and malicious injury
HOLDING DATE

From: 7/8/15, 11/4/15, 3/2/16, 12/14/16, 12/13/17, 4/5/17, 6/7/17, 7/12/17, 8/2/17, 9/27/17, 10/4/17, 11/1/17, 12/6/17, 12/20/17, 2/28/18

EH__

Docket 1

Tentative Ruling:

02/28/2018

This hearing is vacated. The Status Conference is CONTINUED to March 21, 2018, at 2:00 p.m. The Court has provided notice to the parties of the continuance.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Plaintiff(s):

Charles Edward Schrader

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 21, 2018

Hearing Room 303

2:00 PM

CONT... Narinder Sangha

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#1.00 CONT Status Conference Re: Complaint by Amarillo College of Hairdressing, Inc., against Javier Lopez. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 5/11/17, 6/22/17, 8/17/17, 10/19/17, 11/9/17, 2/1/18, 2/8/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Javier Lopez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#2.00 Motion to vacate dismissal

EH__

Docket 50

Tentative Ruling:

3/22/18

BACKGROUND

On November 14, 2016, Deborah Hamernik ("Debtor") filed a Chapter 13 voluntary petition. On January 17, 2017, Debtor's Chapter 13 plan was confirmed.

On January 3, 2018, Trustee filed a motion to dismiss for delinquency. On January 17, 2018, Debtor filed her opposition to the motion to dismiss for delinquency. After no appearance was made on behalf of Debtor at the motion to dismiss, the case was dismissed on January 25, 2018.

On February 14, 2018, Debtor filed a motion to vacate dismissal. On February 15, 2018, Trustee filed comments indicating conditional approval of the motion.

DISCUSSION

Debtor relies on FED. R. CIV. P. Rule 60(b)(1), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024, which allows for relief from an order

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Deborah Catherine Hamernik

Chapter 13

based on "mistake, inadvertence, surprise, or excusable neglect." Here, Debtor has not identified any "mistake, inadvertence, surprise, or excusable neglect" to warrant the application of FRCP Rule 60(b)(1).

The legal basis for Debtor's assertion that the dismissal order should be vacated is that Debtor's counsel inadvertently did not appear at the hearing due to an office error. It is well established, however, that "an attorney's ignorance and carelessness does not provide grounds for Rule 60(b) relief." *In re Mercado*, 144 B.R. 879, 886 (Bankr. C.D. Cal. 1992) (citing *Bershad v. McDonough*, 469 F.2d 1333, 1337 (7th Cir. 1972)). And the mere assertion that counsel did not fulfill its duties, but that such carelessness was inadvertent, is clearly inadequate to support Rule 60(b) relief. *See, e.g., In re ACME Motors, Inc.*, 125 B.R. 702, 703 (Bankr. D.R.I. 1991).

"Rule 60(b) relief is extraordinary." *Id.* Yet, in this court, a request for relief from a Chapter 13 dismissal order has become ordinary. On occasion, the requests are legally sound; in fact, the Court has a legally proper Rule 60(b) request on its calendar for March 22, 2018.

Here, however, the underlying motion to dismiss was filed in early January. After counsel neglected to appear at the hearing, a motion was filed which essentially states that Debtor has cured some of the arrears, will cure more by the date of this hearing, and will, at a later date, cure the remainder. In essence, Debtor's current position is that, after her counsel did not appear at the original hearing, two months later she can almost cure the material default.

When a Chapter 13 trustee files a motion to dismiss, a debtor (or his or her counsel) has the opportunity to oppose the motion and select a hearing. The expectation is that an appropriate hearing date will be selected and the debtor will cure the material default, or at least make substantial, tangible progress towards curing the material default, by the date of the hearing. It is unacceptable for a debtor (or their counsel) to select a hearing date, not show up at the hearing, and then, about two months later, assert that they are almost ready to cure the material default.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Deborah Catherine Hamernik

Chapter 13

The Seventh Circuit has stated that:

[T]he clients are principals, the attorney is an agent, and under the law of agency the principal is bound by his chosen agent's deeds. The rule is that *all* of the attorney's misconduct (except in the cases where the act is outside the scope of employment or in cases of excusable neglect) becomes the problem of the client. A lawyer who inexcusably neglects his client's obligations does not present exceptional circumstances.

Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc., 570 F.3d 845, 848 (7th Cir. 2009). "Although attorney carelessness can [in certain circumstances] constitute 'excusable neglect' under Rule 60(b)(1), attorney inattentiveness to litigation is not excusable, no matter what the resulting consequences the attorney's somnolent behavior may have on a litigant." *Easley v. Kirmsee*, 382 F.3d 693, 698 (7th Cir. 2004) (collecting cases).

TENTATIVE RULING

The Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Deborah Catherine Hamernik

Chapter 13

Movant(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:13-21894 Francisco Javier Medina and Maria Guadalupe Medina

Chapter 13

#3.00 Motion to Vacate Order Dismissing Chapter 13 Case

EH__

Docket 150

Tentative Ruling:

3/22/18

BACKGROUND

On July 10, 2013, Francisco & Maria Medina ("Debtors") filed a Chapter 13 voluntary petition. On August 30, 2013, Debtors' Chapter 13 plan was confirmed.

On January 10, 2018, Trustee filed a motion to dismiss for delinquency. On January 23, 2018, Debtors filed their opposition and a request for hearing. On February 8, 2018, after a hearing, the case was dismissed.

On February 22, 2018, Debtors filed a motion to vacate dismissal. The factual basis of Debtors' motion is that Debtors had sent in a payment to cure the arrears on February 1, 2018, but, one week later, the payment had not yet posted. On February 23, 2018, Trustee filed its comments indicating approval of the motion conditioned on the full cure of the outstanding delinquency.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Francisco Javier Medina and Maria Guadalupe Medina

Chapter 13

Debtors rely on FED. R. CIV. P. Rule 60(b)(1), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024, which allows for relief from an order based on "mistake, inadvertence, surprise, or excusable neglect." Here, it appears that Debtors attempted to cure the outstanding delinquency by the date of the hearing and had, in fact, sent in a payment to cure the delinquency one week prior to the hearing. Because it appears that the dismissal of the case was due to the inadvertence of the Debtors, because Debtors have a meritorious defense and acted promptly to rectify the problem, and because no opposition has been filed to the instant motion, the Court is inclined to grant the motion and vacate dismissal of the case.

TENTATIVE RULING

The Court is inclined to GRANT the motion conditioned on compliance with the Trustee's comments.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Francisco Javier Medina

Represented By
Tamar Terzian

Joint Debtor(s):

Maria Guadalupe Medina

Represented By
Tamar Terzian

Movant(s):

Francisco Javier Medina

Represented By
Tamar Terzian

Maria Guadalupe Medina

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Francisco Javier Medina and Maria Guadalupe Medina
Tamar Terzian
Tamar Terzian

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-11566 Jose A. Gonzales, Jr.

Chapter 13

#4.00 Motion to Disallow Claims Number 3 filed by Mechanics Bank fka CRB Auto

EH__

Docket 38

Tentative Ruling:

3/22/2018

BACKGROUND:

On March 1, 2017, Jose Gonzalez ("Debtor") filed a Chapter 13 voluntary petition. On April 12, 2017, Debtor's Chapter 13 plan was confirmed.

On April 12, 2017, Mechanics Bank FKA CRB Auto ("Creditor") filed a secured claim in the amount of \$8,667.13 ("Claim 3"). On February 9, 2018, Debtor filed an objection to Claim 3.

According to Debtor, on August 29, 2017, ostensibly while purchasing a new car, Debtor made a payment of \$12,430.81 to Moss Bros Honda for a pay-off of the debt underlying Claim 3. Debtor now requests that Claim 3 be disallowed, and that Creditor be ordered to pay any funds received which exceed the amount of the payment to Creditor provided for in the Chapter 13 plan.

.APPLICABLE LAW:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Jose A. Gonzales, Jr.

Chapter 13

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

First, the Court notes that pursuant to FED. R. BANKR. P. Rule 7001(1), a proceeding to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Jose A. Gonzales, Jr.

Chapter 13

recover money or property requires an adversary proceeding. *See also* FED. R. BANKR. P. Rule 3007(b). While the requirement of an adversary proceeding may be waivable in certain circumstances, here Creditor has not responded to the claim objection and the objection was mailed to a PO Box. In such circumstances, the Court cannot deem Creditor to have waived the requirement of an adversary proceeding. Therefore, Debtor's request for an order directing Creditor to return funds will be denied.

Second, the Court notes that the recipient of Debtor's post-petition payment (Moss Bros. Honda) is not Creditor, but a third party whose relationship with Creditor is unclear from the record, and there is no evidence that Creditor received the alleged payoff.

Ultimately, if Debtor made a significant payment to a pre-petition creditor outside the Chapter 13 plan, the claim objection process is not the proper mechanism for redressing such an error.

TENTATIVE RULING

The Court is inclined to OVERRULE the objection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose A. Gonzales Jr.

Represented By
Michael E Clark
Barry E Borowitz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Jose A. Gonzales, Jr.

Chapter 13

Movant(s):

Jose A. Gonzales Jr.

Represented By

Michael E Clark
Michael E Clark
Michael E Clark
Barry E Borowitz
Barry E Borowitz
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-16024 Stacy N Reagor

Chapter 13

#5.00 Motion RE: Objection to Claim Number 9 by Claimant Theatlas Reagor Jr.

EH__

Docket 27

Tentative Ruling:

3/22/2018

BACKGROUND:

On July 19, 2017, Stacy Reagor ("Debtor") filed a Chapter 13 voluntary petition. On September 7, 2017, Debtor's Chapter 13 plan was confirmed.

On October 23, 2017, Debtor amended Schedule F to add a disputed debt of unknown amount owing to Theatlas Reagor ("Creditor") for child support overpayment and reimbursement for payment of medical services provided to the children of Debtor and Creditor. On January 21, 2018, Creditor filed a priority claim in the amount of \$6,232.81 ("Claim 9").

On February 7, 2018, Debtor filed an objection to Claim 9. Debtor argues that Claim 9 was late filed and is insufficiently documented. On March 7, 2018, Creditor filed his opposition. Creditor asserts the claim was filed late because he was not timely informed of the pendency of the bankruptcy case. Creditor's response to Debtor's argument that the documentation is inadequate is less than clear. Creditor appears to assert that the medical documentation is confusing, and that he will amend the claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... **Stacy N Reagor**
to provide additional documentation.

Chapter 13

The Court also notes that two days prior to this hearing, the Court held a hearing on Creditor's motion for relief from the automatic stay.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Stacy N Reagor

Chapter 13

(9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

Debtor argues that Creditor's claim must be disallowed because it is untimely. Here, the deadline for filing claims was November 29, 2017, and Creditor's claim was filed on January 21, 2018.

"[T]he Ninth Circuit has repeatedly held that the deadline to file a proof of claim in a Chapter 13 proceeding is 'rigid,' and the bankruptcy court lacks equitable power to extent this deadline after the fact." *In re Barker*, 839 F.3d 1189, 1197 (9th Cir. 2016). "By virtue of Rule 9006(b)(3), a bankruptcy court does not have discretion to enlarge the time periods fixed by Rule 3002(c) nor permit an untimely claim when none of Rule 3002(c)'s five exceptions is applicable." *In re Hayes*, 327 B.R. 453, 458 (Bankr. C.D. Cal. 2005) (footnote omitted); *see also In re Edelman*, 237 B.R. 146, 152 (B.A.P. 9th Cir. 1999). Here, none of Rule 3002(c)'s exceptions apply.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW Claim 9.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Stacy N Reagor

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Stacy N Reagor

Chapter 13

M Wayne Tucker

Movant(s):

Stacy N Reagor

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-17261 Eduardo Betancourt Reyes and Beatriz Betancourt

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Betancourt Reyes

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Beatriz Betancourt

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#7.00 Motion to Avoid Junior Lien with Chase Bank, serviced by SPS/Select Portfolio Servicing, Inc

Also #8

EH__

Docket 42

Tentative Ruling:

3/22/2018

As a preliminary manner, the Court notes that this is Debtor's second motion to avoid the subject lien in the instant case. The previous motion was denied for a litany of notice, service, and technical issues.

Regarding the instant motion, the Court notes the fair market value of the property exceeds the amount of the first lien. Therefore, the second lien (if any, see below) is not wholly unsecured and Debtor cannot avoid the lien using § 506(d).

Nevertheless, the Court also notes that the evidence provided by Debtor indicates that the debt underlying the second lien was discharged and the mortgage lien was released by the lienholder several months ago. Counsel to explain why this motion was filed.

APPEARANCES REQUIRED. Patricia Mireles to personally appear.

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Movant(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Roman Negrete Manriquez

Chapter 13

Patricia A Mireles
Patricia A Mireles
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-18792 Roman Negrete Manrriquez

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 11/30/17, 12/21/17, 1/25/18, 3/1/18

Also #7

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roman Negrete Manrriquez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-19765 Danny Josefy

Chapter 13

#9.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Josefy

Represented By
Kevin Tang

Movant(s):

Danny Josefy

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-19853 Diego Lopez

Chapter 13

#10.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 2/8/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diego Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-19892 Lena Dolores Wade

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 1/4/18, 2/22/18, 3/8/18

EH__

Docket 0

Tentative Ruling:

03/08/2018

BACKGROUND

VW objects to Debtor's plan because it proposes a 1.5% interest rate (which is the contract rate). VW asserts that under Till it should receive 7.25% (representing prime of 4.25 plus a 3% increase for the additional risk factor).

In *Till v. SCS Credit Corp.*, the Supreme Court held that the formula approach, requiring adjustment of prime national interest rate based on risk of nonpayment, was the appropriate method for determining adequate rate of interest on a crammed down loan. 541 U.S. 465 (2004).

The approach begins by looking to the national prime rate. *Id.* at 478-479. The approach then requires a bankruptcy court to adjust the prime rate according to the bankrupt debtors' risk of nonpayment. *Id.* The appropriate size of that risk adjustment depends on such factors as (1) the circumstances of the estate, (2) the nature of the security, and (3) the duration and feasibility of the reorganization plan. Additionally, the court must hold a hearing at which the debtor and any creditors may present evidence about the appropriate risk adjustment. Finally, the Court indicated that creditors should bear the evidentiary burden as to risk.

Here, VW's claim on the Petition Date was \$17,876.35 (per VW's proof of claim). The Plan proposes to cramdown VW's claim, paying VW in full only on the secured portion of its claim. Thus, under *Till*, VW as the holder of a crammed down loan is entitled to an adjusted interest rate.

In *Till*, the Supreme Court indicated that a court choosing a cramdown interest

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Lena Dolores Wade

Chapter 13

rate *need not consider* the creditor's individual circumstances, *such as its prebankruptcy dealings* with the debtor or the alternative loans it could make if permitted to foreclose. *Id.* Rather, the court should aim to treat similarly situated creditors similarly, and to ensure that an objective economic analysis would suggest the debtor's interest payments will adequately compensate all such creditors for the time value of their money and the risk of default. *Id.* Thus, here, the Debtor is incorrect that simply because she has proposed a 100% plan and has a pre-bankruptcy contract rate of 1.5%, VW should simply accept that pre-bankruptcy rate. Such rate simply does not recognize the reality acknowledged by the Supreme Court that "on the one hand, the fact of the bankruptcy establishes that the debtor is overextended and thus poses a significant risk of default and on the other hand, the postbankruptcy obligor is no longer the individual debtor but the court-supervised estate, and the risk of default is thus somewhat reduced."

TENTATIVE RULING

Based on the foregoing, the Court finds that under *Till*, the interest rate can and should be adjusted to account for the different risk profile presented by the Debtor now as opposed to when the Debtor obtained the contract rate. At a minimum, VW's Objection should be SUSTAINED such that it should receive at least the 4.25% prime interest rate. Given the risk of default of a borrower in bankruptcy, the Court would be inclined to add an additional percentage point to the prime rate, for a total interest rate of 5.25% for VW.

2/22/18

BACKGROUND

On November 29, 2017, Lena Wade ("Debtor") filed a Chapter 13 voluntary petition and plan. On December 28, 2017, Debtor filed an amended plan. On January 11, 2018, Trustee filed an objection to confirmation. Among the grounds listed in Trustee's objection was that confirmation should contain a condition that prohibited

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Lena Dolores Wade

Chapter 13

Debtor from modifying the plan to pay less than 100% to unsecured creditors unless Debtor paid all disposable income into the plan. On January 25, 2018, Debtor filed her opposition to Trustee's objection. On February 5, 2018, Trustee filed a reply brief.

DISCUSSION

Trustee requests that this Court adopt the holding of *In re McCarthy*, 554 B.R. 388 (Bankr. W.D. Tex. 2016). The Court declines to do so for the reasons that follow.

11 U.S.C. § 1325(a) enumerates plan confirmation requirements. If the confirmation requirements are satisfied then "[e]xcept as provided in subsection (b), the court shall confirm [the] plan." *Id.* 11 U.S.C. § 1325(b)(1) states:

(b)(1) If the trustee or the holder of an allowed unsecured claim objects to the confirmation of the plan, then the court may not approve the plan unless, as of the effective date of the plan ---

(A) the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

(B) the plan provides that all of the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

Subject to the discussion below, for the sake of analysis, the Court will assume § 1325(b)(1) is applicable here. Trustee argues in section II.D of its brief that once § 1325(b)(1) is invoked, confirmation is discretionary:

However, the language in § 1325(b) is permissive and, therefore, more

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT...

Lena Dolores Wade

Chapter 13

discretionary – "the court **MAY** not confirm unless . . ." Therefore, debtor's argument that the court **MUST** confirm the plan because it meets the requirements of § 1325 is not supported by the language of the statute. *In fact, the Chapter 13 Trustee would argue that it is the discretionary language of § 1325(b)(1) that allows the court, under its equitable powers, to order a conditional confirmation as the court did in McCarthy.*

[Dkt. No. 24, pg. 10, lines 1-8] (parenthesis omitted) (italicization added for emphasis). Trustee's assertion that the language of § 1325(b) is permissive and discretionary, however, is statutorily incorrect. 11 U.S.C. § 102(4) states: "'may not' is prohibitive, and not permissive." As a result, the foundation of Trustee's position appears to rest on a misreading of the statute.

Instead, the Code provides for the following analysis at plan confirmation: (1) if the debtor has satisfied the § 1325(a) confirmation requirements and no objection is received, then the Court must confirm the plan; (2) if an objection is received and the debtor has not satisfied § 1325(b)(1), the Court cannot confirm the plan; and (3) if an objection is received and the debtor has satisfied § 1325(a)-(b)(1), then the Court must confirm the plan. *See, e.g., 8 COLLIER'S ON BANKRUPTCY* ¶ 1325.11[e] (16th ed. 2016) ("If an objection to confirmation is filed under section 1325(b)(1), the objection must be denied when 'the value of the property to be distributed under the plan on account of such claim is not less than the amount of such claim.' . . . [I]f the plan provides that the claims are to be paid in full, the trustee cannot demand that the debtors devote all of their projected disposable income each month to payment of claims in order to pay them more quickly.").

Even if § 1325(b)(1) provided for a discretionary determination by the Court, the nature of the objection filed by Trustee is inadequate to invoke the § 1325(b)(1) requirements. *See, e.g., In re Torres*, 193 B.R. 319, 322-23 (Bankr. N.D. Cal. 1996) ("in order for that subsection [§1325(b)(1)(B)] to become applicable to confirmation, an objection to confirmation must be made alleging that a debtor is not devoting all disposable income to the plan for a minimum period of three years."). As a result, even if § 1325(b)(1) provided for a discretionary determination, the standard would be irrelevant in this case.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Lena Dolores Wade

Chapter 13

Apart from the statutory interpretations problems with the Trustee's argument, the Court finds that policy and equitable considerations weigh against Trustee's position. The Court notes that the disposable income requirement is disjunctive: either the debtor must pledge all disposable income to the plan or the debtor must pay unsecured creditors in full. The Trustee does not dispute that Debtor has satisfied the disjunctive test.

Ultimately, the Trustee relies upon the Court's § 105 equitable powers in support of the request at issue. Rarely will it be the case, however, that the equities will in favor of creating a fixed rule binding for years regardless of changes in circumstances. The review of a proposed plan modification is generally a highly equitable endeavor that emphasizes the totality of the circumstances. Replacing that equitable analysis with a rigid rule not provided for by the Code is simply inequitable.

The Court does agree, however, that a plan term requiring Debtors in a 100% plan to have to account for excess disposable income, in the even they later file a motion to modify, is of benefit.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-20029 Simon E. Williams

Chapter 7

#12.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 79039 Lake Club Dr, Bermuda Dunes, CA 92203; Decl of Simon E Williams

MOVANT: SIMON E WILLIAMS

From: 12/19/17, 12/21/17

EH__

Docket 4

Tentative Ruling:

12/19/2017

Service: Proper
Opposition: None

The Court is inclined to DENY the motion. First, notice to the law firm that represented the secured creditor (the primary party at whom the motion is directed) does not include the handling lawyers' names. As such notice is problematic as it will be delayed getting into the proper hands. Second, the prior case was not dismissed because of an ordinary payment default, as the motion implies, but because of failure to turn over tax refunds. Third, Debtor does not need the stay to seek a loan modification. Last, any equity in the Debtor's residence will be recovered, on sale by the Trustee (not the Debtor) for the benefit of the estate, and the Trustee has not joined this request. Thus, Debtor has failed to rebut the presumption of lack of good faith as to U.S. Bank pursuant to § 362(c)(3)(C)(ii).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Simon E. Williams

Represented By
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

CONT... Simon E. Williams

Chapter 7

Summer M Shaw

Movant(s):

Simon E. Williams

Represented By

Jenny L Doling

Jenny L Doling

Summer M Shaw

Summer M Shaw

Trustee(s):

Karl T Anderson (TR)

Represented By

Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:17-20388 Oracio Rosales Hernandez

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 2/22/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oracio Rosales Hernandez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10106 Jules A Nelson

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jules A Nelson

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10111 Wanny Chansy

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wanny Chansy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10112 Eddie Garcia and Martha Garcia

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eddie Garcia

Represented By
Paul Y Lee

Joint Debtor(s):

Martha Garcia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10114 Jose Peralta Velasquez, Jr

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Peralta Velasquez Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10127 David H Yopp

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David H Yopp

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10136 Samuel Garcia and Claudia Garcia

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Garcia

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Claudia Garcia

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10151 Eduardo Galvan

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eduardo Galvan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10160 Eri A. Doulos

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eri A. Doulos

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10196 Kalake Monisoni Toutai

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kalake Monisoni Toutai

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10240 Guillermo Zamudio

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guillermo Zamudio

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10248 Vaughn Stevens

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vaughn Stevens

Represented By
Amanda G Billyard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10261 Nereeka Tamar Haynes

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nereeka Tamar Haynes

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10285 Alvin Leo Eckert, Jr.

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alvin Leo Eckert Jr.

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10303 Timothy G Klepeis

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy G Klepeis

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10308 Misti Gory

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Misti Gory

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10328 Amanda Martinez

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanda Martinez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10338 Herman Owen Samuels

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Herman Owen Samuels

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10357 Isaias Solano

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isaias Solano

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10407 Caesar A Rodriguez

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Caesar A Rodriguez

Represented By
Allan O Cate

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonel Villa

Represented By
Luis G Torres

Joint Debtor(s):

Lucila Pineda

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10416 Jose Guadalupe Lopez and Margarita Lopez

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Guadalupe Lopez

Represented By
David Lozano

Joint Debtor(s):

Margarita Lopez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10425 Rex Thomas

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rex Thomas

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10454 Scott Lawrence and Anita D Lawrence

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Lawrence

Represented By
Kevin Tang

Joint Debtor(s):

Anita D Lawrence

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:30 PM

6:18-10456 David Allen Rose, Jr. and Karen Sue Rose

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Allen Rose Jr.

Represented By
Dana Travis

Joint Debtor(s):

Karen Sue Rose

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:13-14560 David Sandoval and Mary Celine Sandoval

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case

From: 3/8/18

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Sandoval

Represented By
Bryant C MacDonald

Joint Debtor(s):

Mary Celine Sandoval

Represented By
Bryant C MacDonald

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:14-22236 Gustavo Brito

Chapter 13

#39.00 Motion to Dismiss Case for Failure to Make Plan Payments

EH__

Docket 71

Tentative Ruling:

3/22/18

BACKGROUND

On September 30, 2014, Gustavo Brito ("Debtor") filed a Chapter 13 voluntary petition. On November 20, 2014, Debtor's Chapter 13 plan was confirmed. The mandatory Chapter 13 form plan contains a provision (Section V.H) which states: "The Debtor will pay timely all postconfirmation tax liabilities directly to the appropriate taxing authorities as they become due."

Since confirmation the Trustee has filed three motions to dismiss, all of which were ultimately resolved. Additionally, the Chapter 13 plan has been modified once. On February 23, 2018, the California Department of Tax & Fee Administration ("CDTFA") filed a motion to dismiss or convert to Chapter 7 on the basis that Debtors had not paid their postconfirmation taxes. The Court notes that the motion was served on Debtors' attorney, but was not served on Debtors.

DISCUSSION

The Court will continue the matter for CDTFA to serve the motion on Debtors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

CONT... Gustavo Brito

Chapter 13

Regarding the merits, the Court notes that 11 U.S.C. § 1307(c)(6) provides for dismissal or conversion for cause, which is defined to include "material default by the debtor with respect to a term of a confirmed plan." Here, the Court notes that Debtors' confirmed plan provided that all postconfirmation tax liabilities were to be timely paid. CDTFA has provided evidence that Debtor has accrued \$19,888.54 in post-petition tax liabilities which constitutes a material default satisfying § 1307(c)(6). Because Debtors do not appear to have meaningful unencumbered, unexempt assets, this Court would be inclined to dismiss the case rather than convert it to Chapter 7.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter to April 19, 2018 at 12:30 p.m. for proper service of the motion on Debtors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gustavo Brito

Represented By
Freddie V Vega

Movant(s):

California Department of Tax and

Represented By
Suman Mathews

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:14-24213 Rula Nino

Chapter 13

#40.00 Trustee's Motion to Dismiss Case

EH__

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rula Nino

Represented By
Devin Sawdayi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:14-25360 William Meineke and Kathie Meineke

Chapter 13

#41.00 CONT Motion to Dismiss for Failure to Make Plan Payments

From: 2/8/18

EH__

Docket 71

Tentative Ruling:

2/8/18

BACKGROUND

On December, 2014, William & Kathie Meineke ("Debtors") filed a Chapter 13 voluntary petition. On February 9, 2015, Debtors' Chapter 13 plan was confirmed. The mandatory Chapter 13 form plan contains a provision (Section V.H) which states: "The Debtor will pay timely all postconfirmation tax liabilities directly to the appropriate taxing authorities as they become due."

Since confirmation the Trustee has filed five motions to dismiss, all of which were ultimately resolved. Additionally, the Chapter 13 plan has been modified twice. On January 10, 2018, the California Franchise Tax Board ("CFTB") filed a motion to dismiss or convert to Chapter 7 on the basis that Debtors had not paid their postconfirmation taxes. The Court notes that the motion was served on Debtors' attorney, but was not served on Debtors.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

CONT... William Meineke and Kathie Meineke

Chapter 13

The Court will continue the matter for CFTB to serve the motion on Debtors.

Regarding the merits, the Court notes that 11 U.S.C. § 1307(c)(6) provides for dismissal or conversion for cause, which is defined to include "material default by the debtor with respect to a term of a confirmed plan." Here, the Court notes that Debtors' confirmed plan provided that all postconfirmation tax liabilities were to be timely paid. CFTB has provided evidence that Debtors' have yet to satisfy their 2014, 2015 and 2016 tax liabilities which constitutes a material default satisfying § 1307(c)(6). Because Debtors do not appear to have meaningful unencumbered, unexempt assets, this Court would be inclined to dismiss the case rather than convert it to Chapter 7.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter to March 8, 2017 at 12:30 p.m. for proper service of the motion on Debtors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Movant(s):

FRANCHISE TAX BOARD

Represented By
Suman Mathews

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

CONT... William Meineke and Kathie Meineke

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:15-14835 Bennea Cynthia Travis

Chapter 13

#42.00 Trustee's Motion to Dismiss Case

EH__

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennea Cynthia Travis

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:15-19152 Carol Elizabeth Tenney

Chapter 7

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON
11/16/17**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol Elizabeth Tenney

Represented By
David Lozano

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:15-21983 Pablo Javier Solis, Jr. and Norma Alicia Solis

Chapter 7

#44.00 Trustee's Motion for Order Dismissing Chapter 13 Proceeding (Delinquency)

EH__

Docket 102

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
3/5/18.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pablo Javier Solis Jr.

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Norma Alicia Solis

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-10385 Adolfo Gonzalez and Angelica Gonzalez

Chapter 13

#45.00 Trustee's Motion to for Order Dismissing Chapter 13 Proceeding (Delinquency)

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adolfo Gonzalez

Represented By
Luis G Torres

Joint Debtor(s):

Angelica Gonzalez

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-11794 ROBERT A HAGUE and DIANNE L HAGUE

Chapter 13

#46.00 CONT Trustee's Motion to Dismiss Case

From: 2/22/18

EH__

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ROBERT A HAGUE

Represented By
Manfred Schroer

Joint Debtor(s):

DIANNE L HAGUE

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-15678 Nicholas Asamo

Chapter 13

#47.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas Asamo

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-17031 Anderson L Pepper

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-18248 Juan Jose Franco

Chapter 13

#49.00 CONT Trustee's Motion to Dismiss Case

From: 2/8/18, 3/1/18

EH__

Docket 76

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Franco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-21236 Ronald A Waters and Trisha Waters

Chapter 13

#50.00 Trustee's Motion to Dismiss Chapter 13 Proceeding (Delinquency)

EH__

Docket 34

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/21/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald A Waters

Represented By
Paul Y Lee

Joint Debtor(s):

Trisha Waters

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 13

#51.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:17-18131 Ramon Gabriel Alvarez

Chapter 13

#52.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramon Gabriel Alvarez

Represented By
Devin Sawdayi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#53.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:17-19154 Ernesto Sanchez

Chapter 13

#54.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/13/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernesto Sanchez

Represented By
Jerry Rulsky

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

12:31 PM

6:16-10604 Juan Manuel Plascencia De La Torre

Chapter 13

#54.10 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Manuel Plascencia De La Torre

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 22, 2018

Hearing Room 303

2:30 PM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#55.00 Order to appear and show cause why Luis Torres should not be sanctioned for:
(1) Scheduling a hearing inappropriately late; (2) Filing poor pleadings; and (3)
Not appearing in court despite being ordered to do so

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonel Villa

Represented By
Luis G Torres

Joint Debtor(s):

Lucila Pineda

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

6:13-21247 Patricia Chaton

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 39

Tentative Ruling:

3/28/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee, have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 3,360
Trustee Expenses: \$ 772.23

Accountant Fees: \$ 1,587
Accountant Costs:\$ 232.60

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Patricia Chaton

Represented By
Lorene L Mies - DISBARRED -

Trustee(s):

Charles W Daff (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT...

Patricia Chaton

Lezzlie E Hornsby

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

6:09-26155 Marcin Rozpedski and Laura M Rozpedski

Chapter 7

#2.00 Motion for Entry of Order Directing the Clerk of the Court to Enter the Debtor's Discharge Retroactively Dated to October 20, 2009

EH__

Docket 23

Tentative Ruling:

3/28/18

BACKGROUND

On July 17, 2009, Marcin & Laura Rozpedski ("Debtors") filed a Chapter 7 voluntary petition. On December 16, 2009, the case was closed without entry of discharge because Debtors did not file the required financial management court certificate.

On January 23, 2018, the case was reopened upon Debtors' motion. On February 22, 2018, Marcin Rozpedski ("Marcin") filed his certification about a financial management course, although the Court notes that no such certificate was filed for Laura Rozpedski. It would appear that Debtors have since separated.

On March 9, 2018, Debtors filed a motion for entry of order directing the Clerk of Court to enter the Debtor's discharge retroactively dated to October 20, 2009. Marcin asserts that he was not informed by his attorney of the requirements to complete a financial management course because his former attorney's office burned down.

As of the petition date, Debtor had an outstanding judgment owed to Ford Motor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT... Marcin Rozpedski and Laura M Rozpedski

Chapter 7

Credit Co. LLC ("Creditor"). Approximately six months before the petition date, Creditor recorded an abstract of judgment in Riverside County, although Marcin asserts he did not own any real property in Riverside County at that time. Later, in September 2013, Marcin acquired real property in Riverside County. In December 2017, Creditor applied for an application for renewal of judgment.

By the instant motion, Debtor requests: (1) the retroactive entry of Marcin's discharge; (2) a declaration by the Court that Creditor's renewal of judgment is void; and (3) a declaration that Creditor's abstract of judgment is void as to post-petition acquired property.

DISCUSSION

The Court will first summarily address Debtor's third request. The Court notes that pursuant to FED. R. BANKR. P. Rule 7001(2), a proceeding to determine the validity, priority, or extent of a lien or other interest in property requires an adversary proceeding. While the requirement of an adversary proceeding may be waivable in certain circumstances, here Creditor has not responded to the instant motion. In such circumstances, the Court cannot deem Creditor to have waived the requirement of an adversary proceeding. Therefore, the Court will deny Debtor's request for an order declaring the judgment lien of Creditor to be void.

Marcin also requests that his discharge be entered retroactively pursuant to 11 U.S.C. § 105. Marcin has not provided any case law supporting the Court's exercise of equitable powers in this fashion. The Court's own review of the case law identifies few cases where a Court has contemplated the retroactive entry of discharge. *See, e.g., In re Recile*, 496 F.2d 675, 680 (5th Cir. 1974) (*nunc pro tunc* discharge only appropriate when discharge not entered wholly because of clerical mistake); *Matter of Pilar Cordova Antuna*, 45 B.R. 271, 277 (Bankr. W.D. Mo. 1985) (same). Here, discharge was not entered in 2009 due to the error of Debtors, and, as a result, the standard is clearly not satisfied.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT... Marcin Rozpedski and Laura M Rozpedski

Chapter 7

Nevertheless, it is worth noting that the paucity of case law on the issue is likely a result of the fact that the date that discharge is entered would seem to be legally immaterial. Regardless of the entry date of the discharge, the discharge will operate to absolve a debtor from *in personam* liability on pre-petition debts. The situation becomes murkier, however, where a party has an abstract of judgment that has not attached to any real property (and the claim is therefore unsecured), the case is closed, real property is acquired by the judgment defendant (now the claim is secured), and then the case is reopened to seek entry of a discharge. In this narrow circumstance, it would appear that the date of the entry of discharge is potentially material. Nevertheless, in this circumstance, as noted above, Marcin has failed to establish grounds for the entry of discharge retroactive to more than eight years ago.

TENTATIVE RULING

The Court is inclined to GRANT the motion, only to the extent of issuing a discharge now (not retroactive) as to Marcin only.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Marcin Rozpedski

Represented By
Gary Swanson
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Laura M Rozpedski

Represented By
Gary Swanson
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT... Marcin Rozpedski and Laura M Rozpedski

Chapter 7

Movant(s):

Marcin Rozpedski

Represented By
Gary Swanson
Summer M Shaw
Jenny L Doling

Trustee(s):

Patricia J Zimmermann (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#3.00 CONT Second Joint Motion and Moving Memorandum by Chapter 7 Trustee and Revere Financial Corporation for Order Approving Settlement between Chapter 7 Trustee and Revere Financial Corporation

From: 2/14/18

Also #4

EH__

Docket 521

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#4.00 Order setting hearing on Opposition to Notice of Lodgment

Also #3

EH__

Docket 542

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#5.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17, 2/7/18, 2/28/18

EH__

Docket 148

***** VACATED *** REASON: CONTINUED TO 5/9/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.

Pro Se

Joint Debtor(s):

Tami Jo Springer

Pro Se

Movant(s):

Hilder & Associates

Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR)

Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

6:16-17888 Jay J. Goodman

Chapter 7

#6.00 Order to Show Cause RE Civil Contempt and For an Order Holding Delia Moya in Civil Contempt

EH__

Docket 12

Tentative Ruling:

3/28/18

PROCEDURAL BACKGROUND

On August 31, 2016, Jay Goodman ("Debtor") filed a Chapter 7 voluntary petition. On December 12, 2016, Debtor received a Chapter 7 discharge, and the next day the case was closed.

On February 12, 2018, Debtor filed a motion for an order to show cause why Delia Moya ("Moya") should not be held in civil contempt. On February 27, 2018, the Court entered an order to show cause (the "OSC") and set a hearing on the matter. On March 14, 2018, Moya filed her response to the OSC, and, on March 21, 2018, Debtor filed a reply.

SUMMARY OF ARGUMENTS

Debtor argues that Moya has violated the discharge injunction. Debtor and Moya were formerly married. On April 22, 2015, during the court of their dissolution proceedings, it appears that the family law court entered an earnings assignment order

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT...

Jay J. Goodman

Chapter 7

whereby Moya would receive 50% of Debtor's social security benefits. On May 10, 2016, a modified earning assignment (the "EOA") order was filed. That same day Debtor and Moya entered into a marital settlement agreement (the "MSA"). The MSA contained a provision which stated, in relevant part, that: "Husband owes Wife certain monies with respect to spousal support arrears, court-ordered attorney fees, and court-ordered sanctions which, with interest, total approximately \$69,000." The crux of Debtor's argument appears to be that at least part of the amount identified is dischargeable in bankruptcy. The crux of Moya's opposition is that the entire debt is nondischargeable either through the operation of 11 U.S.C. § 523(a)(5) or 11 U.S.C. § 523(a)(15).

DISCUSSION

After reviewing Debtor's motion, Moya's response, and Debtor's reply, the Court is left with the firm impression that Debtor was unaware of the operation of 11 U.S.C. § 523(a)(15) when the instant motion was filed. 11 U.S.C. §523(a)(15) states:

- (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –

(15) to a spouse, former spouse, or child of the debtor and not of the kind described in paragraph (5) that is incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, divorce decree or other order of a court of record, or a determination made in accordance with the State or territorial law by a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT... **Jay J. Goodman**
 governmental unit;

Chapter 7

While Debtor argues in his motion that part of the debt created by the MSA is not a domestic support obligation, §523(a)(15) eliminates the need to determine whether all components of the debt at issue are actually domestic support obligations. Until 2005, bankruptcy courts were required to apply a balancing test to determine whether a debt of the type listed in § 523(a)(15) was dischargeable; additionally, the debt was automatically discharged in the absence of an adversary proceeding. *See generally* COLLIER ON BANKRUPTCY ¶ 523.23 (16th ed. 2009) (briefly discussing history of § 523(a)(15)). As a result, Debtor's motion contains many references to now obsolete case law which applied the incorrect standard. Moya has pointed out this statutory change in her opposition, and Debtor has not advanced a new legal argument in his reply. It is clear that the entirety of the debt owed to Moya, Debtor's ex-spouse, as part of the Marital Settlement Agreement, constitutes a debt owed to a former spouse in connection with a separation agreement. Therefore, to the extent the debt is not non-dischargeable by operation of 11 U.S.C. § 523(a)(5), it is certainly non-dischargeable by operation of 11 U.S.C. § 523(a)(15).

To the extent that Debtor requests reformation or cancellation of the EAO or MSA, this request is beyond the Court's jurisdiction. A debtor cannot request relief pursuant to non-bankruptcy law in a closed case. *See* 28 U.S.C. § 157 (identifying four categories of bankruptcy court jurisdiction).

To the extent that Moya requests certain sanctions against Debtor for bringing the instant motion, the Court notes that Moya's opposition is not the appropriate mechanism for bringing such a request. *See* FED. R. BANKR. P. Rule 9011(c)(1). The Court also notes that Local Rule 9020 specifies the procedure to be followed when a party requests an order to show cause. Local Rule 9020(b) provides that a responding party shall have seven days to file a written objection. Local Rule 9020(d)(1) provides that if a written objection is not filed, "the court may conclude that there is no objection to issuance of the order to show cause." Here, Moya was served with Debtor's motion for contempt. And the Court waited fifteen days between entering the order to show cause, during which period Moya did not file any written objection. While it may be fair to characterize Debtor's motion as not "warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law," the Court also notes that a timely response to the motion by Moya would have

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

11:00 AM

CONT... Jay J. Goodman

Chapter 7

triggered earlier Court review of the merits and significantly mitigated costs.

TENTATIVE RULING

The Court is inclined to VACATE the OSC.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Movant(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01035 Sonnenfeld v. Richardson

#7.00 Status Conference re Notice of Removal RE: [1] Adversary case 6:18-ap-01035. Complaint by Cleo Sonnenfeld against Joshua C Richardson. Case No. RIC 1700456]; Attachments: # 1 Notice of Status Conference re Removal of Action Nature of Suit: 01 - Determination of removed claim or cause

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua C Richardson

Pro Se

Plaintiff(s):

Cleo Sonnenfeld

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

6:16-15419 Francisco Javier Castillo

Chapter 7

Adv#: 6:16-01310 Swift Financial Corporation d.b.a. Swift Capital v. Castillo

#8.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01310. Complaint by Swift Financial Corporation d.b.a. Swift Capital against Francisco Javier Castillo (willful and malicious injury)

From: 5/3/17, 9/13/17, 11/8/17, 1/31/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Castillo

Represented By
Joseph M Tosti

Defendant(s):

Francisco Javier Castillo

Pro Se

Plaintiff(s):

Swift Financial Corporation d.b.a.

Represented By
Lazaro E Fernandez

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

6:17-12858 Scott Leigh Baumann

Chapter 7

Adv#: 6:17-01205 PRINGLE v. Rizzo et al

#9.00 CONT Status Conference Re: [1] Adversary case 6:17-ap-01205. Complaint by JOHN P PRINGLE against Michael R Rizzo, Linda M Rizzo. (\$350.00 Charge To Estate). (Attachments: # 1 Adversary Coversheet) Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(31 (Approval of sale of property of estate and of a co-owner - 363(h)

FROM: 11/29/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Leigh Baumann

Represented By
Jenny L Doling

Defendant(s):

Michael R Rizzo

Pro Se

Linda M Rizzo

Pro Se

Joint Debtor(s):

Holly Lynn Baumann

Represented By
Jenny L Doling

Plaintiff(s):

JOHN P PRINGLE

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

CONT... Scott Leigh Baumann

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

6:14-12990 Garrick Craig Smedman

Chapter 7

Adv#: 6:17-01121 Smedman et al v. STATE BOARD OF EQUALIZATION et al

#10.00 Motion For Summary Judgment

EH__

Docket 16

Tentative Ruling:

3/28/2018

PROCEDURAL BACKGROUND

On March 10, 2014, Craig Smedman & Veronica Wilkins (collectively, "Plaintiffs"; individually, "Smedman" and "Wilkins") filed a Chapter 7 voluntary petition. On August 12, 2014, Plaintiffs received a Chapter 7 discharge. On October 28, 2015, the State Board of Equalization filed a proof of claim in the amount of \$155,734.68 ("Claim 13"), of which \$127,905.25 was identified as a priority claim. On April 15, 2016, the case was closed.

On May 25, 2017, the case was reopened. On June 23, 2017, Plaintiffs filed a complaint against SBE. The complaint contains two causes of action: (1) declaratory relief; and (2) a request for an injunction.

Due to issues with the service of the complaint, SBE's answer was not filed until December 18, 2017. On January 23, 2018, SBE moved for summary judgment. On March 7, 2018, Plaintiffs filed their opposition to SBE's motion for summary judgment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

CONT... Garrick Craig Smedman

Chapter 7

ARGUMENTS

Plaintiff's complaint is somewhat confusing. Paragraph 9 of the complaint states: "An actual and genuine controversy exists as to whether Plaintiff's/Debtors' position that any claim against them by the Defendant is time barred or discharged, in that Plaintiffs claim that any such claim by Defendant is in fact time barred and discharged, and Defendant disputes such contention." Paragraph 10 of the complaint states, in pertinent part: "Plaintiffs seek an adjudication that any claim by Defendant is time barred, discharged, and that the automatic stay and discharge stay prevents any alleged collection efforts. Plaintiffs seek a specific ruling by his Court that any such claim by Defendant is discharged and can never be enforced."

In its motion for summary judgment, the SBE argues that it is not the proper party in this lawsuit, but, rather the named defendant should have been the California Department of Taxes and Fees Administration ("CDTFA"). Furthermore, SBE argues that the complaint fails to allege a violation of the automatic stay or the discharge injunction. Regarding the automatic stay, SBE asserts that they did not take any actions while the automatic stay was in effect and, even if they had issued a notice of assessment while the automatic stay was operative, that notice is excepted from the automatic stay. Regarding the discharge injunction, SBE asserts that its claim is non-dischargeable.

In Plaintiffs' opposition, Plaintiffs argue that the SBE's decision to answer the complaint should estop SBE from arguing that it is not the property defendant, and, alternatively, that Plaintiff should be granted leave to amend the complaint. Furthermore, Plaintiffs identifies certain actions by SBE which it contends constitute a violation of the automatic stay. Plaintiffs also argue that: "Neither Defendant was a 'responsible person' to impose personal liability for sales taxes under Revenue and Taxation Code Section 6829."

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

CONT... Garrick Craig Smedman

Chapter 7

As a preliminary matter, Plaintiffs also characterize Claim 13 as being untimely, although it is not clear how the characterization relates to their causes of action. If a claim is filed late (or not at all), the holder of the claim simply waives their right to any disbursements made by the trustee. If such a claim is non-dischargeable, the claim would not be "time barred" by reason of its having been filed late (or not at all) in the bankruptcy case. In any event, the claim was not filed late. The Trustee's notice of assets [Dkt. No. 21] identifies a government claims bar date of January 15, 2016.

Plaintiffs and SBE appear to disagree about whether Claim 13 was discharged. 11 U.S.C. § 523(a)(1)(A) states:

- (a) A discharge under section 727, 1141, 1228(a), 1228(b) or 1328(b) of this title does not discharge an individual debtor from any debt –
 - (1) for a tax or a custom duty –
 - (A) of the kind and for the periods specified in section 507(a)(3) or 507(a)(8) of this title, whether or not a claim for such tax was filed or allowed;

11 U.S.C. § 507(a)(8)(A)(i) states:

- (a) The following expenses and claims have priority in the following order:
 - (8) Eight, allowed unsecured claims of government units, only to the extent that such claims are for –
 - (A) a tax on or measured by income or gross receipts for a taxable year ending on or before the date of the filing of the petition –
 - (i) for which a return, if required, is last due, including extensions, after three years before the date of the filing of the petition;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

CONT... Garrick Craig Smedman

Chapter 7

SBE argues that its tax claims falls within § 507(a)(8)(A)(i).¹ Presumably, Plaintiffs believe Claim 13 was not discharged, although that is not actually asserted in Plaintiffs' opposition.

SBE correctly points out that the Ninth Circuit has previously held that the type of tax assessed here (responsible person liability)² is a "tax" for purposes of § 523(a)(1) and is measured on "gross receipts" for purposes of § 507(a)(8). *See In re Ilko*, 651 F.3d 1049, 1050 (9th Cir. 2011). Plaintiffs have not presented any legal argument to the contrary.

Next the Court must evaluate whether the applicable tax returns were due "after three years before the date of the filing of the petition." 11 U.S.C. § 507(a)(8)(A)(i). As evidenced by SBE's proof of claim and the notice of determination attached to the instant motion, SBE originally asserted a priority claim for taxes due during the period October 1, 2010 to March 31, 2012.

CAL. REV. & TAX. CODE § 6452(a) provides that:

- (a) On or before the last day of the month following each quarterly period of three months, a return for the preceding quarterly period shall be filed with the board in the form as prescribed by the board, which may include, but not be limited to, electronic media. Returns shall be authenticated in a form or pursuant to methods as may be prescribed by the board.

Therefore, all of the priority part of Claim 13 fits within § 507(a)(8)(A)(i), with the exception of the tax due for the final quarter of 2010. SBE's declaration, however, asserts that SBE made a legal adjustment to the liability of Plaintiffs to discharge the tax due during the final quarter of 2010. SBE, however, has demonstrated that the remainder of the priority portion of Claim 13 was non-dischargeable. Plaintiffs have

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

CONT... **Garrick Craig Smedman**

Chapter 7

not advanced any legal argument to the contrary.

Plaintiffs' argument that they were not proper parties to be assessed "responsible person liability" under CAL. REV. & TAX. CODE § 6829 misses the operative issue. This argument does not go to whether the claim of SBE has been discharged, but, instead, goes to whether SBE has a claim at all. Regardless of whether the assertion of Plaintiffs is accurate, the claim as asserted by SBE fits within the non-dischargeability provision of § 507(a)(8)(A)(i). As a result, the claim cannot have been discharged, and there cannot have been a violation of the discharge injunction.

Because this Court has concluded that the claim of SBE is not "unenforceable, time-barred, and otherwise discharged," it is inappropriate to issue an injunction to prevent SBE from seeking its legal remedies.

TENTATIVE RULING

The Court is inclined to GRANT summary judgment in favor of SBE. As to the assessed liability for the final quarter of 2010, SBE to discuss including language in the judgment as to those taxes having been discharged.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Garrick Craig Smedman

Represented By
Neil C Evans

Defendant(s):

STATE BOARD OF

Pro Se

California Department of Tax and

Represented By
Matthew C. Heyn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, March 28, 2018

Hearing Room 303

2:00 PM

CONT... Garrick Craig Smedman

Chapter 7

Joint Debtor(s):

Veronica Lee Wilkins

Represented By
Neil C Evans

Movant(s):

California Department of Tax and

Represented By
Matthew C. Heyn

Plaintiff(s):

Craig Smedman

Represented By
Neil C Evans

Veronica Lee Wilkins

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:16-16362 Conchita C Ang

Chapter 13

#1.00 CONT Motion to vacate dismissal order dated 10/12/16 for this case to allow an objection to the proof of claim filed with this court; request for injunction and TRO

From: 2/22/18

Also #2

EH__

Docket 53

Tentative Ruling:

03/29/2018

On February 22, 2018, the Court issued its tentative ruling and continued the hearing on the Debtor's Motion to permit the Debtor to file a response to the Court's tentative ruling.

The Debtor filed her response on March 15, 2018 (the "Response").

In her Response to the Court's Tentative Ruling of February 22, 2018 (the "TR"), the Debtor responds that she seeks to vacate dismissal in order to "correct the record". The Debtor's Response, however, does little more than assert an incomprehensible argument under Rule 60(b)(6) regarding the "Y2K Bug" and then goes on to again argue that fraud has occurred. The Response does not address the Rule 60(c) time limit on a Rule 60(b) motion based on fraud. Nor does the Response provide any evidence or argument to warrant vacating the dismissal under Rule 60(b) (6).

Finally, the Debtor's Response cites to alleged violations of federal criminal and/or civil laws by Wells Fargo and Clear Recon Corp. Here, even were the Court to conclude that the Debtor's allegations are true and that Wells Fargo and Clear Recon Corp made misrepresentations or committed fraud, the bankruptcy case was dismissed for reasons independent of any issues related to Wells Fargo and Clear Recon Corp.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT... Conchita C Ang

Chapter 13

Thus, the alleged violations do not of themselves provide support for Debtor's Motion to Vacate Dismissal. If the Debtor believes Wells Fargo and Clear Recon Corp may have criminal or civil liability then she is free to pursue actions against these entities in federal district court.

Finally, on March 8, 2018, Wells Fargo and Clear Recon Corp filed their opposition to the Debtor's Motion. Their Opposition reiterates the points raised by the Court's TR that the Motion was not properly served and that relief is not warranted under Rule 9024. Given the service issues with the Motion, the Court has considered the opposition of Wells Fargo and Clear Recon Corp and is inclined to DENY the Motion for the reasons stated in today's tentative ruling, in the February 22, 2018 TR, in the Opposition of Wells Fargo and Clear Recon Corp, and in the Trustee's Comments.

02/22/2018

Background:

On July 18, 2016, Conchita Ang ("Debtor") filed for chapter 13 relief. Rod Danielson is the duly appointed chapter 13 trustee ("Trustee").

On October 12, 2016, the Court granted the Motion of the United States Trustee to dismiss the Debtor's case with a re-filing bar, thereby dismissing the Debtor's case (the "Dismissal Order")

The Debtor subsequently appealed the dismissal of the case to the Bankruptcy Appellate Panel (the "BAP"). On August 10, 2017, the BAP affirmed the order of this Court dismissing the Debtor's case as a bad faith filing.

On February 1, 2018, the Debtor filed a Motion to Vacate the Dismissal Order (the "Motion"). On February 5, 2018, the Trustee filed comments recommending that the Court deny the Debtor's Motion.

Applicable Law: FRBP 9024, FRCP 60(b)

Discussion:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT...

Conchita C Ang

Chapter 13

Under FRBP 9024 (incorporating FRCP 60(b)), a court may relieve a party from judgment for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud or other misconduct; (4) a void judgment; (5) a satisfied or discharged judgment; or (6) any other reason justifying relief from operation of judgment. FRBP 9024.

The Debtor does not specify under which subsection of Rule 60(b) she is moving. However, the allegations in the Motion appear to indicate that the Debtor believes fraud has occurred as to "alleged creditors" Wells Fargo Bank and Clear Recon Corp. Fraud falls within Rule 60(b)(3). Potentially, the Debtor is also alleging that relief is justified based on new evidence discovered during the appeal process which would fall under Rule 60(b)(2). (Motion at ¶5).

As a threshold matter, pursuant to Rule 60(c), a motion under Rule 60(b) that is brought for reasons (1), (2), or (3) cannot be brought more than a year after the entry of the order. FRCP 60(c). Here, more than one year has elapsed since the Dismissal Order was entered on October 12, 2016. Therefore, based on the allegations in the Motion, 60(b)(6) appears to be the only grounds upon which the Dismissal Order could be set aside.

The Ninth Circuit has held that Rule 60(b)(6) should be used sparingly as an equitable remedy to prevent manifest injustice and is to be utilized only where extraordinary circumstances prevented a party from taking timely action to prevent or correct an erroneous judgment. *In re International Fibercom, Inc.*, 503 F.3d 933, 941 (9th Cir. 2007) (internal citations omitted). Accordingly, a party who moves for such relief "must demonstrate both injury and circumstances beyond his control that prevented him from proceeding with ... the action in a proper fashion. *Id.*

Here, the Debtor has failed to either (1) demonstrate manifest injustice, or (2) to demonstrate what extraordinary circumstances prevented her from bringing this Motion at an earlier junction. Instead, the timing of the instant Motion appears more likely to reflect the Debtor's refusal to accept the ruling of the BAP which affirmed this Court's Dismissal Order. Further, as pointed out by the Trustee, the Debtor's Motion fails to address the numerous grounds for dismissal delineated in the Court's Dismissal Order, including the lack of disposable income to fund a chapter 13 plan and the Debtor's history of skeletal filings. Finally, the Debtor believes she should

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT... Conchita C Ang

Chapter 13

have an opportunity to object to proofs of claim filed in her dismissed case. However, there is no explanation or averment as to how a proof of claim filed in a dismissed case has caused or is causing injury to the Debtor.

In sum, while the Debtor believes she has meritorious grounds for alleging fraud against the "alleged creditors", the Motion fails to demonstrate that the bankruptcy court is the appropriate forum for the Debtor to litigate these disputes with the creditors given that the Debtor's case has been dismissed and that no evidence has been provided to warrant reinstating the bankruptcy case.

Separately, the Motion appears to seek the issuance of a temporary restraining order. However, LBR 7065 clearly states that a temporary restraining order or preliminary injunction may only be sought as a provision remedy in an adversary proceeding.

In addition to the foregoing, the Court also denies the Motion on the basis of improper service because the Debtor has failed to serve the Motion in accordance with FRBP 7004 as to the alleged creditors.

Tentative Ruling:

Based on the foregoing, the Motion is DENIED in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Conchita C Ang	Pro Se
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Movant(s):

Conchita C Ang	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT... Conchita C Ang

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:16-16362 Conchita C Ang

Chapter 13

#2.00 Motion and Notice to remove Trustee Rod Danielson

Also #1

EH__

Docket 56

Tentative Ruling:

03/29/2018

BACKGROUND

The Debtor moves the Court for an order removing Rod Danielson as the trustee for her case stemming from an alleged "failure to perform his duties pursuant to ... Section 704(a)(5)" by an alleged failure to object to the allowance of an "improper claim", also for "malfeasance of office for gross negligence and willful misconduct."

DISCUSSION

Once appointed, only the bankruptcy court, after notice and hearing, can remove the trustee. 11 U.S.C. § 324; *In re Reed*, 178 B.R. 817 (Bankr. D. Ariz. 1995) (citing *Bernard v. Coyne (In re Bernard)*, 31 F.3d 842, 844 (9th Cir.1994)). Section 324 of the Bankruptcy Code provides that a trustee may be removed "for cause." However, the requisite cause for removal of a trustee, as required by § 324, has not been defined in the Bankruptcy Code; rather it must be determined by the courts on a case by case basis. *Id.* (citing *In re Lundborg*, 110 B.R. 106, 108 (Bankr.D.Conn.1990); *In re Haugen Construction Service, Inc.*, 104 B.R. 233, 240 (Bankr.D.N.D.1989)). The requisite cause has been defined as, " 'reasons for which the law and sound public policy recognize as sufficient [to] warrant ... removal' and reasons which 'relate to and affect the administration of the office [of the trustee] and [which] must be restricted [sic] to something of a substantial nature directly affecting the rights and interests of the public.' " *Baker v. Seeber (In re Baker)*, 38 B.R. 705, 707 (D.Md.1983) (affirming and quoting Judge Evans, below). Most case law

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT...

Conchita C Ang

Chapter 13

concerning the removal of a trustee involves intentional misconduct or negligence on the part of the trustee in the administration of the estate. *Id.* Such cause has been interpreted to include when the trustee is not disinterested, where the trustee fails to perform his or her duties or unreasonably delays in the performance of those duties. *Lundborg*, 110 B.R. at 108 (citations omitted). But, a trustee is not responsible, and therefore should not be removed, for mistakes in judgment where the judgment is both reasonable and discretionary. *Reed* (citing *Mosser v. Darrow*, 341 U.S. 267, 272, 71 S.Ct. 680, 682–83, 95 L.Ed. 927 (1951); *Lundborg*, 110 B.R. at 108).

A Chapter 7 trustee's duties encompass investigating, liquidating, handling and distributing assets of the Chapter 7 estate. See § 704. While a Chapter 13 trustee performs some of the same or similar investigative and fiduciary functions of a Chapter 7 trustee, the work of the Chapter 13 trustee is focused primarily on administration of the Chapter 13 debtor's plan, a very different job. See § 1302. *In re Colburn*, 231 B.R. 778, 783 (Bankr. D. Or. 1999).

The Debtor's case was dismissed for various reasons, including the lack of disposable income to fund a chapter 13 plan and the Debtor's history of skeletal filings (in addition to the fact that, as referenced by the Trustee, the Debtor was not eligible to be a chapter 13 debtor because she had exceeded the debt limits for chapter 13). Here, there was no plan to administer and the Debtor's case was improperly filed as a chapter 13. Moreover, as indicated by the Trustee, even assuming, *arguendo*, that the Trustee had any reason to object to the claim that the Debtor disputes, such claim had not been filed at the time of the creditor meeting and due to the dismissal of the case no purpose would have been served by the Trustee's objection to the claim post-dismissal.

The Debtor's request for removal of the Trustee is nothing more than a frivolous attack on the Trustee which serves no purpose. The Debtor has failed to identify any "cause" for removal under § 324. Specifically, the Debtor's motion is unsupported by any facts or evidence to support her allegations that the Trustee acted improperly in declining to object to the proof of claim of Wells Fargo/Clear Recon Corp. Instead, the declaration of the Debtor simply states in conclusory fashion that she believes the Trustee had a duty to "demand and examine the Proof of Claim" and to do so "timely". Instead, the Court finds that given the myriad issues with the Debtor's case, the Trustee's judgment that examination of the proof of claim was not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT... Conchita C Ang

Chapter 13

necessary was both reasonable and within the Trustee's discretion.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Conchita C Ang	Pro Se
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Movant(s):

Conchita C Ang	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#3.00 Motion RE: Objection to Claim Number 6 by Claimant Internal Revenue Service

EH__

Docket 41

Tentative Ruling:

03/29/2018

Background:

On February 14, 2017 ("Petition Date"), Bruce and Ann Ruggles (collectively, "Debtors") filed for chapter 13 relief. Rod Danielson is the duly appointed trustee ("Trustee"). On March 2, 2018, the Debtors filed objection to Claim No. 6 (the "Objection") filed by the Internal Revenue Service ("IRS").

On March 15, 2018, IRS filed its opposition and response to the Objection ("Opposition").

Applicable Law:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT... Bruce Howard Ruggles and Ann Marie Ruggles Chapter 13

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

Analysis:

The Debtors objection is that:

1. The unsecured priority claim of \$7,999.80 was an estimated claim when filed; and
2. The Debtors filed their actual return on April 2, 2017, and the liability based on their return is a reduced amount of \$1,498.
3. The Trustee has paid \$1,098.68 on the IRS's claim, leaving an unpaid balance of \$407.32.

On March 8, 2018, the IRS filed an amended proof of claim reducing the amount of its unsecured priority claim to \$407.32.

Tentative Ruling

Based on the foregoing, the amendment to the IRS proof of claim resolves the dispute.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

CONT... Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

The Motion shall be DENIED as moot.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Bruce Howard Ruggles

Represented By
John F Brady

Joint Debtor(s):

Ann Marie Ruggles

Represented By
John F Brady

Movant(s):

Bruce Howard Ruggles

Represented By
John F Brady

Ann Marie Ruggles

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:17-17086 Bryan Dale Reid and Cristi Mishael Reid

Chapter 13

#4.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 25

***** VACATED *** REASON: ORDER ENTERED 3/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan Dale Reid

Represented By
Paul Y Lee

Joint Debtor(s):

Cristi Mishael Reid

Represented By
Paul Y Lee

Movant(s):

Bryan Dale Reid

Represented By
Paul Y Lee

Cristi Mishael Reid

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:18-10357 Isaias Solano

Chapter 13

#5.00 CONT Confirmation of Chapter 13 Plan

From: 3/22/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isaias Solano

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:18-10416 Jose Guadalupe Lopez and Margarita Lopez

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 3/22/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Guadalupe Lopez

Represented By
David Lozano

Joint Debtor(s):

Margarita Lopez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:18-10478 Litza Maribel Warner

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Litza Maribel Warner

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:18-10496 Luis Fuentes Moreno

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Fuentes Moreno

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:18-10498 Stephen Francis Wallin and Kathleen Lillian Wallin

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Francis Wallin

Represented By
Dana Travis

Joint Debtor(s):

Kathleen Lillian Wallin

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:30 PM

6:18-10534 Eugene Emery Wood

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eugene Emery Wood

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:13-30641 Jacob J Cannon and Danielle M Cannon

Chapter 13

#11.00 CONT Trustee's Motion to Dismiss Case

From: 3/1/18

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacob J Cannon

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Danielle M Cannon

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:14-11369 Robert Wayne Cook, Sr. and Kelly Danielle Cook

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 135

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Wayne Cook Sr.

Represented By
Steven A Alpert

Joint Debtor(s):

Kelly Danielle Cook

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:15-19735 Mario C Binuya and Linda Binuya

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario C Binuya

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Linda Binuya

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:15-20628 Robert R. Gentile

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert R. Gentile

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:16-11872 Garan Bales

Chapter 13

#15.00 Trustee's Motion to Dismiss Chapter 13 Proceeding (Delinquency)

EH__

Docket 116

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/28/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Garan Bales

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:16-18526 Ana M. Oliver

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ana M. Oliver

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:17-13360 Biani Berlenda Mora

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:17-13809 Jose R. Castaneda and Miriam L Castaneda

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose R. Castaneda

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Miriam L Castaneda

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 13

#19.00 CONT Trustee's Motion to Dismiss Case

From: 3/22/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, March 29, 2018

Hearing Room 303

12:31 PM

6:17-16751 Gary Ramirez and Christina Faith Ramirez

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Ramirez

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Christina Faith Ramirez

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:12-27192 Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

#1.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 28114 Championship Dr, Moreno Valley, CA 92555

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18, 3/6/18

EH__

Docket 100

***** VACATED *** REASON: CONTINUED TO 6/5/18 AT 10:00 AM.**

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Debtors have provided evidence that regular payments were made between May 2016 and November 1, 2017 (with the exception of the August 2016 and December 2016 payments for which Debtors are seeking evidence). Exhibit 5, which is the Movant's summary of post-petition payments reflects numerous debits for 2016 payments which appears to corroborate Debtors' assertion that refunds were made due to a mix-up in payments being made by the Trustee's office.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Achilles A. LaSalle Jr.

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Elsie LaSalle

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Debbie Hernandez
Rosemary Allen

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:14-12516 John Alexander Jay

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1 Avenida Las Palmas, Rancho Mirage, California 92270

MOVANT: WILMINGTON SAVINGS FUND SOCIETY, FSB

EH__

Docket 191

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Alexander Jay

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Wilmington Savings Fund Society,

Represented By
Megan E Lees
Alexander K Lee
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... John Alexander Jay

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:14-16730 Juanita M Kawakami

Chapter 13

#3.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 25056 Camino Del Norte, Barstow, CA 92311

MOVANT: U.S. BANK TRUST, N.A.

EH__

Docket 70

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears and adequate protection discussions, if
any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juanita M Kawakami

Represented By
Michael Smith
Craig K Streed

Movant(s):

U.S. Bank Trust, N.A., as Trustee for

Represented By
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:15-13752 Catalina Smith

Chapter 13

#4.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 16227 Miller Avenue, Fontana, CA 92336.

MOVANT: US ROF II/BANK NATIONAL ASSOC

From: 1/23/18, 2/27/18

EH__

Docket 44

***** VACATED *** REASON: ORDER ENTERED 3/12/18**

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: Yes

Movant to apprise Court of status of arrears and adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Catalina Smith

Represented By
Luis G Torres

Movant(s):

U.S. ROF II Legal Title Trust 2015-

Represented By
Megan E Lees

U.S. ROF II Legal Title Trust 2015-

Represented By
Megan E Lees
Alexander K Lee
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Catalina Smith

Chapter 13

Armin M Kolenovic
Kelsey X Luu

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:16-13007 Ruby Lee Frazier

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1928 Sycamore Hill Drive, Riverside, CA 92506

MOVANT: U.S. BANK TRUST, N.A.

CASE DISMISSED 3/12/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruby Lee Frazier

Represented By
Michael R Totaro

Movant(s):

U.S. Bank Trust, N.A., as Trustee for

Represented By
Kristin A Zilberstein
Merdaud Jafarnia
Christina J O
Can Guner
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:16-14287 Brent Duane Larson and Sarah Marnet Larson

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 32504 Bergamo Court, Temecula, California 92592

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 2/13/18

EH__

Docket 67

Tentative Ruling:

02/13/2018
Service: Proper
Opposition: Yes

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay and GRANT request for relief under ¶3.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Brent Duane Larson

Represented By
Carey C Pickford

Joint Debtor(s):

Sarah Marnet Larson

Represented By
Carey C Pickford

Movant(s):

U.S. BANK, NATIONAL

Represented By
April Harriott

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Brent Duane Larson and Sarah Marnet Larson

Chapter 13

Shreena Augustin
Seth Greenhill
Keith Labell
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:16-14476 Juan Rene Fullen, Jr.

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: N 2008 Warrior Warrior FB1900, Vin No. 5HRFF19208C024569

MOVANT: BANK OF AMERICA, N.A.

EH__

Docket 56

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Juan Rene Fullen Jr.

Represented By
Luis G Torres

Movant(s):

Bank of America, N.A.

Represented By
Megan E Lees

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Juan Rene Fullen, Jr.

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#8.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Silverado 1500 Crew Cab LT P/U 4D 5 3/4

MOVANT: BALBOA THRIFT & LOAN

From: 2/27/18

EH__

Docket 140

Tentative Ruling:

2/27/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears and adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Movant(s):

Balboa Thrift & Loan

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

**CONT... Edward Edmund Zozaya and Georgia Parrilla Zozaya
Keith E Herron**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:16-18818 Henrico Guillermo Vidales and Guillermina Vidales

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2009 Toyota Rav4, VIN: JTMZF33V49D006369

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 39

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Henrico Guillermo Vidales

Represented By
Yolanda Flores-Burt

Joint Debtor(s):

Guillermina Vidales

Represented By
Yolanda Flores-Burt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Henrico Guillermo Vidales and Guillermina Vidales

Chapter 7

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#10.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 935 Goldenrod St., Corona, CA 92882

MOVANT: WELLS FARGO BANK NA

From: 1/9/18, 2/27/18

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/18**

Tentative Ruling:

1/9/2018

Service is Proper
Opposition: Limited

Parties to provide status of adequate protection discussions, and Debtors to explain why evidence that they are current was not attached to motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Bruce Howard Ruggles

Represented By
John F Brady

Joint Debtor(s):

Ann Marie Ruggles

Represented By
John F Brady

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Brandy N Foreman
John Tamburo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#11.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

From: 2/6/18, 3/6/18

EH__

Docket 31

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-13608 Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

#12.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8893 Orange Street, Rancho Cucamonga, California 91701

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 2/13/18, 3/6/18

EH__

Docket 23

***** VACATED *** REASON: CONTINUED TO 5/8/18 AT 10:00 AM.**

Tentative Ruling:

02/13/2018
Service: Proper
Opposition: Yes

Subject to discussions re adequate protection, the Court's tentative is to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay, GRANT authority to offer loan workout options pursuant to ¶3 of prayer for relief and GRANT relief from the co-debtor stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Warren Alan Hall

Represented By
Lionel E Giron

Joint Debtor(s):

Kelly Suzanne Hall

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

Lionel E Giron

Movant(s):

U.S. Bank National Association, as

Represented By

Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-15822 Alfredo Loera and Veronica O Loera

Chapter 7

#13.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 BMW 3 Series Sedan 4D 328I

MOVANT: FINANCIAL SERVICES VEHICLE TRUST

EH__

Docket 83

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (d)(2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Alfredo Loera

Represented By
Paul Y Lee

Joint Debtor(s):

Veronica O Loera

Represented By
Paul Y Lee

Movant(s):

Financial Services Vehicle Trust

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Alfredo Loera and Veronica O Loera

Chapter 7

Bret D. Allen

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-16563 Julian Hernandez

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 24630 Singer Street, Moreno Valley, CA 92557

MOVANT: BANC OF CALIFORNIA, NATIONAL ASSOCIATION, DBA BANC HOME LOANS

EH__

Docket 24

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY request under ¶ 14 because there does not appear to be an attached continuation page.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Julian Hernandez

Represented By
Todd L Turoci

Movant(s):

Banc of California, National

Represented By
Daniel K Fujimoto

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Julian Hernandez

Caren J Castle

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-17420 Jeffrey Elkins

Chapter 13

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 788 Main Street, Lake Elsinore, CA 92530

MOVANT: US NATIONAL ASSOCIATION

EH__

Docket 49

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request for relief from § 1301(a) stay. GRANT waiver of Rule 4001(a) (3) stay. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jeffrey Elkins

Represented By
Anthony P Cara

Movant(s):

U.S. Bank National Association

Represented By
Darlene C Vigil
Angela M Fowler

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Jeffrey Elkins

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-18316 Julio C. Davila

Chapter 13

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 17937 Aloe Lane, Riverside, CA 92503

MOVANT: PENNYMAC LOAN SERVICES LLC

EH__

Docket 71

***** VACATED *** REASON: ORDER ENTERED 3/28/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio C. Davila

Represented By
Michael Jay Berger

Movant(s):

PENNYMAC LOAN SERVICES,

Represented By
Robert P Zahradka

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-19337 Sandra Lorena Parra

Chapter 13

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 44670 San Clemente Cir, Palm Desert, California 92260-3526

MOVANT: WILMINGTON SAVINGS FUND SOCIETY

EH__

Docket 26

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request for relief from § 1301(a) stay. GRANT waiver of Rule 4001(a) (3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Sandra Lorena Parra

Represented By
Christopher Hewitt

Movant(s):

Wilmington Savings Fund Society,

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Sandra Lorena Parra

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-19785 Evonne Marie Woodard

Chapter 13

#18.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 40454 Ariel Hope Way, Murrieta, CA 92563

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 25

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Evonne Marie Woodard

Represented By
Dana Travis

Movant(s):

U.S. Bank National Association

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:17-20110 Tammie Turner

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Hyundai Elantra, VIN: KMHDH4AE7DU549135

MOVANT: WELLS FARGO

EH__

Docket 10

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Tammie Turner

Represented By
Keith Q Nguyen

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Tammie Turner

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-10074 Charlie W Parker

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3600 Duffy St., San Bernardino, CA 92407

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 17

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (4) based on authorized transfers of a fractionalized interest in the property and multiple recent bankruptcy cases affecting the property. DENY request for relief from § 1301(a) stay as moot because there appears to be no co-debtor as that term is used in the statute. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 10. DENY requests under ¶¶ 8 and 11 for lack of cause shown.

After considering the *Fjeldsted* factors, the Court is inclined to ANNUL the automatic stay retroactive to the petition date. The Court notes that the subject property was transferred to Debtor on the petition date and there were multiple previous bankruptcy filings affecting the property. Furthermore, the property and the debt were not scheduled by Debtor and it does not appear that Movant was notified of the bankruptcy filing. Finally, the Court notes there is no opposition from Debtor, which the Court deems to be consent to the relief requested pursuant to Local Rule 9013-(1) (h).

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Charlie W Parker

Chapter 7

Debtor(s):

Charlie W Parker

Pro Se

Movant(s):

U.S. Bank National Association, as

Represented By
Nancy L Lee

Trustee(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung
Roquemore Pringle & Moore Inc

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-10546 Rick Allen Skans

Chapter 7

#21.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Pacific Coach BlazeN 21FS

MOVANT: LBS FINANCIAL CREDIT UNION

From: 3/6/18

EH__

Docket 7

Tentative Ruling:

03/06/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rick Allen Skans

Represented By
Neil R Hedtke

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-10766 Jiovana Salinas Robles

Chapter 7

#22.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 8

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jiovana Salinas Robles

Pro Se

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-10873 Evan Todd Flynn and Elizabeth Flynn

Chapter 13

#23.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: (2013 Chevrolet Sonic Vin #
1G1JC5SG3D4228424); In Addition Movant seeks Relief from Co-Debtor Stay

MOVANT: ALLY BANK

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evan Todd Flynn

Represented By
Emilia N McAfee

Joint Debtor(s):

Elizabeth Flynn

Represented By
Emilia N McAfee

Movant(s):

Ally Bank

Represented By
Adam N Barasch

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11034 Mary Simmons

Chapter 7

#24.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Dodge Charger, VIN: 2C3CDXBG4FH847388

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 8

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Mary Simmons

Represented By
James D. Hornbuckle

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Mary Simmons

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11096 Mercedes Estrada Ayala

Chapter 7

#25.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25790 Iris Ave, #C, Moreno Valley, CA 92551

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION

CASE DISMISSED 3/8/18

EH__

Docket 12

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT relief from stay pursuant to § 362(d)(4) based on unauthorized transfers of the property and multiple bankruptcy cases affecting the property. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mercedes Estrada Ayala

Pro Se

Movant(s):

FEDERAL NATIONAL

Represented By
Nichole Glowin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Mercedes Estrada Ayala

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11134 Yanina Galvan

Chapter 13

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 980 N. Pampas Ave., Rialto, CA 92376

MOVANT: US BANK NATIONAL ASSOCIATION

EH ____

Docket 18

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request for relief pursuant to § 362(d)(4) based on multiple bankruptcy cases affecting the property and Debtor's failure to properly prosecute the case. GRANT request for relief from § 1301(a) stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Yanina Galvan

Pro Se

Movant(s):

U.S. Bank National Association

Represented By
Darlene C Vigil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Yanina Galvan

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11156 Frances E Brand

Chapter 7

#27.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2006 Nissan 350Z

MOVANT: GATEWAY ONE LENDING & FINANCE

EH__

Docket 12

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Frances E Brand

Represented By
David Philipson

Movant(s):

Gateway One Lending & Finance

Represented By
Austin P Nagel

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11217 Mardie Lois Washington

Chapter 13

#28.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 14139 Rideout Ct, Fontana, CA 92336

MOVANT: WELLS FARGO BANK NA

EH__

Docket 14

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1). GRANT relief from stay pursuant to § 362(d)(4) based on multiple prior bankruptcies affecting the property. GRANT relief from § 1301(a) co-debtor stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, 10, and 12. DENY requests under ¶¶ 8 and 11 for lack of cause shown. DENY request under ¶ 14 because it does not appear any relief is requested in the continuation page.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mardie Lois Washington

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Mardie Lois Washington

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11303 Edin Estuardo Monterroso and Alma Violeta Monterroso Chapter 7

#29.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 8

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Edin Estuardo Monterroso

Represented By
Yolanda Flores-Burt

Joint Debtor(s):

Alma Violeta Monterroso

Represented By
Yolanda Flores-Burt

Movant(s):

Toyota Motor Credit Corporation,

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

**CONT... Edin Estuardo Monterroso and Alma Violeta Monterroso
Austin P Nagel**

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11412 Jason A Kendrick and Heather L Kendrick

Chapter 7

#30.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 51833 Ida Avenue, Cabazon, CA 92230

MOVANT: BANK OF AMERICA, N.A.

EH__

Docket 13

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jason A Kendrick

Represented By
Sundee M Teeple

Joint Debtor(s):

Heather L Kendrick

Represented By
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Jason A Kendrick and Heather L Kendrick

Chapter 7

Movant(s):

Bank of America, N.A.

Represented By
Megan E Lees

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11417 Carlos Diaz

Chapter 7

#31.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 2170 Ogden Street, San Bernardino, CA

MOVANT: COBRA 28 NO. 8, LP

CASE DISMISSED 3/13/18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Diaz

Pro Se

Movant(s):

COBRA 28 NO. 8 LP

Represented By
Helen G Long

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-11557 Christian Bailey

Chapter 7

#32.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 HONDA PILOT, VIN: 5FNY F5H1 8GB0 30760

MOVANT: HONDA LEASE TRUST

EH__

Docket 7

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Christian Bailey

Represented By
Timothy S Huyck

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Christian Bailey

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#33.00 Amended Motion (related document(s): 9 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14950 Deerfield Victorville, CA 92394 with Declarations and Proof of Service. filed by Debtor Rodolfo Aguiar, Joint Debtor Irma D Aguiar) with declaration and proof of service

MOVANT: RODOLFO AGUIAR AND IRMA D AGUIAR

EH__

Docket 12

Tentative Ruling:

TENTATIVE RULING:

4/20/2018

The Court is inclined to DENY the motion for improper service. The Court notes that the motion purports to be set on regular notice, but this motion is actually being heard on shortened notice. As a result, the motion leaves notified parties with minimal time to file an objection. Furthermore, secured creditors were not served pursuant to FED. R. BANKR. P. Rule 7004 as required by this Court's procedures.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

Movant(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Irma D Aguiar

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-12355 Marc Burns

Chapter 13

#34.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real property located at 6712 Bear Canyon Road, Mt. Baldy, CA 91759

MOVANT: MARC BURNS

EH__

Docket 8

Tentative Ruling:

TENTATIVE RULING:

4/20/2018

The Court is inclined to DENY the motion. The Court notes that secured creditors were not served pursuant to FED. R. BANKR. P. Rule 7004 as required by this Court's procedures.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Marc Burns

Represented By
D Justin Harelik

Movant(s):

Marc Burns

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-12532 Joseph L Gardner and Laschell D Gardner

Chapter 7

#34.10 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: Real Property 2824 Mellor St, Corona 92881

MOVANT: M&M CONSTRUCTION ENTERPRISES INC

EH__

Docket 12

Tentative Ruling:

Tentative Ruling:

4/10/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). DENY request for relief from § 1301(a) stay because this is not a Chapter 13 case.
GRANT requests under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joseph L Gardner

Represented By
Anthony Obehi Egbase

Joint Debtor(s):

Laschell D Gardner

Represented By
Anthony Obehi Egbase

Movant(s):

M&M Construction Enterprises Inc

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

CONT...

Joseph L Gardner and Laschell D Gardner

William E Windham

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

10:00 AM

6:18-10003 Lenton T. Hutton

Chapter 13

#34.20 Motion for Order Vacating the 109(g) 180 Day Bar Prohibition Issued to the Debtor Via The Court's Dismissal Order of March 8, 2018

EH__

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton T. Hutton

Represented By
Brian Nomi
Christopher Hewitt

Movant(s):

Lenton T. Hutton

Represented By
Brian Nomi
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

11:00 AM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#35.00 CONT Emergency motion to Approve the Stipulation Regarding DIP Financing and Modification of Cash Collateral Stipulation Between Auto Strap Transport, LLC and Nations Fund I, LLC
(Final Basis)

From: 3/6/18

Also #36 & #37

EH__

Docket 170

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

11:00 AM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#36.00 CONT Joint Motion for Entry of An Order Pursuant to 11 U.S.C. Sections 105(a) and 363 Authorizing The Debtor to (A) Retain Scramble Systems, LLC to Provide the Debtor with a Chief Restructuring Officer and (B) Appoint the Chief Restructuring Officer
(Final Basis)

From: 3/6/18

Also #35 & #37

EH__

Docket 171

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

11:00 AM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#37.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18

Also #35 & #36

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#38.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#39.00 CONT Status Conference Re: Complaint by Cambridge Medical Funding Group II, LLC against Allied Injury Management, Inc., John C. Larson. 02 - Other e.g. other actions that would have been brought in state court if unrelated to bankruptcy

HOLDING DATE

From: 11/1/16, 12/6/16, 1/31/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 10/3/17, 11/28/17, 1/30/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

John C. Larson

Pro Se

Plaintiff(s):

Cambridge Medical Funding Group

Represented By
Kenneth Hennesay

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#40.00 CONT Motion for Turnover of Property of the Estate

From: 10/24/17, 10/31/17, 11/28/17, 12/19/17, 1/30/18

Also #41 & #42

EH__

Docket 303

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 2:00 P.M.**

Tentative Ruling:

10/31/2017

The hearing on the Motion is continued to November 28, 2017, at 2:00 p.m.
as a holding date.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#41.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17,4/4/17, 4/25/17, 6/27/17, 7/11/17,
9/12/17, 11/14/17, 11/28/17, 1/30/18

Also #40 & #42

EH__

Docket 83

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#42.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 11/28/17, 1/30/18

Also #40 & #41

EH__

Docket 7

***** VACATED *** REASON: CONTINUED TO 4/24/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

10:00 AM

6:17-19439 Jason James Popken

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and Americredit Financial Services re
2017 Chevrolet Silverado 2500H

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason James Popken

Represented By
Terrence Fantauzzi

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

10:00 AM

6:18-10486 Juan Jose Jimenez and Margarita Jimenez

Chapter 7

#2.00 Reaffirmation Agreement Between Debtor and Wells Fargo Bank N.A. dba
Wells Fargo Dealer Services Re: 2012 Toyota Yaris 4 Cyl.

EH__

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Jimenez

Represented By
Stephen H Darrow

Joint Debtor(s):

Margarita Jimenez

Represented By
Stephen H Darrow

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

10:00 AM

6:18-11204 Chancity Michelle Bryant

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Altura Credit Union Re: 2013 Mercedes-Benz C250

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chancity Michelle Bryant	Pro Se
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Movant(s):

Altura Credit Union	Pro Se
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Trustee(s):

Todd A. Frealy (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:10-11814 Scott Leon Bosco and Karen Lee Bosco

Chapter 7

#4.00 Motion to approve compromise of Estates Interest in Product Liability Claims;
Approving Certain Fees and Costs

EH__

Docket 32

Tentative Ruling:

04/11/2018

BACKGROUND

On January 24, 2010, Scott and Karen Bosco (collectively, the "Debtors") filed their petition for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the Debtors' estate is an interest in a product liability claim (the "Claim") for alleged economic damages and physical injuries allegedly suffered by the Debtors as a result of a medical device implanted in Debtor, Karen Bosco.

The Trustee seeks to resolve the estate's dispute with the defendant on the Claim by way of settlement. On March 1, 2018, the Trustee filed his Motion to Approve Compromise under Rule 9019 (the "Motion"). Service was proper and no opposition has been filed.

The Claim is part of complex litigation pending in multiple courts, and part of a confidential, aggregate settlement reached in connection with the litigation. Pursuant to the settlement, the Debtors' estate would receive a gross settlement amount of \$185,000. However, under the terms of the settlement agreement various payments must be deducted from the settlement prior to disbursement to the Trustee. Exhibit 1 details fees and expenses being deducted from the gross settlement amount. The net amount to the estate is \$97,897.75. However this amount may be further reduced by the Debtors should they claim an exemption in the Claim proceeds.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Scott Leon Bosco and Karen Lee Bosco

Chapter 7

DISCUSSION

APPROVAL OF COMPROMISE PURSUANT TO RULE 9019

Rule 9019(a) authorizes the bankruptcy court to approve a compromise or settlement on the trustee's motion and after notice and a hearing. The bankruptcy court must consider all "factors relevant to a full and fair assessment of the wisdom of the proposed compromise." *Protective Comm. for Indep. Stockholders of TMT Trailer Ferry, Inc. v. Anderson*, 390 U.S. 414, 424, 88 S. Ct. 1157, 20 L. Ed. 2d 1 (1968). In other words, the bankruptcy court must find that the settlement is "fair and equitable" in order to approve it. *Martin v. Kane (In re A & C Props.)*, 784 F.2d 1377, 1381 (9th Cir. 1986).

In conducting this inquiry, the bankruptcy court must consider the following factors:

(a) the probability of success in the litigation; (b) the difficulties, if any, to be encountered in the matter of collection; (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Id.

The bankruptcy court enjoys broad discretion in approving a compromise because it "is uniquely situated to consider the equities and reasonableness [of it]" *United States v. Alaska Nat'l Bank (In re Walsh Construction, Inc.)*, 669 F.2d 1325, 1328 (9th Cir. 1982). As stated in *A & C Props.*:

The purpose of a compromise agreement is to allow the trustee and the creditors to avoid the expenses and burdens associated with litigating sharply contested and dubious claims. The law favors compromise and not litigation for its own sake, and as long as the bankruptcy court amply considered the various factors that determined the reasonableness of the compromise, the court's decision must be affirmed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... **Scott Leon Bosco and Karen Lee Bosco**

Chapter 7

Id. (citations omitted).

On the other hand, even though the bankruptcy court has wide latitude in approving compromises, its discretion is not completely unfettered. *See Woodson v. Fireman's Fund Ins. Co. (In re Woodson)*, 839 F.2d 610, 620 (9th Cir. 1988). The trustee bears the burden of proving to the bankruptcy court that the settlement is fair and equitable and should be approved. *In re A&C Props.*, 784 F.2d at 1382.

Sufficiency of Evidence

In the instant case, the Trustee has not provided a copy of the settlement agreement. Moreover, in October 2017, this Court approved the employment of special counsel Alystock Witkin Kreis & Overholtz, PLLC; The Pulaski Law Firm, PLLC; Osborne & Associates; and Anapol Weiss as special counsel. Notwithstanding, the employment of special counsel to evaluate the merits of the case on behalf of the estate, the Motion fails to include a declaration of special counsel indicating to this Court why it should find that a confidential settlement agreement provides a greater benefit to the estate than litigation of the claims on behalf of the estate.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the hearing on the Motion to provide the Trustee with an opportunity to supplement the Motion with additional evidence to support the Court's ability to make a "full and fair assessment" that the proposed compromise is fair and reasonable.

APPEARANCES REQUIRED. Telephonic appearance is authorized.

Party Information

Debtor(s):

Scott Leon Bosco

Represented By
Richard H Travis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Scott Leon Bosco and Karen Lee Bosco

Chapter 7

Dana Travis

Joint Debtor(s):

Karen Lee Bosco

Represented By
Richard H Travis
Dana Travis

Movant(s):

Robert Whitmore (TR)

Represented By
Justin Witkin

Trustee(s):

Robert Whitmore (TR)

Represented By
Justin Witkin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:10-13285 Laureen Martha Harley

Chapter 7

#5.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 70

Tentative Ruling:

04/11/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 1,786.27

Trustee Expenses: \$ 44.76

Attorney Fees: \$11,979.97

Attorney Costs: \$316.10

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Laureen Martha Harley

Represented By

James M Powell - DISBARRED -

Michael H Raichelson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Lauren Martha Harley

Chapter 7

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-12270 Sherrill Fuller and Jeffrey Fuller

Chapter 7

#6.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 40

Tentative Ruling:

04/11/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 2,000

Trustee Expenses: \$ 47.42

Attorney Fees: \$6,082.50

Attorney Costs: \$418.16

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Sherrill Fuller

Pro Se

Joint Debtor(s):

Jeffrey Fuller

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Sherrill Fuller and Jeffrey Fuller

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:15-20226 Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

#7.00 Motion to Disallow Claims #27 by San Diego County Treasurer-Tax Collector

Also #8 - #11

EH__

Docket 143

Tentative Ruling:

04/11/2018

BACKGROUND:

On October 20, 2015 ("Petition Date"), Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr. (collectively, "Debtors") filed for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 27 (the "Objection") of San Diego County Treasurer – Tax Collector. ("County").

OBJECTION

Trustee asserts that the County filed a proof of claim asserting a secured claim for real property taxes. Trustee requests that unless the County files an amended claim, that an order be entered allowing the claim as fully secured only, which shall not share in any distribution.

TENTATIVE RULING

Based on the foregoing, including the lack of opposition or response from the County, the Objection is SUSTAINED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

Party Information

Debtor(s):

Ann Lee Eid-Brooks

Represented By
Vincent Renda

Joint Debtor(s):

Darrell Edward Brooks Jr.

Represented By
Vincent Renda

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:15-20226 Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

#8.00 Motion to Disallow Claims #22 by Generator Services Co Inc

Also #7 - #11

EH__

Docket 142

Tentative Ruling:

04/11/2018

BACKGROUND:

On October 20, 2015 ("Petition Date"), Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr. (collectively, "Debtors") filed for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 22 (the "Objection") of Generator Services., Co. ("GSC"). The Objection calls into question the liability of the Debtors for Claim #22.

OBJECTION

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... **Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.** Chapter 7

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

The Trustee reviewed Claim #22 and has indicated that the supporting documentation names Stringer Industries, Inc., the Debtors' corporation as the party owing the debt. GSC has not responded to the Objection. Here, the Trustee's Objection sufficiently calls into question whether the Debtors are personally liable for the debt of GSC and GSC for its part has failed to meet its burden to demonstrate that the Debtors are liable.

TENTATIVE RULING

Based on the foregoing, including the lack of opposition or response from GSC, the Objection is SUSTAINED and Claim #22 is disallowed in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Ann Lee Eid-Brooks

Represented By
Vincent Renda

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

Joint Debtor(s):

Darrell Edward Brooks Jr.

Represented By
Vincent Renda

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:15-20226 Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

#9.00 Motion to Disallow Claims #21 by Powertrip Rentals LLC

Also #7 - #11

EH__

Docket 141

Tentative Ruling:

04/11/2018

BACKGROUND:

On October 20, 2015 ("Petition Date"), Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr. (collectively, "Debtors") filed for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 21 (the "Objection") of Powertrip Rentals, LLC ("Powertrip"). The Objection calls into question the liability of the Debtors for Claim #21.

OBJECTION

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... **Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.** **Chapter 7**

must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

The Trustee reviewed Claim #21 and believing that Powertrip's claim was for a debt owed by the Debtors' corporation, contacted Powertrip to seek documentation to support personal liability for the Debtors. Powertrip has not responded to the Trustee or otherwise filed formal response to the Objection. Here, the Trustee's Objection sufficiently calls into question whether the Debtors are personally liable for the debt of Powertrip and Powertrip for its part has failed to meet its burden to demonstrate that the Debtors are liable.

TENTATIVE RULING

Based on the foregoing, including the lack of opposition or response from Powertrip, the Objection is SUSTAINED and Claim #21 is disallowed in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Ann Lee Eid-Brooks

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

**CONT... Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.
Vincent Renda**

Chapter 7

Joint Debtor(s):

Darrell Edward Brooks Jr.

Represented By
Vincent Renda

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:15-20226 Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

#10.00 Motion to Disallow Claims #7 by WAM Software Inc

Also #7 - #11

EH__

Docket 140

Tentative Ruling:

04/11/2018

BACKGROUND:

On October 20, 2015 ("Petition Date"), Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr. (collectively, "Debtors") filed for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 7 (the "Objection") of WAM Software, Inc. ("WAM").

OBJECTION

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... **Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.** **Chapter 7**

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

The Trustee reviewed Claim #7 and believing that WAM's claim was for a debt owed by the Debtors' corporation, contacted WAM to seek documentation to support personal liability for the Debtors. WAM provided a response that included invoices made to the Debtors' corporation. Based on the documentation provided by WAM, WAM has failed to prove that validity of its claim in that it has not established personal liability of the Debtors.

TENTATIVE RULING

Based on the foregoing, including the lack of opposition or response from WAM, the Objection is SUSTAINED and Claim #7 is disallowed in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

Debtor(s):

Ann Lee Eid-Brooks

Represented By
Vincent Renda

Joint Debtor(s):

Darrell Edward Brooks Jr.

Represented By
Vincent Renda

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:15-20226 Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

#11.00 Motion to Disallow Claims #4 by Riverside County Tax Collector

Also #7 - #10

EH__

Docket 139

Tentative Ruling:

04/11/2018

BACKGROUND:

On October 20, 2015 ("Petition Date"), Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr. (collectively, "Debtors") filed for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 4 (the "Objection") of the Riverside County Tax Collector ("County").

OBJECTION

Trustee asserts that the County filed a proof of claim asserting a secured claim for real property. Trustee requests that unless the County files an amended claim, that an order be entered allowing the claim as fully secured only, which shall not share in any distribution.

TENTATIVE RULING

Based on the foregoing, including the lack of opposition or response from the County, the Objection is SUSTAINED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

Party Information

Debtor(s):

Ann Lee Eid-Brooks

Represented By
Vincent Renda

Joint Debtor(s):

Darrell Edward Brooks Jr.

Represented By
Vincent Renda

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-15513 Douglas Alan Knowles

Chapter 7

#12.00 Motion to Avoid Lien with Dodeka, LLC

Also #13 - #15

EH__

Docket 41

Tentative Ruling:

04/11/2018

Section 522(f) provides, in pertinent part, that the debtor may avoid the fixing of a lien **on an interest of the debtor in property** to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b). Similarly, § 697.340 of the California Code of Civil Procedure provides that an abstract of judgment recorded against real property attaches **only to the extent of the judgment debtor's interest in the property**. *In re Cady*, 9th Cir.BAP (Cal.) 2001, 266 B.R. 172, affirmed 315 F.3d 1121. (emphasis added).

The Debtor seeks to avoid four judgment liens on his Property. All but one of the judgments which Debtor seeks to avoid names only "Richard Knowles" as the Defendant. One of the judgments (obtained by Discover Bank) indicates that judgment was entered against "Richard Knowles, et. al." Here, it is not clear from the documentation supporting the Motions, the extent of the Debtor's interest or whether and to what extent Richard Knowles has an interest in the Property. Assuming that the Property is owned, in part, by Richard Knowles, the Debtor cannot avoid the liens to the extent they have attached to the interest of his co-owner. Further, it appears that the only lien that may have attached to the Debtor's interest in the Property is the lien of Discover Bank.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Alan Knowles

Chapter 7

The Court's tentative ruling is to CONTINUE the hearing on the Motion for the Debtor to provide supplemental evidence regarding (1) the extent of any ownership interest of Richard Knowles in the Property; and (2) evidence regarding whether the Debtor was named as a Defendant in the suit by Discover Bank.

Finally, the Court notes that the motions filed against Dodeka LLC and Arrow Fin Svcs LLC were not served in compliance with FRBP 7004 in that they were not addressed to an officer, and the motion filed against Discover Bank was not served in compliance with FRBP 7004 because the Debtor failed to serve the Discover Bank to the attention of an officer and also failed to serve Discover Bank via certified mail as required under 7004(h).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Alan Knowles	Pro Se
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Movant(s):

Douglas Alan Knowles	Pro Se
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Trustee(s):

Robert Whitmore (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-15513 Douglas Alan Knowles

Chapter 7

#13.00 Motion to Avoid Lien with Arrow Financial Services LLC

Also #12 - #15

EH__

Docket 39

Tentative Ruling:

04/11/2018

Section 522(f) provides, in pertinent part, that the debtor may avoid the fixing of a lien **on an interest of the debtor in property** to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b). Similarly, § 697.340 of the California Code of Civil Procedure provides that an abstract of judgment recorded against real property attaches **only to the extent of the judgment debtor's interest in the property**. *In re Cady*, 9th Cir.BAP (Cal.) 2001, 266 B.R. 172, affirmed 315 F.3d 1121. (emphasis added).

The Debtor seeks to avoid four judgment liens on his Property. All but one of the judgments which Debtor seeks to avoid names only "Richard Knowles" as the Defendant. One of the judgments (obtained by Discover Bank) indicates that judgment was entered against "Richard Knowles, et. al." Here, it is not clear from the documentation supporting the Motions, the extent of the Debtor's interest or whether and to what extent Richard Knowles has an interest in the Property. Assuming that the Property is owned, in part, by Richard Knowles, the Debtor cannot avoid the liens to the extent they have attached to the interest of his co-owner. Further, it appears that the only lien that may have attached to the Debtor's interest in the Property is the lien of Discover Bank.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Alan Knowles

Chapter 7

The Court's tentative ruling is to CONTINUE the hearing on the Motion for the Debtor to provide supplemental evidence regarding (1) the extent of any ownership interest of Richard Knowles in the Property; and (2) evidence regarding whether the Debtor was named as a Defendant in the suit by Discover Bank.

Finally, the Court notes that the motions filed against Dodeka LLC and Arrow Fin Svcs LLC were not served in compliance with FRBP 7004 in that they were not addressed to an officer, and the motion filed against Discover Bank was not served in compliance with FRBP 7004 because the Debtor failed to serve the Discover Bank to the attention of an officer and also failed to serve Discover Bank via certified mail as required under 7004(h).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Alan Knowles	Pro Se
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Movant(s):

Douglas Alan Knowles	Pro Se
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Trustee(s):

Robert Whitmore (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-15513 Douglas Alan Knowles

Chapter 7

#14.00 Motion to Avoid Lien with Eastern Municipal Water District

Also #12 - #15

EH__

Docket 40

Tentative Ruling:

04/11/2018

Section 522(f) provides, in pertinent part, that the debtor may avoid the fixing of a lien **on an interest of the debtor in property** to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b). Similarly, § 697.340 of the California Code of Civil Procedure provides that an abstract of judgment recorded against real property attaches **only to the extent of the judgment debtor's interest in the property**. *In re Cady*, 9th Cir.BAP (Cal.) 2001, 266 B.R. 172, affirmed 315 F.3d 1121. (emphasis added).

The Debtor seeks to avoid four judgment liens on his Property. All but one of the judgments which Debtor seeks to avoid names only "Richard Knowles" as the Defendant. One of the judgments (obtained by Discover Bank) indicates that judgment was entered against "Richard Knowles, et. al." Here, it is not clear from the documentation supporting the Motions, the extent of the Debtor's interest or whether and to what extent Richard Knowles has an interest in the Property. Assuming that the Property is owned, in part, by Richard Knowles, the Debtor cannot avoid the liens to the extent they have attached to the interest of his co-owner. Further, it appears that the only lien that may have attached to the Debtor's interest in the Property is the lien of Discover Bank.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Alan Knowles

Chapter 7

The Court's tentative ruling is to CONTINUE the hearing on the Motion for the Debtor to provide supplemental evidence regarding (1) the extent of any ownership interest of Richard Knowles in the Property; and (2) evidence regarding whether the Debtor was named as a Defendant in the suit by Discover Bank.

Finally, the Court notes that the motions filed against Dodeka LLC and Arrow Fin Svcs LLC were not served in compliance with FRBP 7004 in that they were not addressed to an officer, and the motion filed against Discover Bank was not served in compliance with FRBP 7004 because the Debtor failed to serve the Discover Bank to the attention of an officer and also failed to serve Discover Bank via certified mail as required under 7004(h).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Alan Knowles	Pro Se
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Movant(s):

Douglas Alan Knowles	Pro Se
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Trustee(s):

Robert Whitmore (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-15513 Douglas Alan Knowles

Chapter 7

#15.00 Motion to Avoid Lien with Discover Bank

Also #12 - #14

EH__

Docket 42

Tentative Ruling:

04/11/2018

Section 522(f) provides, in pertinent part, that the debtor may avoid the fixing of a lien **on an interest of the debtor in property** to the extent that such lien impairs an exemption to which the debtor would have been entitled under subsection (b). Similarly, § 697.340 of the California Code of Civil Procedure provides that an abstract of judgment recorded against real property attaches **only to the extent of the judgment debtor's interest in the property**. *In re Cady*, 9th Cir.BAP (Cal.) 2001, 266 B.R. 172, affirmed 315 F.3d 1121. (emphasis added).

The Debtor seeks to avoid four judgment liens on his Property. All but one of the judgments which Debtor seeks to avoid names only "Richard Knowles" as the Defendant. One of the judgments (obtained by Discover Bank) indicates that judgment was entered against "Richard Knowles, et. al." Here, it is not clear from the documentation supporting the Motions, the extent of the Debtor's interest or whether and to what extent Richard Knowles has an interest in the Property. Assuming that the Property is owned, in part, by Richard Knowles, the Debtor cannot avoid the liens to the extent they have attached to the interest of his co-owner. Further, it appears that the only lien that may have attached to the Debtor's interest in the Property is the lien of Discover Bank.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Alan Knowles

Chapter 7

The Court's tentative ruling is to CONTINUE the hearing on the Motion for the Debtor to provide supplemental evidence regarding (1) the extent of any ownership interest of Richard Knowles in the Property; and (2) evidence regarding whether the Debtor was named as a Defendant in the suit by Discover Bank.

Finally, the Court notes that the motions filed against Dodeka LLC and Arrow Fin Svcs LLC were not served in compliance with FRBP 7004 in that they were not addressed to an officer, and the motion filed against Discover Bank was not served in compliance with FRBP 7004 because the Debtor failed to serve the Discover Bank to the attention of an officer and also failed to serve Discover Bank via certified mail as required under 7004(h).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Alan Knowles	Pro Se
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Movant(s):

Douglas Alan Knowles	Pro Se
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Trustee(s):

Robert Whitmore (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-11670 AMANDO MORALES and ALICIA MALDONADO

Chapter 7

#16.00 Motion RE: Objection to Claim Number 11 by Claimant LVNV Funding LLC

Also #17 - #19

EH__

Docket 84

Tentative Ruling:

04/11/2018

BACKGROUND:

On March 6, 2017 ("Petition Date"), Armando Morales and Alicia Jimenez (collectively, "Debtors") filed for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). On March 4, 2018, Trustee filed Objection to Claim # 11 (the "Objection") of LVNV Funding, LLC ("LVNV").

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that Claim #11 should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, LVNV's documentation indicates that the last transaction between the Debtors and original creditor took place on October 22, 2008, and that the Claimant charged off the account on May 25, 2009. The Trustee has established that over four years have already lapsed since the last item in the account. Thus, the burden to show the validity of Claim # 11 must shift to LVNV. LVNV, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO
claimant, the Objection must be sustained.

Chapter 7

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED as to Claim No. 11.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

AMANDO MORALES

Represented By
William D Gurney

Joint Debtor(s):

ALICIA MALDONADO JIMENEZ

Represented By
William D Gurney

Movant(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-11670 AMANDO MORALES and ALICIA MALDONADO

Chapter 7

#17.00 Motion RE: Objection to Claim Number 12 by Claimant Cavalry SPV I, LLC

Also #16 - #19

EH__

Docket 86

Tentative Ruling:

04/11/2018

BACKGROUND:

On March 6, 2017 ("Petition Date"), Armando Morales and Alicia Jimenez (collectively, "Debtors") filed for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). On March 4, 2018, Trustee filed Objection to Claim # 12 (the "Objection") of Cavalry SPV I, LLC ("Cavalry").

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that Claim #12 should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, Cavalry's documentation indicates that the last transaction between the Debtors and original creditor took place on September 11, 2008, and that the debt was charged off on April 30, 2009. The Trustee has established that over four years have already lapsed since the last item in the account. Thus, the burden to show the validity of Claim # 12 must shift to Cavalry. Cavalry, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the claimant, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

Objection must be sustained.

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED as to Claim No. 12.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

AMANDO MORALES

Represented By
William D Gurney

Joint Debtor(s):

ALICIA MALDONADO JIMENEZ

Represented By
William D Gurney

Movant(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-11670 AMANDO MORALES and ALICIA MALDONADO

Chapter 7

#18.00 Motion RE: Objection to Claim Number 9 by Claimant Cavalry SPV I, LLC

Also #16 - #19

EH__

Docket 91

Tentative Ruling:

04/11/2018

BACKGROUND:

On March 6, 2017 ("Petition Date"), Armando Morales and Alicia Jimenez (collectively, "Debtors") filed for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 9 (the "Objection") of Cavalry SPV I, LLC ("Cavalry").

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that Claim #9 should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, Cavalry's documentation indicates that the last transaction between the Debtors and original creditor took place on or before May 5, 2009, and that the debt was charged off on April 30, 2009. The Trustee has established that over four years have already lapsed since the last item in the account. Thus, the burden to show the validity of Claim # 9 must shift to Cavalry. Cavalry, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the claimant,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO
the Objection must be sustained.

Chapter 7

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED as to Claim No. 9.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

AMANDO MORALES

Represented By
William D Gurney

Joint Debtor(s):

ALICIA MALDONADO JIMENEZ

Represented By
William D Gurney

Movant(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-11670 AMANDO MORALES and ALICIA MALDONADO

Chapter 7

#19.00 Motion RE: Objection to Claim Number 10 by Claimant LVNV Funding, LLC

Also #16 - #18

EH__

Docket 93

Tentative Ruling:

04/11/2018

BACKGROUND:

On March 6, 2017 ("Petition Date"), Armando Morales and Alicia Jimenez (collectively, "Debtors") filed for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). On March 6, 2018, Trustee filed Objection to Claim # 10 (the "Objection") of LVNV Funding, LLC ("LVNV").

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that Claim #10 should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, LVNV's documentation indicates that the last transaction between the Debtors and original creditor took place on November 17, 2008, and that the debt was charged off on June 23, 2009. The Trustee has established that over four years have already lapsed since the last item in the account. Thus, the burden to show the validity of Claim # 10 must shift to LVNV. LVNV, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the claimant, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

Objection must be sustained.

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED as to Claim No. 10.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

AMANDO MORALES

Represented By
William D Gurney

Joint Debtor(s):

ALICIA MALDONADO JIMENEZ

Represented By
William D Gurney

Movant(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#20.00 Motion for Turnover of Property

EH__

Docket 102

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lloyd Walker

Pro Se

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Cathy Ta

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Cathy Ta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#21.00 CONT Motion for Turnover of Property

From: 1/31/18

EH__

Docket 74

***** VACATED *** REASON: CONTINUED TO 5/2/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Movant(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:16-19799 Jaison Vally Surace

Chapter 7

#22.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee Motion For Order: (1) Authorizing Sale Of Real Property; (2) Approving Overbid Procedure; (3) Approving Payment Of Real Estate Brokers Commissions; And (4) Finding Purchaser Is A Good Faith Purchaser

[2550 San Gabriel Way #308, Corona, California 92882]

Also #23

EH__

Docket 52

Tentative Ruling:

04/11/2018

BACKGROUND

On November 2, 2016, Jaison Vally Surace ("Debtor") filed a petition for chapter 7 relief. John Pringle is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate is certain real property located at 2550 San Gabriel Way #308 in Corona, CA (the "Property").

On March 20, 2018, the Trustee filed his Motion for Order: (1) Authorizing Sale of Real Property; (2) Approving Overbid Procedure; (3) Approving Payment of Real Estate Brokers Commissions; and (4) Finding Purchaser is a Good Faith Purchaser (the "Motion").

Service of the Motion was proper and no opposition has been filed.

DISCUSSION

Sale of Estate Property Pursuant to Section 363(b)

The trustee, after notice and a hearing, may sell property of the estate. 11 U.S.C. § 363(b)(1); *see also Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 352 (1985). The sale must be in the best interests of the estate and the price must be

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jaison Vally Surace

Chapter 7

fair and reasonable. *In re Canyon Partnership*, 55 B.R. 520 (Bankr. S.D. Cal. 1985); *see also In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991)(sale must have fair/reasonable price, accurate/reasonable notice to creditors and sale made in good faith). The trustee must articulate some "business justification" for selling estate property out of the "ordinary course of business" before the court may approve the transaction. *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983); *In re Ernst Home Ctr., Inc.*, 209 B.R. 974, 979 (Bankr. W.D. Wash. 1997). Objections to sale that are based on inadequacy of price are often resolved the court ordering an auction, which may occur in open court. *Simantrob v. Claims Prosecutor, LLC (In re Lahijani)*, 325 B.R. 282, 287 (9th Cir. BAP 2005) *citing* Fed. R. Bankr. P. 6004(f).¹

In support of the proposed sale to Billy Mann ("Purchaser"), the Trustee sets forth the following figures and analysis:

Sale Price	\$289,500
Closing Costs (8%, including 6% broker commission)	\$23,160
<u>Claim of Setareh Abbasi (settled by 9019 Order) ...</u>	<u>\$155,000</u>
Net Equity for the Estate:	\$111,340

Based on these figures, the proposed sale to Purchaser appears reasonable and the Trustee's business justification for the sale warrants granting of the Motion.

a) Bidding Procedures

Generally, bidding procedures must be untainted by self-dealing, encourage

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jaison Vally Surace

Chapter 7

bidding and be fair/reasonable/serve the best interests of the estate. *See In re Crown Corp.*, 679 F.2d 774 (9th Cir. 1982). Here, the Trustee has proposed bidding procedures which require an initial overbid of \$5,000 above the proposed purchase price of \$289,500, with each additional bid in increments of \$1,000, and a deposit as set forth in the Motion. The remaining overbidding procedures are outlined in the Motion. The Trustee's proposed bidding procedures are reasonable and encourage bidding and are therefore approved.

b) Sale Made in Good Faith

The proposed sale has been brought in good faith and has been negotiated on an "arms- length" basis. The court, in Wilde Horse Enterprises, set forth the factors in considering whether a transaction is in good faith. The court stated:

‘Good faith’ encompasses fair value, and further speaks to the integrity of the transaction. Typical ‘bad faith’ or misconduct, would include collusion between the seller and buyer, or any attempt to take unfair advantage of other potential purchasers. . . . And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale.

Id. at 842 (citations omitted).

Here, the Trustee marketed the Property via his Broker, Neiman Realty, which marketed on the MLS and conducted showings of the Property. The sale appears to be made in good faith.

c) Purchaser in "Good Faith" Pursuant to Section 363(m)

Section 363(m) provides that "[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith...." 11 U.S.C. § 363(m).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

The Trustee has provided declarations of himself, the Broker, and the Purchaser which all support the conclusion that the Purchaser has no relationship to the Debtor or to the professionals associated with the case. The evidence warrants a finding that the Purchaser has purchased in "good faith" under § 363(m) should he prevail in his bid for the Property at the hearing.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the Motion as follows:

1. Granting the Motion;
2. Approving the sale of the Property to the Purchaser or successful overbidder;
3. Finding that the Purchaser, if successful, has purchased in "good faith" (however, should another party be successful in overbidding, the Court shall require a declaration or may be sworn-in to provide evidence of "good faith" at the hearing);
4. Providing that the Trustee is authorized and empowered to execute and deliver on behalf of the estate any and all documents as reasonably may be necessary to implement the terms of the proposed sale;
5. Providing that the notice given by the Trustee in connection with the sale and hearing thereon is adequate, sufficient, proper and complies with all applicable provisions of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure;
6. Approving the overbid procedures;
7. Authorizing the payment of any unpaid property taxes, the real estate broker's commissions, and related sale costs directly from escrow; and
8. Waiving the 14-day stay prescribed by rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Movant(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:16-19799 Jaison Vally Surace

Chapter 7

#23.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee Motion For Order: (1) Authorizing Sale Of Real Property; (2) Approving Overbid Procedure; (3) Approving Payment Of Real Estate Brokers Commissions; And (4) Finding Purchasers Are Good Faith Purchasers

[27 Bella Donaci, Lake Elsinore, California 92532]

Also #22

EH__

Docket 53

Tentative Ruling:

04/11/2018

BACKGROUND

On November 2, 2016, Jaison Vally Surace ("Debtor") filed a petition for chapter 7 relief. John Pringle is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate is certain real property located at 27 Bella Donaci, Lake Elsinore, CA 92532 (the "Property").

On March 20, 2018, the Trustee filed his Motion for Order: (1) Authorizing Sale of Real Property; (2) Approving Overbid Procedure; (3) Approving Payment of Real Estate Brokers Commissions; and (4) Finding Purchaser is a Good Faith Purchaser (the "Motion").

Service of the Motion was proper and no opposition has been filed.

DISCUSSION

Sale of Estate Property Pursuant to Section 363(b)

The trustee, after notice and a hearing, may sell property of the estate. 11 U.S.C. § 363(b)(1); *see also Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 352 (1985). The sale must be in the best interests of the estate and the price must be

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jaison Vally Surace

Chapter 7

fair and reasonable. *In re Canyon Partnership*, 55 B.R. 520 (Bankr. S.D. Cal. 1985); *see also In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991)(sale must have fair/reasonable price, accurate/reasonable notice to creditors and sale made in good faith). The trustee must articulate some "business justification" for selling estate property out of the "ordinary course of business" before the court may approve the transaction. *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983); *In re Ernst Home Ctr., Inc.*, 209 B.R. 974, 979 (Bankr. W.D. Wash. 1997). Objections to sale that are based on inadequacy of price are often resolved the court ordering an auction, which may occur in open court. *Simantrob v. Claims Prosecutor, LLC (In re Lahijani)*, 325 B.R. 282, 287 (9th Cir. BAP 2005) *citing* Fed. R. Bankr. P. 6004(f).¹

In support of the proposed sale to Amgad Rizk and Christine Nasr (collectively, "Purchasers"), the Trustee sets forth the following figures and analysis:

Sale Price	\$370,000
<u>Closing Costs (8%, including 6% broker commission)</u>	<u>\$29,600</u>
Net Equity for the Estate:	\$340,400

Based on these figures, the proposed sale to Purchaser appears reasonable and the Trustee's business justification for the sale warrants granting of the Motion.

a) Bidding Procedures

Generally, bidding procedures must be untainted by self-dealing, encourage bidding and be fair/reasonable/serve the best interests of the estate. *See In re Crown Corp.*, 679 F.2d 774 (9th Cir. 1982). Here, the Trustee has proposed bidding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jaison Vally Surace

Chapter 7

procedures which require an initial overbid of \$5,000 above the proposed purchase price of \$370,000, with each additional bid in increments of \$1,000, and a deposit as set forth in the Motion. The remaining overbidding procedures are outlined in the Motion. The Trustee's proposed bidding procedures are reasonable and encourage bidding and are therefore approved.

b) Sale Made in Good Faith

The proposed sale has been brought in good faith and has been negotiated on an "arms- length" basis. The court, in Wilde Horse Enterprises, set forth the factors in considering whether a transaction is in good faith. The court stated:

‘Good faith’ encompasses fair value, and further speaks to the integrity of the transaction. Typical ‘bad faith’ or misconduct, would include collusion between the seller and buyer, or any attempt to take unfair advantage of other potential purchasers. . . . And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale.

Id. at 842 (citations omitted).

Here, the Trustee marketed the Property via his Broker, Neiman Realty, which marketed on the MLS and conducted showings of the Property. The sale appears to be made in good faith.

c) Purchaser in "Good Faith" Pursuant to Section 363(m)

Section 363(m) provides that "[t]he reversal or modification on appeal of an authorization under subsection (b) or (c) of this section of a sale or lease of property does not affect the validity of a sale or lease under such authorization to an entity that purchased or leased such property in good faith...." 11 U.S.C. § 363(m).

The Trustee has provided declarations of himself, the Broker, and the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

Purchasers which all support the conclusion that the Purchasers have no relationship to the Debtor or to the professionals associated with the case. The evidence warrants a finding that the Purchasers have purchased in "good faith" under § 363(m) should they prevail in their bid for the Property at the hearing.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the Motion as follows:

1. Granting the Motion;
2. Approving the sale of the Property to the Purchasers or successful overbidder;
3. Finding that the Purchasers, if successful, have purchased in "good faith" (however, should another party be successful in overbidding, the Court shall require a declaration or may be sworn-in to provide evidence of "good faith" at the hearing);
4. Providing that the Trustee is authorized and empowered to execute and deliver on behalf of the estate any and all documents as reasonably may be necessary to implement the terms of the proposed sale;
5. Providing that the notice given by the Trustee in connection with the sale and hearing thereon is adequate, sufficient, proper and complies with all applicable provisions of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure;
6. Approving the overbid procedures;
7. Authorizing the payment of any unpaid property taxes, the real estate broker's commissions, and related sale costs directly from escrow; and
8. Waiving the 14-day stay prescribed by rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

Movant(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:16-19799 Jaison Vally Surace

Chapter 7

Adv#: 6:16-01295 Abbasi v. Surace et al

#24.00 CONT Status Conference Re: Complaint by Setareh Abbasi, Bruce Dannemeyer, Jaison Vally Surace against Jaison Vally Surace, Walie Qadir, Marym Qadir. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 13 - Recovery of money/property - 548 fraudulent transfer, 91 - Declaratory judgment, 02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)
(HOLDING DATE)

From: 2/15/17, 5/17/17, 6/7/17, 10/25/17, 11/29/17, 3/21/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Defendant(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Walie Qadir

Represented By
Batkhand Zoljargal

Marym Qadir

Represented By
Batkhand Zoljargal

Plaintiff(s):

Setareh Abbasi

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

Bruce Dannemeyer
Bruce Dannemeyer

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

11:00 AM

6:13-26277 Charles Frederick Biehl

Chapter 7

#25.00 CONT Order to show cause re Civil Contempt

From: 2/14/18, 3/21/18

EH__

Docket 234

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Frederick Biehl

Represented By
Daryl L Binkley - DISBARRED -
Steven L Bryson

Trustee(s):

John P Pringle (TR)

Represented By
James C Bastian Jr
Elyza P Eshaghi
Brandon J Iskander
Lynda T Bui
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

6:13-30477 Master Design Inc

Chapter 7

Adv#: 6:15-01370 Speier v. Test-Rite Products Corp. et al

#26.00 CONT Status Conference Re: Complaint by Steven M Speier against Test-Rite Products Corp., Test-Rite International (U.S) Co. Ltd., Test-Rite International Co. Ltd., Judy Lee, Chester Lee, Christina Ma. (Charge To Estate). Complaint for: (1) Fraudulent Transfer Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code § 3439.04(a)(1) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (2) Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(A) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (3) Fraudulent Transfer Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05 and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (4) Fraudulent Transfer Pursuant to 11 U.S.C. § 548(a)(1)(B) and Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; (5) Conversion; (6) Unlawful Payment of Dividends; (7) Breach of Fiduciary Duty by Officer; (8) Breach of Fiduciary Duty by Controlling Shareholder; and (9) Declaratory Relief as to Alter Ego Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 3/2/16, 4/6/16, 4/27/16, 6/29/16, 7/20/16, 8/3/16, 9/28/16, 11/9/16, 3/29/17, 8/2/17, 11/8/17, 1/10/18, 2/14/18

EH__

Docket 1

***** VACATED *** REASON: ORDER ENTERED 3/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara
John Y Kim

Defendant(s):

Test-Rite Products Corp.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

CONT... Master Design Inc

Chapter 7

Julie A Garcia
John Y Kim
Aaron S Craig
Brian Wheeler

Test-Rite International (U.S) Co.

Represented By
Julie A Garcia
John Y Kim
Aaron S Craig

Test-Rite International Co. Ltd.

Represented By
Julie A Garcia
Aaron S Craig
Joon M Khang
John Y Kim
Brian Wheeler

Chester Lee

Represented By
Julie A Garcia
Joon M Khang
Aaron S Craig
Brian Wheeler

Christina Ma

Represented By
Julie A Garcia
Joon M Khang
Aaron S Craig
Brian Wheeler

Test-Rite International (US) Co. Ltd.

Represented By
Joon M Khang
Julie A Garcia
John Y Kim
Aaron S Craig
Brian Wheeler

Test-Rite Products Corp.

Represented By
Joon M Khang
Julie A Garcia

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

CONT... Master Design Inc

Chapter 7

John Y Kim
Aaron S Craig

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Marc C Forsythe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

6:17-12748 William A. Mendez, II

Chapter 7

Adv#: 6:17-01129 Hadra et al v. Mendez et al

#27.00 CONT Status Conference Re: Complaint by Andrew C. Hadra against William A. Mendez. false pretenses, false representation, actual fraud, 67- Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 9/13/17, 12/13/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/6/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Defendant(s):

William A. Mendez

Represented By
Thomas J Polis

Shawna D Mendez

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Plaintiff(s):

Andrew C. Hadra

Represented By
Peter W Lianides
Alan Droste

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

CONT... William A. Mendez, II

Chapter 7

Vertical Partners LLC

Represented By
Peter W Lianides
Alan Droste

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#28.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18, 3/21/18

EH__

Docket 29

***** VACATED *** REASON: CONTINUED TO 6/13/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

6:18-10249 Derick Jones

Chapter 7

Adv#: 6:18-01038 Jones v. US Bank National Association et al

#29.00 Motion to Dismiss Adversary Proceeding

Also #30

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derick Jones Pro Se

Defendant(s):

US Bank National Association Pro Se

U.S. Bank National Association, on
Represented By
Nichole Glowin

Movant(s):

U.S. Bank National Association, on
Represented By
Nichole Glowin

Plaintiff(s):

Derick Jones Pro Se

Trustee(s):

Karl T Anderson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 11, 2018

Hearing Room 303

2:00 PM

6:18-10249 Derick Jones

Chapter 7

Adv#: 6:18-01038 Jones v. US Bank National Association et al

#30.00 Status Conference RE: [1] Adversary case 6:18-ap-01038. Complaint by Derick Jones against US Bank National Association . (Fee Not Required). Nature of Suit: (14 (Recovery of money/property - other))

Also #29

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/25/18 AT 2:00 P.M. -
ALIAS SUMMONS ISSUED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derick Jones	Pro Se
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Defendant(s):

US Bank National Association	Pro Se
U.S. Bank National Association, on	Represented By Nichole Glowin

Plaintiff(s):

Derick Jones	Pro Se
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Trustee(s):

Karl T Anderson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:15-17476 Michael Brian Goodrich, Sr. and Kimberly JoAnn Carter Chapter 13

#1.00 Motion to Disallow Claims re claim no. 12-1 by Quantum3 Group LLC as agent for Comenity Capital Bank

EH__

Docket 166

Tentative Ruling:

4/12/18

BACKGROUND:

On July 27, 2015, Michael Goodrich & Kimberly Carter ("Debtors") filed a Chapter 13 voluntary petition. On September 23, 2015, Quantum3 Group LLC ("Creditor") filed a proof of claim for an unsecured claim in the amount of \$7,569 ("Claim 12"). Claim 12 states that Creditor is acting as the agent of Comenity Capital Bank. On February 2, 2016, Debtors' Chapter 13 plan was confirmed.

On March 12, 2018, Debtors filed an objection to Claim 12. Debtors argue that Claim 12 does not contain evidence establishing that Creditor can enforce collection of the claim.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... **Michael Brian Goodrich, Sr. and Kimberly JoAnn Carter** **Chapter 13**

Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

FED. R. BANKR. P. Rule 3001(b) states: "A proof of claim shall be executed by the creditor or the creditor's authorized agent except as provided in Rules 3004 and 3005." Debtors' objection raises the issue of what an authorized agent is required to provide to establish that they meet the definition of an authorized agent.

The Court notes that in section 8 of the official proof of claim box, the filer has the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... Michael Brian Goodrich, Sr. and Kimberly JoAnn Carter Chapter 13

option of checking a box identifying the filer as an authorized agent under penalty of perjury. Here, Creditor did check the appropriate box. Such an assertion, made under penalty of perjury, constitutes evidence that Creditor is, in fact, the authorized agent of the entity upon whose behalf the claim was filed, and is sufficient to satisfy FED. R. BANKR. P. Rule 3001(b). *See, e.g., In re Healey*, 2017 WL 4863014 at *3 (Bankr. E.D. Tex. 2017) ("an authorized agent need not demonstrate the existence of a power of attorney in order to file a proof of claim"); *see also* 9 COLLIER'S ON BANKRUPTCY ¶ 3001.06 (16th ed. 2015) ("The form [Official Form 410, Item 8] previously required an authorized agent to attach documentation demonstrating a power of attorney, but the 2012 amendments deleted that requirement.."); FED. R. BANKR. P. Rule 9010(c) ("The authority of any agent, attorney in fact, or proxy to represent a creditor for any purpose *other than the execution and filing of a proof or claim* or the acceptance or rejection of a plan shall be evidenced by a power of attorney conforming substantially to the appropriate Official Form.").

TENTATIVE RULING

The Court is inclined to OVERRULE the objection.

APPERANCES REQUIRED.

Party Information

Debtor(s):

Michael Brian Goodrich Sr.

Represented By
Christopher J Langley

Joint Debtor(s):

Kimberly JoAnn Carter

Represented By
Christopher J Langley

Movant(s):

Michael Brian Goodrich Sr.

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

**CONT... Michael Brian Goodrich, Sr. and Kimberly JoAnn Carter
Christopher J Langley**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:15-17561 Cresencio Ramirez Ramirez and Maria Olga Ramirez

Chapter 13

#2.00 Motion RE: Objection to Claim Number 2 by Claimant Greater California Financial Services

EH__

Docket 133

Tentative Ruling:

4/12/18

BACKGROUND:

On July 29, 2015, Cresencio & Maria Ramirez ("Debtors") filed a Chapter 13 voluntary petition. On August 19, 2015, Greater California Financial Services ("Creditor") filed a proof of claim for a claim in the amount of \$11,247.45 secured by certain real property in San Bernardino County ("Claim 2"). Claim 2 is supported by a recorded abstract of judgment with recorder's number 2011-0457234.

On April 14, 2016, Debtors filed a motion to avoid Creditor's lien. On May 25, 2016, the Court denied the motion without prejudice for inadequate service and supporting evidence. On June 29, 2016, Debtors filed a second motion to avoid Creditor's lien. The next day, the case was dismissed. On August 5, 2016, the dismissal order was vacated. On August 12, 2016, Debtors filed a third motion to avoid Creditor's lien, which was granted on September 9, 2016, avoiding the lien with recorder's number 2011-0457234.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... Cresencio Ramirez Ramirez and Maria Olga Ramirez

Chapter 13

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... Cresencio Ramirez Ramirez and Maria Olga Ramirez

Chapter 13

As noted in the background section, Creditor's lien was avoided pursuant to Court order entered September 9, 2016 [Dkt. No. 93]. Therefore, Creditor's claim is not secured and is to be treated as an unsecured claim for purposes of Debtor's Chapter 13 plan.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cresencio Ramirez Ramirez	Represented By John F Brady
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Joint Debtor(s):

Maria Olga Ramirez	Represented By John F Brady
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Movant(s):

Cresencio Ramirez Ramirez	Represented By John F Brady
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Maria Olga Ramirez	Represented By John F Brady
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:17-11010 Gary F Pico and Mercedes P. Pico

Chapter 13

#3.00 Motion RE: Objection to Claim Number 3 by Claimant Quantum3 Group LLC.

EH__

Docket 27

Tentative Ruling:

4/12/18

BACKGROUND:

On February 9, 2017, Gary & Mercedes Pico ("Debtors") filed a Chapter 13 voluntary petition. On March 1, 2017, Quantum3 Group LLC ("Creditor"), as agent for Credit Corp Solutions Inc., filed a proof of claim for an unsecured claim in the amount of \$3,562.69 ("Claim 3"). On April 10, 2017, Debtors' Chapter 13 plan was confirmed.

On March 14, 2018, Debtors filed an objection to Claim 3. Due to a filing error, Debtors re-filed the objection five days later. Debtors argue that Claim 3 is insufficiently documented and that they are not liable for the debt underlying Claim 3.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... Gary F Pico and Mercedes P. Pico

Chapter 13

Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

FED. R. BANKR. P. Rule 3001(c) outlines the supporting information required to be included with a proof of claim. FED. R. BANKR. P. Rule 3001(c)(1) states:

Except for a claim governed by paragraph (3) of this subdivision, when a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT...

Gary F Pico and Mercedes P. Pico

Chapter 13

claim, or an interest in property of the debtor securing the claim, is based on a writing, a copy of the writing shall be filed with the proof of claim. If the writing has been lost or destroyed, a statement of the circumstances of the loss or destruction shall be filed with the claim.

FED. R. BANKR. P. Rule 3001(c)(3) provides that a copy of the writing need not be provided when the claim is based on an "open-end or revolving consumer credit agreement," so long as certain basic information is provided with the proof of claim. Here, Creditor has attached a statement of account information that appears to satisfy FED. R. BANKR. P. Rule 3001(c)(3). Nevertheless, it does not appear that Claim 3 is of the type to which that subsection applies. Specifically, the Court notes that Claim 3 identifies the basis of the claim as "money loaned" rather than a credit card or some sort of credit agreement. Therefore, it appears that Claim 3 is subject to FED. R. BANKR. P. Rule 3001(c)(1). Because Claim 3 does not contain a copy of the writing upon which the claim is based, the Court is inclined to disallow the claim.

Furthermore, the Court notes that Creditor has not opposed the claim objection, which the Court deems consent to the relief requested pursuant to Local Rule 9013-(1)(h).

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW Claim 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... Gary F Pico and Mercedes P. Pico

Chapter 13

Debtor(s):

Gary F Pico

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Mercedes P. Pico

Represented By
Patricia M Ashcraft

Movant(s):

Gary F Pico

Represented By
Patricia M Ashcraft

Mercedes P. Pico

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:17-11261 Ernie Macias

Chapter 13

#4.00 CONT Order to show cause why Alon Darvish should not be held in contempt of court pursuant to 11 U.S.C. Sect 105 and Federal Rule of Bankruptcy Procedure 9020

CASE DISMISSED 3/13/17

From: 11/30/17, 1/25/18

EH__

Docket 30

***** VACATED *** REASON: CONTINUED TO 6/14/18 AT 11:00 A.M.**

Tentative Ruling:

11/30/17

BACKGROUND

On February 21, 2017, Ernie Macias ("Debtor") filed his petition for chapter 13 relief. The Debtor's case was filed by Alon Darvish ("Darvish"). On March 13, 2017, the Debtor's case was dismissed for failure to file information.

On March 24, 2017, the Office of the United States Trustee ("UST") filed a Motion to Disgorge Attorney's Fees ("Disgorgement Motion"). On June 13, 2017, the Court granted in part and denied in part the UST's Disgorgement Motion (the "Disgorgement Order"). The Disgorgement Order required Darvish to file his disclosure of compensation, and to disgorge fees received from the Debtor back to him.

On September 20, 2017, the UST filed its Motion For An Order To Show Cause Why Alon Darvish Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020 (the "Motion for OSC"). The Motion for OSC specifically asserted that Darvish had failed to comply with any part of the Disgorgement Order. The UST's Motion for OSC further asserted that Darvish had repeatedly failed to disclose compensation and had been sanctioned for such conduct under similar circumstances in at least 6 other cases. (Motion for OSC at 9).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT...

Ernie Macias

Chapter 13

On October 20, 2017, the Court granted the Motion for OSC and ordered Darvish to show cause why he should not be held in contempt (the "OSC"). Darvish filed his response to the OSC on November 16, 2017 ("Response"). On November 21, 2017, the UST replied to the Response.

DISCUSSION

In his Response, Darvish indicated that his practice includes the filing of skeletal petitions for chapter 13 debtors for the purpose of stopping foreclosures. He indicated that when such skeletal petitions are filed, his software does not file the Disclosure of Compensation. Darvish asserts that he is a solo practitioner who is overwhelmed and understaffed and who is trying to rectify the issues in his practice. In Reply, the UST objects particularly to Darvish's failure to outline specific steps he intends to take to remedy the issues at his firm. The UST is also concerned that Darvish has essentially admitted that his practice includes the filing of abusive petitions intended solely to avoid foreclosures. The UST requests that the Court continue the matter for Darvish to set forth specific remedial actions as ordered. The UST also requests that the Court separately consider whether a separate order to show cause is justified based on Darvish's inherently abusive prevention practice.

TENTATIVE RULING

The Court agrees with the UST that Darvish's explanation is insufficient. Darvish's Response indicates clearly the reason for the failure to file disclosure of compensation forms. Despite this fact, he does not explain the ongoing failure to file these forms, particularly where he has previously been sanctioned for failing to disclose his compensation. The ongoing failure to file required documents, despite having already been sanctioned, supports the UST's request for a specific plan of remediation. Absent such plan, Darvish may simply continue to rely on his thus far unreliable bankruptcy filing software.

Separately, the UST's concern regarding Darvish's practice of filing skeletal petitions is well-taken. In particular, if Darvish is advising his clients to file abusive petitions to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

CONT... Ernie Macias

Chapter 13

delay foreclosure, such conduct may warrant further sanctions/discipline.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ernie Macias

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10871 Francisco Javier Martinez

Chapter 13

#5.00 Motion to Avoid JUNIOR LIEN with Bank of America c/o Veripro Solutions

EH__

Docket 33

Tentative Ruling:

4/12/2018

The Court having reviewed the motion, notice being proper and good cause appearing, the Court is inclined to GRANT the motion, AVOIDING the lien of Bank of America upon receipt of a Chapter 13 discharge.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Movant(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10636 Alejandro J. Casillas and Patricia Casillas

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro J. Casillas

Represented By
Tina H Trinh

Joint Debtor(s):

Patricia Casillas

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10637 Felipe Gonzalez Plasencia

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe Gonzalez Plasencia

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10684 Gary Randall Wootton

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Randall Wootton

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10690 Jesus Avila and Graciela Salcedo

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Avila	Pro Se
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Joint Debtor(s):

Graciela Salcedo	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10709 Derrick Leon Worthy

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derrick Leon Worthy

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10711 Carmen Maria Sanchez

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Maria Sanchez

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10717 Raymond J Osuna

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond J Osuna

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10732 Calvin S. Winn and Diana M. Winn

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Calvin S. Winn

Represented By
Christopher J Langley

Joint Debtor(s):

Diana M. Winn

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10741 Santiago A. Anonical, Jr. and Shallee V Anonical

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Shallee V Anonical

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10801 Michael Christopher Oropallo and Lauren Elaine Oropallo

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Christopher Oropallo

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Lauren Elaine Oropallo

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10816 Tomas Llamas-Guerra

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tomas Llamas-Guerra

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10825 William Thomas Pedrino and Terri Lyn Pedrino

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Thomas Pedrino

Represented By
Todd L Turoci

Joint Debtor(s):

Terri Lyn Pedrino

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10864 Jesus Manuel Remigio

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Manuel Remigio

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10633 Charles Mickey Alligood

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Mickey Alligood

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10873 Evan Todd Flynn and Elizabeth Flynn

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evan Todd Flynn

Represented By
Emilia N McAfee

Joint Debtor(s):

Elizabeth Flynn

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:30 PM

6:18-10876 Michelle Lorraine McPike

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Lorraine McPike

Represented By
Zulu Ali

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:13-30641 Jacob J Cannon and Danielle M Cannon

Chapter 13

#22.00 CONT Trustee's Motion to Dismiss Case

From: 3/1/18, 3/29/18

EH__

Docket 113

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacob J Cannon

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Danielle M Cannon

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:14-13083 John C Tapocik and Arisia D Tapocik

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John C Tapocik

Represented By
Stephen R Wade
W. Derek May

Joint Debtor(s):

Arisia D Tapocik

Represented By
Stephen R Wade
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:14-23150 Vivian Munson

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 205

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:14-24084 Michael Lee Barnes and Belinda Ann Barnes

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 99

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Lee Barnes

Represented By
Todd L Turoci

Joint Debtor(s):

Belinda Ann Barnes

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:15-14835 Bennea Cynthia Travis

Chapter 13

#26.00 CONT Trustee's Motion to Dismiss Case

From: 3/22/18

EH__

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennea Cynthia Travis

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:15-20646 Louis Rocco Antonio Antonucci

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Rocco Antonio Antonucci

Represented By
James P Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:16-11794 ROBERT A HAGUE and DIANNE L HAGUE

Chapter 13

#28.00 CONT Trustee's Motion to Dismiss Case

From: 2/22/18, 3/22/18

EH__

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ROBERT A HAGUE

Represented By
Manfred Schroer

Joint Debtor(s):

DIANNE L HAGUE

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:16-17031 Anderson L Pepper

Chapter 13

#29.00 CONT Trustee's Motion to Dismiss Case

From: 3/22/18

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:16-21234 Frank A Horzen and Barbara A Horzen

Chapter 13

#30.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank A Horzen

Represented By
Paul Y Lee

Joint Debtor(s):

Barbara A Horzen

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:17-13063 Ethel N Odimegwu

Chapter 13

#31.00 CONT Trustee's Motion to Dismiss Case

Advanced From: 5/10/18

EH__

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 13

#32.00 CONT Trustee's Motion to Dismiss Case

From: 3/22/18, 3/29/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:17-16134 Gerardo Garibay

Chapter 13

#33.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerardo Garibay

Represented By
Alberto Carranza

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#34.00 CONT Trustee's Motion to Dismiss Case

From: 3/22/18

EH__

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 12, 2018

Hearing Room 303

12:31 PM

6:17-19337 Sandra Lorena Parra

Chapter 13

#35.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lorena Parra

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, April 16, 2018

Hearing Room 303

10:00 AM

6:13-25725 Bernadette Chapman

Chapter 11

Adv#: 6:17-01046 Chapman v. U.S. Bank, NA et al

**#1.00 Settlement Conference
(MJ Case)**

EH__

Docket 0

Party Information

Debtor(s):

Bernadette Chapman

Represented By
Todd L Turoci

Defendant(s):

U.S. Bank, NA

Represented By
Sonia Plesset Edwards
Gwen H Ribar

Wenjing Dai

Represented By
Robert O Marshall

Plaintiff(s):

Bernadette Chapman

Represented By
Todd L Turoci
Julie Philippi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 17, 2018

Hearing Room 303

9:30 AM

6:17-14501 Julie Lynn Salazar

Chapter 13

#1.00 CONT Evidentiary Hearing re Motion RE: Objection to Claim Number 6 by
Claimant Winegardner Masonry

From: 12/14/17, 12/21/17, 3/5/18

EH__

Docket 46

***** VACATED *** REASON: CASE DISMISSED 3/9/18**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Julie Lynn Salazar

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 17, 2018

Hearing Room 303

9:30 AM

6:17-14501 Julie Lynn Salazar

Chapter 13

Adv#: 6:17-01213 Winegardner Masonry, Inc. v. Salazar

#2.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01213. Complaint by Winegardner Masonry, Inc. against Julie Lynn Salazar. fraud as fiduciary, embezzlement, larceny)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(72 (Injunctive relief - other))

Holding Date

MAIN CASE DISMISSED 3/9/18

From: 12/21/18, 3/5/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/19/18 AT 12:30 PM**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Defendant(s):

Julie Lynn Salazar

Represented By
Joseph C Markowitz

Plaintiff(s):

Winegardner Masonry, Inc.

Represented By
William A Smelko

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 17, 2018

Hearing Room 303

10:00 AM

6:17-20145 Willie J Bryant

Chapter 7

#3.00 CONT Motion for Relief from Stay re 2 2015 Peterbilt 389-series Tractors 131"
6x4

MOVANT: BMO HARRIS BANK N.A.

From: 3/20/18

EH__

Docket 9

***** VACATED *** REASON: CONTINUED TO 5/1/18 AT 10:00 A.M.**

Party Information

Debtor(s):

Willie J Bryant

Represented By
Ronald L Brownson

Movant(s):

BMO Harris Bank N.A.

Represented By
Deborah S Cochran

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 18, 2018

Hearing Room 303

1:00 PM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#1.00 CONT Amended Motion (related document(s): 9 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14950 Deerfield Victorville, CA 92394 with Declarations and Proof of Service. filed by Debtor Rodolfo Aguiar, Joint Debtor Irma D Aguiar) with declaration and proof of service

MOVANT: RODOLFO AGUIAR AND IRMA D AGUIAR

From: 4/10/18, 4/19/18, 4/26/18 (Advanced)

EH__

Docket 12

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Movant(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Irma D Aguiar

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 18, 2018

Hearing Room 303

1:00 PM

6:18-12355 Marc Burns

Chapter 13

#2.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real property located at 6712 Bear Canyon Road, Mt. Baldy, CA 91759

MOVANT: MARC BURNS

From: 4/10/18, 4/19/18, 4/26/18 (Advanced)

EH__

Docket 8

Party Information

Debtor(s):

Marc Burns

Represented By
D Justin Harelik

Movant(s):

Marc Burns

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#1.00 Motion to Dismiss Adversary Proceeding (Second Amended Adversary Complaint)

EH__

Docket 79

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

CONT... Douglas Edward Goodman Chapter 13

Anne Louise Goodman	Pro Se
Douglas Edward Goodman	Pro Se
Anne Louise Goodman	Pro Se
Douglas Edward Goodman	Represented By Edward T Weber
Douglas Edward Goodman	Pro Se
Anne Louise Goodman	Pro Se
Anne Louise Goodman	Represented By Edward T Weber
Douglas Edward Goodman	Represented By Edward T Weber
Anne Louise Goodman	Represented By Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso	Represented By Michael J Hemming
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:17-14501 Julie Lynn Salazar

Chapter 13

Adv#: 6:17-01213 Winegardner Masonry, Inc. v. Salazar

#2.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01213. Complaint by Winegardner Masonry, Inc. against Julie Lynn Salazar. fraud as fiduciary, embezzlement, larceny)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(72 (Injunctive relief - other))

Holding Date

MAIN CASE DISMISSED 3/9/18

From: 12/21/18, 3/5/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Defendant(s):

Julie Lynn Salazar

Represented By
Joseph C Markowitz

Plaintiff(s):

Winegardner Masonry, Inc.

Represented By
William A Smelko

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:17-14501 Julie Lynn Salazar

Chapter 13

#3.00 CONT Confirmation of Chapter 13 Plan

From: 7/6/17, 10/5/17, 10/26/17, 12/14/17, 12/21/17, 3/8/18

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/9/18**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#4.00 CONT Confirmation of Chapter 13 Plan

From: 11/30/17, 12/21/17, 1/25/18, 3/1/18, 3/22/18

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10136 Samuel Garcia and Claudia Garcia

Chapter 13

#5.00 CONT Confirmation of Chapter 13 Plan

From: 3/22/18

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Samuel Garcia

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Claudia Garcia

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10454 Scott Lawrence and Anita D Lawrence

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 3/22/18

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Scott Lawrence

Represented By
Kevin Tang

Joint Debtor(s):

Anita D Lawrence

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10871 Francisco Javier Martinez

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino

Chapter 13

#8.00 Motion for Setting Property Value

Also #9

EH__

Docket 22

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark

Movant(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark
Michael E Clark

Michelle Kiklang Bernardino

Represented By
Michael E Clark
Michael E Clark
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

Also #8

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10915 Juana Santiago

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Juana Santiago

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10918 Agustin Gonzalez

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/21/18**

Party Information

Debtor(s):

Agustin Gonzalez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10932 Andre Durham

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/26/18**

Party Information

Debtor(s):

Andre Durham

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10957 Damaris Denise Redgray-Johnson

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Damaris Denise Redgray-Johnson

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10958 Jose Reyes Agredano

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Jose Reyes Agredano

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10978 Veronica Hernandez

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Veronica Hernandez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-10983 Mario Maldonado

Chapter 7

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
3/12/18**

Party Information

Debtor(s):

Mario Maldonado

Pro Se

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-11027 Moises Martinez

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Moises Martinez

Represented By
Inez Tinoco-Vaca

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#18.00 CONT Amended Motion (related document(s): 9 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14950 Deerfield Victorville, CA 92394 with Declarations and Proof of Service. filed by Debtor Rodolfo Aguiar, Joint Debtor Irma D Aguiar) with declaration and proof of service

MOVANT: RODOLFO AGUIAR AND IRMA D AGUIAR

From: 4/10/18

EH__

Docket 12

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Movant(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Irma D Aguiar

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:30 PM

6:18-12355 Marc Burns

Chapter 13

#19.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real property located at 6712 Bear Canyon Road, Mt. Baldy, CA 91759

MOVANT: MARC BURNS

From: 4/10/18

EH__

Docket 8

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Marc Burns

Represented By
D Justin Harelik

Movant(s):

Marc Burns

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:14-22236 Gustavo Brito

Chapter 13

#20.00 CONT Motion to Dismiss Case for Failure to Make Plan Payments

From: 3/22/18

EH__

Docket 71

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Gustavo Brito

Represented By
Freddie V Vega

Movant(s):

California Department of Tax and

Represented By
Suman Mathews

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:15-22294 Jonathan William Nicastro

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 105

*** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.

Party Information

Debtor(s):

Jonathan William Nicastro

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:16-17911 Elizabeth T Baker

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 121

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:16-20329 Gabriel Cruz

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

*** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:17-11566 Jose A. Gonzales, Jr.

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Jose A. Gonzales Jr.

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:17-19432 Ryan Eddie Hinojosa

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Ryan Eddie Hinojosa

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:17-19787 Gloria Hayslet

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 19, 2018

Hearing Room 303

12:31 PM

6:17-19890 Katrina Renee McDowell

Chapter 13

#27.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 33

***** VACATED *** REASON: CONTINUED TO 4/26/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Katrina Renee McDowell

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:13-12182 Stacey Jo West

Chapter 13

#1.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: Property known as 17794 Lemon St, Hesperia CA 92345

MOVANT: DITECH FINANCIAL LLC

EH__

Docket 164

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: Yes

Based on the Court's review of the evidence presented by the parties, it appears Debtor is still delinquent by approximately \$480.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Stacey Jo West

Represented By
Arnold H Wuhrman

Movant(s):

DITECH FINANCIAL LLC

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:13-19245 Oscar R Avila and Alice M Avila

Chapter 13

#2.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 32164 Machado Street, Lake Elsinore, California 92530

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

From: 3/20/18

EH__

Docket 104

***** VACATED *** REASON: ORDER ENTERED 3/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar R Avila

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Alice M Avila

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Deutsche Bank Trust Company

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#3.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 43375 Madison St, Indio, CA 92201

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18, 3/20/18

EH__

Docket 69

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

HSBC Bank USA, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:15-16128 Delkys Hyde

Chapter 13

#4.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 35571 Sugar Maple St Murrieta, CA 92563

MOVANT: BANK OF AMERICA, N.A.

EH__

Docket 41

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: Yes

On March 29, 2018, Debtor filed a Motion for Authority to Sell the Property. Debtor has indicated that he intends to pay off the Movant and remainder of the chapter 13 plan through escrow. The Trustee has recommended approval of the sale. The Court is inclined to CONTINUE the matter for 30 days for Debtor to finalize sale.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Delkys Hyde

Represented By
David L Nelson

Movant(s):

Bank of America, N.A.

Represented By
Bonni S Mantovani
S Renee Sawyer Blume

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:15-19998 Jack C Pryor

Chapter 7

#5.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 22317 Harbor Ridge Lane #2, Torrance, CA 90502

MOVANT: US BANK TRUST N.A.

EH__

Docket 319

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1) based on a failure to make at least 7 monthly payments due and owing to Movant. GRANT waiver of 4001(a)(3) stay. GRANT leave to offer loan workout options. GRANT order defining debtor as borrower under state law.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days

Party Information

Debtor(s):

Jack C Pryor

Represented By
Trent Thompson

Movant(s):

US Bank Trust National Association

Represented By
Kristin A Zilberstein

Trustee(s):

Karl T Anderson (TR)

Represented By
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Jack C Pryor

Melissa Davis Lowe
Brandon J Iskander

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 483 Grapevine Dr, Corona CA 92882

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

EH__

Docket 55

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

Movant(s):

Deutsche Bank Trust Company

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Carl J Charlot and Jacinta S Charlot

Chapter 13

April Harriott
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-11456 Jose Alberto Lara-Pena and Yanisleidy Sanchez-Quinonez Chapter 13

#7.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 2295 Mesquite Dr, San Bernardino CA 92404

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 59

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: Yes

Absent agreement on an APO, the Court is inclined to GRANT relief from the stay under § 362(d)(1).
GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout.

GRANT the requested relief that upon entry of this order, for purposes of Cal. Civ. Code § 2923.5, the Debtor is a borrower as defined in Cal. Civ. Code § 2920.5(c)(2) (C).

APPEARANCES REQUIRED

Party Information

Debtor(s):

Jose Alberto Lara-Pena

Represented By
Luis G Torres

Joint Debtor(s):

Yanisleidy Sanchez-Quinonez

Represented By
Luis G Torres

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Jose Alberto Lara-Pena and Yanisleidy Sanchez-Quinonez

Chapter 13

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee
DeMarcus Jones

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-12118 Veronica A Mendoza

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 5768 Maplevue Dr Riverside, CA 92509

MOVANT: BANK OF AMERICA N.A.

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 4/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica A Mendoza

Represented By
Stephen S Smyth
William J Smyth

Movant(s):

Bank of America, N.A.

Represented By
Kristin A Zilberstein
Kelly M Raftery
S Renee Sawyer Blume

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-14292 Lubna Shiraz Ahmed

Chapter 13

#9.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11846 MANHATTAN CT, Rancho Cucamonga, CA, 91730 UNDER 11 U.S.C. § 362

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 48

***** VACATED *** REASON: ORDER ENTERED 4/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lubna Shiraz Ahmed

Represented By
Joshua L Sternberg

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#10.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 977 Allegre Drive, Corona CA 92879

MOVANT: WELLS FARGO BANK

From: 3/20/18

EH__

Docket 54

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.
DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Movant(s):

Wells Fargo Bank, National

Represented By
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Gwendolyn Washington

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-15867 Silvia Alvarez

Chapter 13

#11.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 79685 Via Sin Cuidado, La Quinta, CA 92253

MOVANT: BAYVIEW LOAN SERVICING, LLC

EH__

Docket 34

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT Relief from the stay under § 362(d)(4). Court finds that bankruptcy case was part of a scheme to hinder, delay and defraud creditors based on unauthorized transfers affecting this property. GRANT relief requested under ¶10. DENIED as to ¶ 11 for lack of cause shown.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Silvia Alvarez

Represented By
Filemon Kevin Samson III

Movant(s):

BAYVIEW LOAN SERVICING,

Represented By
Edward G Schloss

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-17134 Noel Mallari

Chapter 13

#12.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 31932 COPPER TERRACE Menifee, CA 92584 UNDER 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 23

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: Yes

Parties to update Court regarding APO discussions. Absent agreement, the Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT termination of the co-debtor stay. GRANT waiver of 4001(a)(3) stay. GRANT authority to offer loan workout options.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Noel Mallari

Represented By
David L Nelson

Movant(s):

Freedom Mortgage Corporation

Represented By
John D Schlotter
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Noel Mallari

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-17806 Gerald Curtis Collins and Valerie Cecelia Collins

Chapter 13

#13.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 35247 Sunnyside Drive, Yucaipa, California 92399

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 3/20/18

EH__

Docket 31

***** VACATED *** REASON: ORDER ENTERED 4/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald Curtis Collins

Represented By
M Wayne Tucker

Joint Debtor(s):

Valerie Cecelia Collins

Represented By
M Wayne Tucker

Movant(s):

U.S. Bank National Association, as

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-18531 Victor Manuel Rosales

Chapter 13

#14.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9215 TROVITA CIRCLE Riverside, CA 92508 UNDER 11 U.S.C. § 362.

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

EH__

Docket 28

***** VACATED *** REASON: ORDER ENTERED 4/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Rosales

Represented By
D Justin Harelik

Movant(s):

DEUTSCHE BANK TRUST

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-19154 Ernesto Sanchez

Chapter 13

#15.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1300 Tejon Ave, Colton CA 92324

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 46

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ernesto Sanchez

Represented By
Jerry Rulsky

Movant(s):

Freedom Mortgage Corporation

Represented By
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Ernesto Sanchez

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-19281 Anthony J McPike

Chapter 13

#16.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 39764 Chambray Dr Murrieta, CA 92563

MOVANT: THE BANK OF NEW YORK MELLON

EH__

Docket 35

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: Yes

Debtor is three payments behind. Absent APO agreement, Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT termination of the co-debtor stay. GRANT waiver of 4001(a)(3) stay. GRANT as to authority to offer loan workout options.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anthony J McPike

Represented By
Dana Travis

Movant(s):

The Bank of New York Mellon, et al

Represented By
Bonni S Mantovani
S Renee Sawyer Blume

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:17-20121 Agustin Napolion Joya and Dora Maria Joya

Chapter 13

#17.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1365 Riverstone Crt Hemet, CA 92545 UNDER 11 USC § 362

MOVANT: NATIONSTAR MORTGAGE LLC dba MR COOPER

EH__

Docket 41

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT leave to offer loan workout options. GRANT order defining debtor as borrower under state law. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Agustin Napolion Joya

Represented By
Daniel King

Joint Debtor(s):

Dora Maria Joya

Represented By
Daniel King

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Agustin Napolion Joya and Dora Maria Joya

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-10074 Charlie W Parker

Chapter 7

#18.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY Re: AP13F Floating Pallet Fork, GM1060R Rear
Groomig Mower, LP1160 5' 3pt Land Plane, RC2060 Rotary Cutter, 3038E
Compact Utility Tractor, D160 NSL Loader

MOVANT: DEERE & COMPANY

EH__

Docket 23

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2).

GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Charlie W Parker

Pro Se

Movant(s):

Donald T. Dunning T. DEERE &

Represented By
Donald T Dunning

Trustee(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung
Roquemoire Pringle & Moore Inc

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-10971 Ryan James Masalcas

Chapter 7

#19.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Dodge Ram 1500 Pro Master

MOVANT: ALLY BANK

EH__

Docket 12

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ryan James Masalcas

Represented By
Jenny L Doling

Movant(s):

Ally Bank

Represented By
Adam N Barasch

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-11239 John D. Verrell and Amber N. Verrell

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Ram 1500

MOVANT: GATEWAY ONE LENDING & FINANCE

EH__

Docket 14

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

John D. Verrell

Represented By
James D. Hornbuckle

Joint Debtor(s):

Amber N. Verrell

Represented By
James D. Hornbuckle

Movant(s):

Gateway One Lending & Finance

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... John D. Verrell and Amber N. Verrell

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-11556 Calvin Deshune Bass

Chapter 7

#21.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 36626 Torrey Pines Dr, Beaumont CA 92223

MOVANT: HSBC BANK USA

EH__

Docket 9

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days

Party Information

Debtor(s):

Calvin Deshune Bass

Represented By
James P Doan

Movant(s):

HSBC Bank USA, National

Represented By
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Calvin Deshune Bass

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-11986 Ardreda Lynn Johnson

Chapter 13

#22.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7352 Stonehaven Place, Rancho Cucamonga, CA 91730

MOVANT: CROSBY CAPITAL USA LLC

CASE DISMISSED 4/18/18

EH__

Docket 13

Tentative Ruling:

Hearing Date: 4/24/18

Service: Ok

Opposition: Yes

Standing

A party seeking relief from the stay "need only establish that it has a colorable claim to enforce a right against property of the estate." In re Pak, 2011 WL 7145763 (9th Cir.BAP (Cal.) 2011). A showing by a party that it is a person entitled to enforce the note at issue or that it holds some ownership or other interest in the note translates to a colorable claim. Id.

Here, Movant has provided a copy of the Note (Ex. 1), the original Deed of Trust (Ex. 2), and a series of recorded assignment deeds which sufficiently establish chain of title in the Movant (Ex. 3). Based on this evidence, the Court finds that Movant has made a colorable claim that it has the right to enforce its property rights against the subject Property. The Debtor's standing arguments are overruled.

Scope of proceedings

A motion for stay relief is a summary proceeding. In re Santa Clara County Fair Ass'n, Inc., 180 B.R. 564 (9th Cir.BAP (Cal.) 1995) (citing In re Computer Communications, Inc., 824 F.2d 725, 729 (9th Cir.1987)). In a summary proceeding, the court's discretion is broad. Courts may consider the factor of judicial economy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Ardreda Lynn Johnson
when deciding lift stay issues. Id.

Chapter 13

The only triable issues in a Motion for Relief from Stay are (1) lack of adequate protection; (2) the debtor's equity in the property; and (3) the necessity of the property to an effective reorganization of the debtor, or (4) the existence of other cause for relief from the stay. In re Computer Communications, Inc., 824 F.2d 725, 729.

Here, the issues and defenses surrounding the validity of the underlying security and whether the Movant is empowered to pursue foreclosure actions under state law do not directly relate to the lifting of the stay, and accordingly they are not issues that are before the bankruptcy court. The irregularities raised by the Debtor are more properly considered by a state court in the determination of an unlawful detainer action.

Relief from Stay

The Movant has provided evidence that the Debtor's instant bankruptcy filing is part of a scheme to hinder/delay enforcement of its rights. Specifically, Exhibit 7 to the Motion is a Grant Deed which indicates that the Debtor attempted, without authorization of her lender, to grant a partial interest in the Property to Willie Anderson on or about December 18, 2017. Movant has further provided evidence that Willie Anderson filed bankruptcy in January 2018 and had his case dismissed on February 20, 2018. Finally, the Court's docket reflects that the Debtor's own case has been dismissed as of April 18, 2018, for failure to file information. In her opposition the Debtor fails to address, controvert or provide any meritorious objection to the evidence filed by Movant.

Based on the foregoing, the Court is inclined to GRANT the Motion pursuant to §§ 362(d)(1) and (d)(4). GRANT as to ¶¶ 2, 3, and 6. Additionally, the Court waives the 14-day stay. The request as to ¶10 is GRANTED with the modification that the order must be recorded in compliance with applicable nonbankruptcy law.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ardreda Lynn Johnson

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

CONT... Ardreda Lynn Johnson

Chapter 13

Movant(s):

Crosby Capital USA LLC

Represented By
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-12312 Allan Gabriel Reyes

Chapter 7

#23.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 2250 W Mill Street Space 95 Colton CA 92324

MOVANT: COLTON MOBILE HOME COMMUNITY LLC

EH__

Docket 12

Tentative Ruling:

Hearing Date: 4/24/18
Service: Proper
Opposition: None

The Court is inclined to GRANT relief from the stay under § 362(d)(1).

GRANT waiver of 4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Allan Gabriel Reyes

Represented By
Benjamin R Heston

Movant(s):

Colton Mobile Home Community,

Represented By
Barry L O'Connor

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

10:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#24.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: JAELYN YOUNG

EH__

Docket 14

Tentative Ruling:

04/24/2018

Service appears proper and no opposition has been filed. The Debtor has provided sufficient evidence that her new employment with Flagship Facility Services, Inc. is likely to provide sufficient disposable income with which to propose a feasible plan. The Debtor has overcome the presumption that the case was filed in bad faith.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#25.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#26.00 CONT Status Conference Re: Complaint by Cambridge Medical Funding Group II, LLC against Allied Injury Management, Inc., John C. Larson. 02 - Other e.g. other actions that would have been brought in state court if unrelated to bankruptcy

HOLDING DATE

From: 11/1/16, 12/6/16, 1/31/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 10/3/17, 11/28/17, 1/30/18, 4/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

John C. Larson

Pro Se

Plaintiff(s):

Cambridge Medical Funding Group

Represented By
Kenneth Hennesay

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#27.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 11/28/17, 1/30/18, 4/10/18

Also #28 - #30

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#28.00 CONT Motion for Turnover of Property of the Estate

From: 10/24/17, 10/31/17, 11/28/17, 12/19/17, 1/30/18, 4/10/18

Also #27 - #30

EH__

Docket 303

Tentative Ruling:

10/31/2017

The hearing on the Motion is continued to November 28, 2017, at 2:00 p.m. as a holding date.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#29.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17,4/4/17, 4/25/17, 6/27/17, 7/11/17,
9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18

Also #27 - #30

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#30.00 CONT Application for Compensation of Final Fees and/or Expenses with proof of service for Fredman Lieberman Pearl LLP, Debtor's Attorney, Period: 5/11/2016 to 12/5/2016, Fee: \$278,079.00, Expenses: \$4,603.13

From: 12/19/17

Also #27 - #29

EH__

Docket 306

***** VACATED *** REASON: CONTINUED TO 10/9/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Fredman Lieberman Pearl LLP

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#31.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 2/6/18, 2/13/18, 3/6/18, 3/20/18

Also #32 & #33

EH__

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#32.00 Debtor's Disclosure Statement Accompanying Debtor's Chapter 11 Plan

Also #31 & #33

EH__

Docket 200

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#33.00 CONT Motion to Appoint a Chapter 11 Trustee

From: 3/20/18

Also #31 & #32

EH__

Docket 173

***** VACATED *** REASON: ORDER ENTERED 4/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#34.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: Vehicles

MOVANT: SIEMENS FINANCIAL SERVICES, INC.

Also #35 & #36

EH__

Docket 243

Tentative Ruling:

04/24/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. Request for APO DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Siemens Financial Services, Inc.

Represented By
Jeannie Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#35.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: Personal Property.

MOVANT: CELTIC BANK CORPORATION

Also #34 & #36

EH__

Docket 246

Tentative Ruling:

04/24/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. Request for APO DENIED as moot.

GRANTED as to ¶¶ 8 and 9. DENIED as to ¶¶7 and 10 for lack of cause shown.

As to the additional relief requested by Movant, the Court GRANTS Movant authority
to enforce its State law remedies including as provided for in the Master Lease
Agreement at ¶ 16, pgs. 7-8 (Exhibit A to Zern Declaration) and the Pledge
Agreement at ¶ 7 and Cash Collateral Pledge and Security Agreement at Section 6.
See Exhibits 1 and 2 to Zern Decl.; and to allow relief from stay for immediate
application by Movant of the security deposit to outstanding arrears described in
Attachment A.

Parties to discuss terms of turnover.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Celtic Bank Corporation

Represented By
Kathryn M.S. Catherwood

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#36.00 Motion to Compel Assumption or Rejection of Defaulted Contract Regarding Personal Property; For Provision of Adequate Protection and Maintenance Payments; and for Relief from Stay in Event of Rejection of Contract

Also #34 & #35

EH__

Docket 198

Tentative Ruling:

04/24/2018

BACKGROUND

On December 1, 2017, Auto Strap Transport, LLC ("Debtor") filed its petition for chapter 11 relief. Among the assets of the Debtor's estate is certain leased equipment described as a 2016 Peterbilt 389 Tractor, Vin Number 1NPXL49X7GD301762 and the 2016 CX-11 Cottrell Trailer, Vin Number VIN5E0AJ144XGG737101 (the "Equipment"). The Equipment is was leased to the Debtor by CIT Finance LLC ("CIT") pursuant to an Equipment Finance Agreement (the "Agreement").

On March 8, 2018, CIT filed its Motion To Compel Assumption Or Rejection Of Defaulted Contract Regarding Personal Property ("Motion"). The Motion seeks (1) an Order requiring the Debtor to assume or reject the Agreement by April 10, 2018; (2) an Order requiring that Debtor provide adequate protection of Movant's interest in the Equipment, including, but not limited to maintenance of appropriate insurance coverage on the Equipment as required by the Agreement, (3) an order requiring that Debtor maintain payments to Movant under 11 U.S.C § 365(d)(5) until said Agreement is assumed or rejected; and (4) an Order terminating the automatic stay in the event the Agreement is rejected. If no responsive pleading is filed, the Movant requests that the Agreement be deemed rejected and that the automatic stay be vacated as to the Equipment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Service was proper and no opposition has been filed.

DISCUSSION

Assumption or Rejection of Lease

In a case under chapter 11, a debtor in possession may assume an unexpired lease of personal property at any time prior to confirmation of a plan. *Zions Credit Corp. v. Rebel Rents, Inc., Perris Valley Rentals, Inc.* (In re *Rebel Rents, Inc., Perris Valley Rentals, Inc.*), 291 B.R. 520, 529 (Bankr. C.D. Cal. 2003) (citing 11 U.S.C. § 365(a) & (d)(2)). It is the policy of the Bankruptcy Code to provide the debtor with breathing space following the filing of the petition, continuing until the confirmation of a plan, in which to assume or reject an unexpired lease. See *In re Enron Corp.*, 279 B.R. 695, 702 (Bankr.S.D.N.Y.2002). However, the court, on request of a party to a lease, may order the debtor in possession to determine within a specified period of time whether to assume or reject. 11 U.S.C. § 365(d)(2).

Here, the Debtor, though properly served with the Motion, has failed to file opposition or response. Additionally, CIT has provided evidence that Debtor is in default on payments due and owing to CIT under the terms of the Agreement (specifically "for the monthly rental payments coming due on December 1, 2017, respectively ... The aggregate monthly Lease payment, inclusive of taxes is \$5,868.16."). (Lleras Decl. ¶4). Based on the evidence that the Debtor is not abiding by the terms of the Agreement and based also on the Debtor's failure to file any response to the Motion, the Court finds that an order compelling immediate rejection of the Agreement is warranted.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion deeming the Agreement rejected as of the hearing date of April 24, 2018, based on the Debtor's failure to file opposition or response. Additionally, CIT's Motion sets forth sufficient cause for lifting of the automatic stay. The remaining requests for relief are DENIED

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

as moot. CIT may pursue its state law remedies to seek turnover of the Equipment.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

CIT Group, Inc.

Represented By
Brian C Vanderhoof

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#37.00 Motion RE: Objection to Claim Number 2,5 by Claimant American Express Bank FSB

Also #38

EH__

Docket 49

Tentative Ruling:

04/24/2018

BACKGROUND:

On January 26, 2018 ("Petition Date"), Markus Anthony Boyd ("Debtor") filed for chapter 11 relief. On March 19, 2018, Debtor filed Objection to Claims # 2 and 5 (the "Objection") of American Express FSB. Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

The Debtor objects to Claims No. 2 and 5 on the basis that the applicable state statute of limitations for collection of the debts in question has lapsed. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Debtor has provided evidence that Claim No. 2 was charged off in May 2008 and that the last transaction recorded by Claimant was in November 2007. Debtor has provided evidence that Claim No. 5 was charged off in August 2008 and that the last transaction recorded by Claimant was in December 2007. The Debtor has established that over four years have lapsed since the last item in the account. Thus, the burden to show the validity of Claims No. 2 and 5 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED as to Claims No. 2 and 5.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#38.00 Motion RE: Objection to Claim Number 4,6 by Claimant American Express Centurion Bank

Also #37

EH__

Docket 50

Tentative Ruling:

04/24/2018

BACKGROUND:

On January 26, 2018 ("Petition Date"), Markus Anthony Boyd ("Debtor") filed for chapter 11 relief. On March 19, 2018, Debtor filed Objection to Claims # 4 and 6 (the "Objection") of American Express Centurion Bank. Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... **Markus Anthony Boyd**

Chapter 11

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

The Debtor objects to Claims No. 4 and 6 on the basis that the applicable state statute of limitations for collection of the debts in question has lapsed. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Debtor has provided evidence that Claim No. 4's last transaction date was in October 2007. Debtor has provided evidence that Claim No. 5's last payment date was in December 2007. The Debtor's analysis of the potential time tolled by the Debtor's intervening bankruptcy cases appears correct and thus Debtor has established that over four years have lapsed since the last item in the accounts. Thus, the burden to show the validity of Claims No. 4 and 6 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED as to Claims No. 4 and 6.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 11

#39.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/6/18

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#40.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

Also #41

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, April 24, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#41.00 CONT Emergency Motion for Authorization to Use Cash Collateral and Provide Adequate Protection
FINAL HEARING

From: 3/12/18

Also #40

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

Movant(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

11:00 AM

6:15-14230 Home Security Stores, Inc.

Chapter 7

#1.00 Motion for Order Extending Time to File Avoidance Actions Under 11 U.S.C. § 546

EH__

Docket 98

Tentative Ruling:

4/25/18

BACKGROUND

On April 28, 2015, Home Security Stores, Inc. ("Debtor") filed a Chapter 7 voluntary petition. On May 28, 2015, the Court authorized the employment of Goe & Forsythe, LLP as general counsel to Trustee. On July 2, 2015, the Court authorized the employment of Hahn Fife & Co. LLP as accountants for Trustee. On July 17, 2015, the Court authorized the employment of Credit Management Association as auctioneer for Trustee.

On April 20, 2016, the Court extended the deadline for Trustee to file avoidance actions by six months, to October 28, 2017. On April 28, 2017, the Trustee filed an avoidance action. On October 30, 2017, the Court extended the deadline for Trustee to file avoidance actions by an additional six months. On April 4, 2018, Trustee filed a third motion to extend the deadline to file avoidance actions, requesting an additional six months. On April 11, 2018, Ralph & Stacy Winn (the "Winns"), shareholders of Debtor, filed a limited opposition to Trustee's request. The Winns do not oppose an extension of the deadline to file avoidance actions, rather they appear to generally dispute the Trustee's characterization of their role in the proceedings.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

Trustee continues to maintain that Debtor and various associated individuals have been uncooperative with requests for information. The Court notes that on January 26, 2017, a 2004 examination was ordered of Harry Histen ("Histen"), a prior attorney for Debtor. Furthermore, on April 20, 2017, the Court granted Trustee's motion to compel Histen's turnover of recorded information. Trustee asserts that as part of Histen's production of electronic files, Trustee learned that, in April 2015, We Got'cha Covered made copies of Debtor's hard drive and recovered deleted files. Trustee asserts that "[n]otwithstanding multiuple [sic] demands to Debtor and its principals for such documents, these records were never produced." Trustee argues that he needs this information to assess whether any additional avoidance actions are appropriate.

DISCUSSION

11 U.S.C. § 546 requires that an avoidance action be brought within two years of the entry of the order for relief. That deadline, however, can be extended. *See, e.g., In re United Ins. Mgmt., Inc.*, 14 F.3d 1380, 1384 (9th Cir. 1994). The current deadline in this case is April 30, 2018, which Trustee seeks to extend for six months to and including October 30, 2018.

FED. R. BANKR. P. Rule 9006(b) states:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

The Court adopts a "for cause" standard when determining whether to utilize FED. R. BANKR. P. Rule 9006(b) to extend a deadline. *See In re Fundamental Long Term Care, Inc.*, 501 B.R. 784, 789 (Bankr. M.D. Fla. 2013). In this case, Trustee's motion indicates that Histen, We Got'cha Covered, and Debtor have not been fully cooperative with, and possibly obstructive of, Trustee's attempt to investigate Debtor's financial affairs. Trustee indicates that he does not yet have the information necessary to assess whether further avoidance actions are necessary, and it appears that such delay is through no fault of Trustee.

Moreover, the Court deems lack of opposition as consent to the relief requested pursuant to Local Rule 9013-(1)(h).

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Movant(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Miller

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Charity J Miller

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:12-37346 Carmen Elisabeth Barrios

Chapter 7

Adv#: 6:13-01111 Vega v. Barrios

#2.00 CONT Opposition to Claim of Exemption (Wage Garnishment)

From: 3/7/18

Also #3

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Elisabeth Barrios

Represented By
David H Chung

Defendant(s):

Carmen Elisabeth Barrios

Represented By
Andrew Edward Smyth

Plaintiff(s):

Crystal Vega

Represented By
Mirna El Hazin

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:12-37346 Carmen Elisabeth Barrios

Chapter 7

Adv#: 6:13-01111 Vega v. Barrios

#3.00 Motion for an order determining the claim of exemption

Also #2

EH__

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Elisabeth Barrios

Represented By
David H Chung

Defendant(s):

Carmen Elisabeth Barrios

Represented By
Andrew Edward Smyth

Movant(s):

Crystal Vega

Represented By
Mirna El Hazin

Plaintiff(s):

Crystal Vega

Represented By
Mirna El Hazin

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#4.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01163. Complaint by Revere Financial Corporation against Don C. Burns. (12 (Recovery of money/property - 547 preference)),(11 (Recovery of money/property - 542 turnover of property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment))

From: 8/31/16, 11/2/16, 1/11/17, 3/8/17, 6/7/17, 8/2/17, 8/23/17, 11/8/17, 1/31/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Carmela Pagay
Franklin R Fraley Jr

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#5.00 Status Conference RE: Amended Complaint (First) by Revere Financial Corporation and Jerry Wang, as State-Court Appointed Receiver by Franklin R Fraley Jr on behalf of Revere Financial Corporation, a California corporation against Revere Financial Corporation, a California corporation. (Attachments: # 1 Exhibit 1-8)

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 6/13/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:17-14684 Timothy Wayne Lambert

Chapter 7

Adv#: 6:18-01026 United States Trustee for the Central District of v. Lambert et al

#6.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01026. Complaint by United States Trustee for the Central District of California, Region 16 against Timothy Wayne Lambert, Lisa Renee Lambert. (Fee Not Required). with adversary cover sheet Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Green, Everett)

From: 3/21/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Timothy Wayne Lambert

Represented By
Edgar P Lombera

Defendant(s):

Timothy Wayne Lambert

Pro Se

Lisa Renee Lambert

Pro Se

Joint Debtor(s):

Lisa Renee Lambert

Represented By
Edgar P Lombera

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... Timothy Wayne Lambert

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:17-15043 Sandra Lou Harter

Chapter 7

Adv#: 6:18-01040 Cisneros v. Harter et al

#7.00 Status Conference Re: Complaint by A. Cisneros against Joseph Harter, Connie Flach, John Rose, Tammy Rose, Brennan Rose, KayLynne Rose. (Charge To Estate - \$350.00) .- Complaint for: 1) Declaratory Relief; 2) Turnover of Property; and 3) Sale of Interest of Co-Owner in Property of the Estate [11 U.S.C. §§ 363 and 542] - Nature of Suit: 91 - Declaratory judgment, 11 Recovery of money/property - 542 turnover of property, 31 - Approval of sale of property of estate and of a co-owner - 363(h)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lou Harter

Represented By
Carey C Pickford

Defendant(s):

Joseph Harter

Represented By
Todd L Turoci

Connie Flach

Pro Se

John Rose

Represented By
Dina Farhat

Tammy Rose

Represented By
Dina Farhat

Brennan Rose

Represented By
Dina Farhat

KayLynne Rose

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... Sandra Lou Harter

Chapter 7

Dina Farhat

Plaintiff(s):

A. Cisneros

Represented By
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:18-10249 Derick Jones

Chapter 7

Adv#: 6:18-01038 Jones v. US Bank National Association et al

#8.00 Status Conference RE: [1] Adversary case 6:18-ap-01038. Complaint by Derick Jones against US Bank National Association . (Fee Not Required). Nature of Suit: (14 (Recovery of money/property - other))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/2/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derick Jones	Pro Se
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Defendant(s):

US Bank National Association	Pro Se
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U.S. Bank National Association, on	Represented By Nichole Glowin
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U.S. Bank National Association, on	Represented By Nichole Glowin
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Plaintiff(s):

Derick Jones	Pro Se
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Trustee(s):

Karl T Anderson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#9.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01081. Complaint by W.E. Jon Albrecht against Nabeel Slaieh. willful and malicious injury))

HOLDING DATE

From: 10/19/16, 12/14/16, 2/15/17, 3/29/17, 6/7/17, 10/25/17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice
George A Saba

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays
David Wood

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Matthew Grimshaw

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez
Adv#: 6:16-01176 Simons v. Navarro

Chapter 7

#10.00 Motion to Withdraw Alleged Admissions To Trustees Requests For Admission

Also #11 - #13

EH__

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez
Adv#: 6:16-01176 Simons v. Navarro

Chapter 7

#11.00 CONT Order to show cause why defendant's counsel should not be sanctioned

From: 1/10/18

Also #10 - #13

EH __

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez
Adv#: 6:16-01176 Simons v. Navarro

Chapter 7

#12.00 Motion for Summary Judgment Against Defendant Carolina Villalobos Navarro

Also #10 - #13

EH__

Docket 42

Tentative Ruling:

4/25/18

BACKGROUND

On April 12, 2016, Jose Hernandez ("Debtor") filed a Chapter 7 voluntary petition. On July 7, 2016, the Chapter 7 Trustee ("Plaintiff") filed a complaint against Carolina Navarro ("Defendant") seeking the avoidance and recovery of a fraudulent transfer. After default was entered against Defendant, on October 14, 2016, the parties stipulated to set aside default, and, that same day, Defendant filed her answer. On March 1, 2018, Plaintiff filed a motion for summary judgment. On April 4, 2018, Defendant filed her opposition.

Plaintiff alleges that on July 21, 2014, Debtor transferred certain real property located at 3510 Duffy St., San Bernardino, CA 92407 to Defendant for no consideration and that Debtor was insolvent at the time of the transfer or became insolvent as a result of the transfer. Defendant received a Chapter 7 discharge on January 26, 2018.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

I. Violation of Discharge Injunction

As a preliminary matter, Defendant argues that because she obtained her own discharge in January, the continuation of this proceeding violates her discharge injunction. Specifically, Defendant argues that her discharge extinguishes her personal liability and that Trustee's complaint seeks avoidance of the transfer and recovery of the property *or its value*. Defendant's opposition states:

Notwithstanding his heightened knowledge of the provisions of the Bankruptcy Code and bankruptcy jurisprudence, the Trustee has pursued the same claims and remedies against Defendant after her discharge was granted, relieving her of any personal liability on account of the Trustee's alleged claims and barring the Trustee from obtaining relief in this case. For example, the Trustee seeks judgment on his Fifth Claim, which as pled in the Complaint, alleges that "Plaintiff is entitled to recovery the Subject Property **or its value** from the Defendant Pursuant to § 550(a)."

[Dkt. No. 46, pg. 12-13].

Defendant's argument is misleading and lacks merit. Regardless of the relief requested in the complaint, which was filed before Defendant obtained a discharge, Plaintiff's motion for summary judgment has dropped the reference to "or its value" and only seeks recovery of the subject property. Nothing in the motion for summary judgment seeks to enforce a personal liability of the Defendant. Therefore, the Court rejects Defendant's argument.

II. Motion for Summary Judgment

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. Rule 56(c) (incorporated by FED. R. BANKR. P. 7056).

The moving party has the burden of establishing the absence of a genuine issue of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324; *see also* FED. R. CIV. P. Rule 56(e). The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

Plaintiff requests summary judgment on the second claim for relief (avoidance of constructively fraudulent transfer) and the fifth claim for relief (recovery of avoided transfer). 11 U.S.C. § 548(a)(1)(B) states, in pertinent part:

(a)(1) The trustee may avoid any transfer (including any transfer to or for the benefit of an insider under an employment contract) of an interest of the debtor in property, or any obligation (including any obligation to or for the benefit of an insider under an employment contract) incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition, if the debtor voluntarily or involuntarily --

(B)(i) received less than a reasonably equivalent value in exchange for such transfer or obligation; and

(ii)(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such transfer or obligation

Defendant does not dispute that there was a transfer of an interest of property within 2

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... **Jose Antonio Hernandez**

Chapter 7

years before the petition date. Defendant does, however, dispute the satisfaction of the other two elements, arguing that Defendant received reasonably equivalent value and was not rendered insolvent by the subject transfer. *See generally In re Fruehauf Trailer Corp.*, 444 F.3d 203, 210 (3rd Cir. 2006); *In re Southern Textile Knitters*, 65 Fed. Appx. 426, 436 (4th Cir. 2003) (outlining elements of § 548(a)(1)(B) action).

Regarding the requirement that reasonably equivalent value have been provided, Plaintiff asserts that the grant deed reflects that the transfer was a "bonafide gift and the grantor received nothing in return." In her opposition, Defendant argues that the language of the grant deed is inaccurate, and that she offered value in a variety of ways. Specifically, Defendant contends that she was a co-signer for the refinancing and "also provided consideration by contributing her wages to pay for household expenses and by providing domestic labor including cooking, cleaning, child-rearing, and running the parties' household." [Dkt. No. 46, pg. 17, lines 7-9]. With regard to the language on the grant deed, Defendant states that:

The Grant Deed was not prepared by Debtor or Defendant. Debtor and Defendant correctly advised the loan officer who handled the refinancing that Defendant was not paying cash to Debtor for her one-half interest. For this reason, Debtor and Defendant believe the loan officer or escrow agent who prepared the Grant Deed noted on the document that the Transfer was a gift.

[Dkt. No. 46, pg. 5, lines 1-5].

In the reply, Plaintiff contends that "[a]fter first stating that it was a gift and nothing was received, the Debtor and Defendant should be estopped from now claiming it was not a gift and reasonably equivalent value was provided for the Subject Transfer." [Dkt. No. 51, pg. 4, lines 13-15].

The Court concludes that the parol evidence rule applies here to preclude the consideration of evidence which contradicts the plain and unambiguous language of the deed. *See generally In re Khalil*, 2014 WL 1725811 at *6-11 (Bankr. C.D. Cal. 2014) (collecting cases providing comprehensive analysis of the parol evidence rule in the context of grant deeds deed). As was noted in *Khalil*:

If there is no ambiguity on the face of the document, and no reference to information or terms in the recorded document or from the circumstances of the conveyance that would lead a bona fide purchaser to inquire as to the intent and meaning of the instrument, then the bona fide purchaser is entitled to rely on the written record and is not charged with or bound by unstated meanings

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

or by secret or collateral agreements that add to or alter the written record.

Id. at *10. While the above quotation is in the context of ownership interests in real property, rather than the nature of consideration, or lack thereof, in connection with a grant deed, the same underlying principle is applicable: "third parties, including the trustee and the estate's creditors, must be able to rely on the terms of recorded deed." *Id.* at *11. *See also id.* at *10 ("As a general rule, when any ambiguity is not evident from the face of the instrument (i.e., a "latent" ambiguity), the deed must be construed solely from an analysis of the plain meaning of the document itself, and extrinsic evidence is not admissible."); *Laux v. Freed*, 53 Cal. 2d. 512, 523 (Cal. 1960) ("[I]f the language of a deed is plain, certain and unambiguous, neither parol evidence nor surrounding facts and circumstances will be considered to add to, detract from, or vary its terms.").

Regarding the insolvency requirement, Plaintiff first argues that given the absence of reasonably equivalent value, Debtor's insolvency as a result of the transfer should be assumed; Plaintiff cites *United States v. Mazzeo*, 245 B.R. 435, 441 (E.D.N.Y. 1999). The Court declines to make such a presumption. The case cited by Plaintiff, and the related case law, deals with fraudulent transfer provisions under New York state law. *See, e.g., Kim v. Ji Sung Yoo*, 2017 WL 4382078 (S.D.N.Y. 2017) (noting presumption and collecting cases). No such burden shifting framework, however, exists under the Bankruptcy Code. *See* 5 COLLIER'S ON BANKRUPTCY ¶ 548.11[2] (16th ed. 2017) ("Under state law and the UFTA (and presumably the UVTA), a well-recognized exception permits the court to infer a proscribed financial state once the plaintiff has shown a lack of fair consideration or a lack of reasonably equivalent value. This shift should not apply to cases brought under section 548.") (footnotes omitted); *see also In re Galbreath*, 286 B.R. 185, 197 (Bankr. S.D. Ga. 2002) ("The burden for proving constructive fraud falls on the trustee who must show by a preponderance of the evidence that all requirements set out in § 548(a)(1)(B) have been met.")

Plaintiff next argues that Debtor's insolvency can be established through a review of the schedules. Essentially, Plaintiff argues that the schedules indicate that Debtor was insolvent as of the petition date, and that the Court can work backwards to conclude that Debtor was insolvent on the date of the transfer. As one bankruptcy court has stated:

Since insolvency at a given point in time is often difficult to demonstrate by direct proof, courts permit the trustee to show that the debtor was insolvent at one point in time and then prove that the same condition existed at the time of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

the subject transfer. This method of proof has been labeled "retrojection," but it applies equally to situations in which the trustee starts at a point in time prior to the transfer. When the trustee chooses to use this method of proof it is essential that the trustee be able to show the absence of any substantial or radical changes in the assets or liabilities of the bankruptcy between the retrojection dates.

In re R. Purbeck & Assocs., Ltd., 27 B.R. 953, 955 (Bankr. D. Conn. 1983) (footnotes and quotation omitted). Plaintiff argues that the schedules reflect that Debtor had no meaningful unexempt assets as of the petition date while much of Debtor's unsecured debt was identified as having been incurred prior to the date of the transfer. Furthermore, Debtor's statement of financial affairs does not disclose any significant transfers of property between the date of the subject transfer and the petition date.

In Defendant's opposition, she appears to contend that Debtor's outstanding debt on the date of the subject transfer was \$210,282 and that Debtor's assets were valued at approximately \$224,000. The Court notes that these assertions do not demonstrate solvency – they demonstrate insolvency as that term is defined in the Code. 11 U.S.C. § 101(32)(A)(ii) exempts from the solvency requirement property which may be exempt under § 522. The assets listed in Debtor's schedules, and in Defendant's opposition, all appear to be assets capable of being exempted under § 522, thereby rendering Defendant statutorily insolvent. Even ignoring that fact, however, Defendant's opposition indicates that Debtor had \$53,186 in equity in the property; transferring a 50% interest in the property would have rendered Debtor insolvent even before removing property which can be exempted. As a result, the Court concludes that Plaintiff has demonstrated there is no genuine dispute regarding Debtor's insolvency on the date of the subject transfer.

III. Recovery

Plaintiff also seeks recovery of the subject property pursuant to 11 U.S.C. § 550. 11 U.S.C. § 550(a)(1) states:

- (a) Except as otherwise provided in this section, to the extent that a transfer is avoided under section 544, 545, 547, 548, 549, 553(b), or 724(a) of this title, the trustee may recover, for the benefit of the estate, the property transferred, or, if the court so orders, the value of such property, from –
 - (1) the initial transferee of such transfer or the entity for whose benefit such transfer was made

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

Defendant opposes the requested recovery, although the legal basis for the opposition is less than clear. Defendant argues that "annulment of the Transfer would have the effect of returning the Property to a single ownership since Debtor was the sole owner. Therefore, recovery of the Transfer is unnecessary and provides no benefit to the estate." [Dkt. No. 46, pg. 18, lines 15-17]. The Court's interpretation of the Plaintiff's request is that Plaintiff is requesting an order indicating that the Property has retained to single ownership (the bankruptcy estate). Therefore, it does not appear there is really any legal dispute here, semantical differences aside.

IV. Withdrawal of Admissions

In light of the foregoing, the Court is inclined to deny Defendant's motion to withdraw admissions as moot. The Court need not rely on admissions by default in resolving the instant motion for summary judgment.

TENTATIVE RULING

The Court is inclined to GRANT the motion for summary judgment, avoiding the transfer as constructively fraudulent and permitting Trustee's recovery of such transfer. Defendant's motion to withdraw admissions is DENIED as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By

Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By

Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

Movant(s):

Larry D Simons

Represented By
Frank X Ruggier

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, April 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#13.00 CONT Status Conference RE: Complaint to Avoid and Recover Fraudulent Transfer

From: 9/7/16, 11/9/16, 1/11/17, 3/8/17, 4/12/17, 5/17/17, 6/7/17, 7/26/17, 9/27/17, 11/29/17, 1/10/18

Also #10 - #12

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#1.00 CONT Motion to Dismiss Adversary Proceeding (Second Amended Adversary Complaint)

From: 4/19/18

EH__

Docket 79

Tentative Ruling:

04/26/2018

BACKGROUND

On September 12, 2016, Douglas and Anne Goodman (collectively, "Debtors" or "Defendants") filed their petition for chapter 13 relief.

On November 11, 2016, Mark and Natasha Reynoso (collectively, "Plaintiffs") filed a complaint seeking determination of the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(2)(A) (the "Complaint"). Specifically, Plaintiffs allege that in 2015, they purchased real property located at 1656 West Lisbon Street in Upland, CA (the "Property") from the Debtors, and that a sale was consummated on the misrepresentations of the Debtors' agent, Theresa Mann, that the Property was 3,231 square feet while Plaintiffs assert that the Property is actually 2,713 square feet (or a difference of 518 square feet). Plaintiffs also assert that they were led to believe that a water leak in the upstairs bathroom had been repaired. Plaintiffs allege that the Debtors knew or should have known that their agent was making false and misleading representations to Plaintiffs.

On February 3, 2017, the Court entered an order granting Defendants first motion to dismiss the Complaint, with leave to amend. An First Amended Complaint (the "FAC") was filed on April 19, 2017. The Court denied Defendants' second motion to dismiss at a hearing on , May 4, 2017. On June 5, 2017, the Defendants filed their Answer to the FAC ("Answer").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT...

Douglas Edward Goodman

Chapter 13

On March 9, 2018, the Defendants moved to dismiss the FAC ("Motion"). The hearing was initially set for April 19, 2018, but was continued to April 26, 2018, on the Court's own motion, by order entered April 11, 2018. The deadline for opposition based on the initially scheduled hearing was April 5, 2018. At the time that the Court continued the hearing, Plaintiffs had not filed any opposition to the Motion and their deadline to oppose had lapsed. Subsequent to the Court continuing the hearing, the Plaintiffs late-filed their opposition on April 12, 2018 ("Opposition"), for the April 19, 2018, hearing. On April 20, 2018, the Defendants filed a reply primarily objecting to the timeliness of the Opposition ("Reply").

DISCUSSION

As a threshold matter, the Motion seeks relief pursuant to Rule 12(b)(6). However, given that the Defendants have filed an Answer to the FAC, the Court shall construe the Motion as a motion under Rule 12(c), a motion for judgment on the pleadings.

Civil Rule 12(c) standard

"After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings." Fed.R.Civ.P. 12(c). "Judgment on the pleadings is properly granted when, taking all allegations in the pleading as true, the moving party is entitled to judgment as a matter of law." *Knappenberger v. City of Phx.*, 566 F.3d 936, 939 (9th Cir.2009) (quoting *Merchants Home Delivery Serv., Inc. v. Frank B. Hall & Co.*, 50 F.3d 1486, 1488 (9th Cir.1995)).

On a Rule 12(c) motion, the court must accept as true all the material facts alleged in the complaint and must draw all reasonable inferences in favor of the non-moving party. *Fleming v. Pickard*, 581 F.3d 922, 925 (9th Cir.2009). In ruling on a Rule 12(c) motion, the court may not consider extrinsic evidence unless the motion is converted into a Rule 56 summary judgment. *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1550 (9th Cir.1989) (citing Fed.R.Civ.P. 12(c); *Bonilla v. Oakland Scavenger Co.*, 697 F.2d 1297, 1301 (9th Cir.1982)). However, a court may consider facts that are contained in materials of which the court may take judicial notice when considering a motion for judgment on the pleadings. *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n. 18 (9th Cir.1999) (quoting *Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir.1994)).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT...

Douglas Edward Goodman

Chapter 13

The crux of Defendants' argument for dismissal of the FAC is that Plaintiffs have not set forth the basis for a money judgment under state law. Specifically, the Motion provides, in pertinent part, that

Plaintiffs have requested a money judgment in their amended complaint, they do not appear to have provided any legal basis for their request—i.e. there is no state law basis to enter a money judgment. 11 U.S.C. §523(a)(2) is not a basis to enter a money judgment; the plain language of the statute provides that it is a basis for finding a debt to be nondischargeable. If the Plaintiffs want a money judgment, they need to provide a non-bankruptcy law basis for their request. They have not done so here.

Motion at ¶6.

The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), aff'd, 760 F.3d 1038 (9th Cir. 2014). Here, although the Complaint is not explicit regarding the state law causes of action at issue, it appears implicit in the allegations that the Plaintiffs seek a monetary judgment as to a fraud or misrepresentation claim. Nonetheless, Plaintiffs should not have to guess at the state law basis of the debt for a money judgment.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion dismissing the FAC with leave to amend, in order to provide the Plaintiffs with an opportunity to set forth the specific bases for monetary damages under state law such that the litigation can proceed.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Edward Goodman

Chapter 13

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Represented By
Edward T Weber

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

Anne Louise Goodman

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Edward Goodman

Chapter 13

Edward T Weber

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-14501 Julie Lynn Salazar

Chapter 13

Adv#: 6:17-01213 Winegardner Masonry, Inc. v. Salazar

#2.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01213. Complaint by Winegardner Masonry, Inc. against Julie Lynn Salazar. fraud as fiduciary, embezzlement, larceny)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(72 (Injunctive relief - other))

Holding Date

MAIN CASE DISMISSED 3/9/18

From: 12/21/18, 3/5/18, 4/19/18

EH__

Docket 1

***** VACATED *** REASON: ORDER DISMISSING ADVERSARY
ENTERED 4/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Defendant(s):

Julie Lynn Salazar

Represented By
Joseph C Markowitz

Plaintiff(s):

Winegardner Masonry, Inc.

Represented By
William A Smelko

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Julie Lynn Salazar

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#3.00 Motion to Dismiss Adversary Proceeding

Also #4

EH__

Docket 3

***** VACATED *** REASON: CONTINUED TO 5/10/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Movant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#4.00 Status Conference RE: [1] Adversary case 6:18-ap-01050. Complaint by Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1 against FMJM RWL III Trust 2015-1. Kristin)

Also #3

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/10/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-14501 Julie Lynn Salazar

Chapter 13

#5.00 Application for Compensation of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case for Jenny L Doling, Debtor's Attorney, Period: 6/20/2017 to 3/9/2018, Fee: \$12671.25, Expenses: \$0.

CASE DISMISSED 3/9/18

EH__

Docket 62

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Julie Lynn Salazar

Represented By
Jenny L Doling
Summer M Shaw

Julie Lynn Salazar

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:16-20219 Robert Ibay Orina and Emmyruth Amizola Orina

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: HEARING SET IN ERROR**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Ibay Orina

Represented By
Timothy L McCandless

Joint Debtor(s):

Emmyruth Amizola Orina

Represented By
Timothy L McCandless

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-16974 Thomas Milton Bell and Guadalupe Bell

Chapter 13

#7.00 Motion RE: Objection to Claim Number 2 by Claimant Respiratory Care Board of California

EH__

Docket 27

Tentative Ruling:

04/26/2018

The Claim at issue was withdrawn on April 12, 2018. The Court is inclined to OVERRULE the Objection as moot.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Thomas Milton Bell

Represented By
Ronald W Ask

Joint Debtor(s):

Guadalupe Bell

Represented By
Ronald W Ask

Movant(s):

Thomas Milton Bell

Represented By
Ronald W Ask

Guadalupe Bell

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 11/30/17, 12/21/17, 1/25/18, 3/1/18, 3/22/18, 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-13809 Jose R. Castaneda and Miriam L Castaneda

Chapter 13

#9.00 CONT Trustee's Motion to Dismiss Case

From: 3/29/18

Also #10

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose R. Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Miriam L Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:17-13809 Jose R. Castaneda and Miriam L Castaneda

Chapter 13

#10.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #9

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose R. Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Miriam L Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Movant(s):

Jose R. Castaneda

Represented By
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple
Craig K Streed
Craig K Streed

Miriam L Castaneda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT...

Jose R. Castaneda and Miriam L Castaneda

Chapter 13

Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10136 Samuel Garcia and Claudia Garcia

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 3/22/18, 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Garcia

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Claudia Garcia

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10454 Scott Lawrence and Anita D Lawrence

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 3/22/18, 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Lawrence

Represented By
Kevin Tang

Joint Debtor(s):

Anita D Lawrence

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10825 William Thomas Pedrino and Terri Lyn Pedrino

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 4/12/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Thomas Pedrino

Represented By
Todd L Turoci

Joint Debtor(s):

Terri Lyn Pedrino

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10871 Francisco Javier Martinez

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10873 Evan Todd Flynn and Elizabeth Flynn

Chapter 13

#15.00 CONT Confirmation of Chapter 13 Plan

From: 4/12/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evan Todd Flynn

Represented By
Emilia N McAfee

Joint Debtor(s):

Elizabeth Flynn

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino

Chapter 13

#16.00 CONT Motion for Setting Property Value

From: 4/19/18

Also #17

EH__

Docket 22

Tentative Ruling:

04/26/2018

BACKGROUND

On February 5, 2018 ("Petition Date"), Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino (collectively, the "Debtors") filed for chapter 13 relief. Among the assets of the Debtors' estate is a 2013 Jeep Wrangler (the "Jeep") which is subject to the security interest of Santander Consumer USA Inc. ("Santander"). On February 21, 2018, Santander filed Proof of Claim No. 2 asserting a secured claim in the amount of \$25,575 with an unsecured claim for \$5,854.50, for a total claim of \$31,429.50.

On March 15, 2018, the Debtors filed their Motion for Setting Property Value (the "Motion"). The Motion was properly served and no opposition or response has been filed.

DISCUSSION

Section 506(a) 'operates to bifurcate [an under] secured creditor's allowed claim into secured and unsecured interests based upon the bankruptcy court's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino Chapter 13

valuation of the secured property. 11 U.S.C. § 506; *In re 1441 Veteran Street Co.*, 144 F.3d 1288, 1291 (9th Cir.1998); *Shook v. CBIC (In re Shook)*, 278 B.R. 815, 822 (9th Cir. BAP 2002).

Here, the Debtors have provided evidence asserting, based on the NADA Guide estimate of value, that the Jeep has a current fair market value of \$19,425. Based on the Debtor's valuation, Santander's secured claim should be reduced to \$19,425 with an unsecured claim in the amount of \$12,004.50.

TENTATIVE RULING

Based on the foregoing, including Santander's failure to file opposition or response, which the Court deems as consent to the granting of the Motion, the Court is inclined to GRANT the Motion valuing the Jeep at \$19,425 and bifurcating the claims of Santander as set forth above.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark

Movant(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark
Michael E Clark

Michelle Kiklang Bernardino

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino Chapter 13
Michael E Clark
Michael E Clark
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino

Chapter 13

#17.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

Also #16

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10915 Juana Santiago

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Santiago

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10957 Damaris Denise Redgray-Johnson

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Damaris Denise Redgray-Johnson

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10958 Jose Reyes Agredano

Chapter 13

#20.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Reyes Agredano

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-10978 Veronica Hernandez

Chapter 13

#21.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Hernandez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11027 Moises Martinez

Chapter 13

#22.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moises Martinez

Represented By
Inez Tinoco-Vaca

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11078 Danny Howard Weeks

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11080 Edgardo Aranda and Kelley Aranda

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgardo Aranda

Represented By
Paul Y Lee

Joint Debtor(s):

Kelley Aranda

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11081 Stephen Daniel Payan

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Daniel Payan

Represented By
Paul J Kurtzhall

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11082 Jaqueline Lee Stephens

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaqueline Lee Stephens

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11089 Ruben Munoz Tovar and Sandra Isabel Garcia

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Munoz Tovar

Represented By
Sunita N Sood

Joint Debtor(s):

Sandra Isabel Garcia

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11092 David E Fisher

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David E Fisher

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11106 David L Knapp

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David L Knapp

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11109 Ernesto J Prodigalidad

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernesto J Prodigalidad

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11116 Albertina Do Carmo Silva

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Albertina Do Carmo Silva

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11126 Jose Luis Ortiz Landazuri

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Ortiz Landazuri

Represented By
Dennis A Rasmussen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11128 Gilbert D Olivares

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert D Olivares

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11134 Yanina Galvan

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yanina Galvan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11205 Kimberly Lezette Mizera

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Lezette Mizera

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11212 Diana J Everett

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

Also #37

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana J Everett

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11212 Diana J Everett

Chapter 13

#37.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ANY AND ALL PERSONAL AND REAL PROPERTY

MOVANT: DIANA J. EVERETT

From: 3/6/18, 3/12/18

Also #36

EH__

Docket 8

Tentative Ruling:

03/06/2018

The Debtor indicates that the case was dismissed for two reasons: (1) the Debtor's disability income decreased, and (2) the Debtor's daughter was in a serious accident in November 2017 and the Debtor has been paying her medical and legal fees associated with the accident.

The Debtor's explanation for the dismissal of the prior case is sufficiently detailed. However, the Motion does not address whether there has been a change in the financial or personal affairs of the Debtor since January 2018 (when the case was dismissed) such that the Debtor is likely to be able to complete her plan going forward. In particular, there is no indication that the medical emergency which resulted in dismissal of the Debtor's prior case has ended. Additionally, the Debtor now indicates that she is supporting her unemployed domestic partner. The Debtor's disposable income has decreased from \$4,197.72 in her prior case to \$704.72 in the current case.

Separately, the Court notes that the Notice of Motion did not specify the identities of the Debtor's secured creditors as required by the Court's form motion. As such, notice

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Diana J Everett

Chapter 13

for the secured creditors is improper.

For these reasons, the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana J Everett

Represented By
Paul Y Lee

Movant(s):

Diana J Everett

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11213 Danilo DeLaCruz, Jr. and Maria Russiel DeLaCruz

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danilo DeLaCruz Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Maria Russiel DeLaCruz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11214 Robert VanSurksum

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert VanSurksum

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11217 Mardie Lois Washington

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

Confirmation of Chapter 13 Plan

EH__

Party Information

Debtor(s):

Mardie Lois Washington

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11346 Jeffrey R Powell

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey R Powell

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11358 Norma Hermosillo Hernandez

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norma Hermosillo Hernandez Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11363 John Louis Baumann and Tracey Leigh Baumann

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Louis Baumann

Represented By
M Wayne Tucker

Joint Debtor(s):

Tracey Leigh Baumann

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11403 Dony M Portillo and Raquel A Portillo

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dony M Portillo

Represented By
Paul Y Lee

Joint Debtor(s):

Raquel A Portillo

Represented By
Paul Y Lee
Andrea Liddick

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11406 Karen Ann Staff

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Ann Staff

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11407 Rushelyn Napalan

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rushelyn Napalan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11416 Darlene J. Wadler

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darlene J. Wadler

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11432 Armando Guzman

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armando Guzman

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-11529 Michael A Losoya and Patricia O Losoya

Chapter 13

#50.00 Motion to Avoid Junior Lien on Principal Residence with BANK OF AMERICA
NA SUCCESSOR TO COUNTRYWIDE HOME LOANS

EH__

Docket 17

Tentative Ruling:

04/26/2018

Summary of the Motion:

Notice: Improper

Opposition: None

Address: 6713 Pierce Ct, Chino, CA 91710

First trust deed: \$476,934.41 with HSBC Bank USA (mortgage statement dated
01/01/2018)

Second trust deed (to be avoided): \$23,046.47 with Bank of America NA (statement
dated 01/01/2018)

Fair market value (per debtor declaration): \$430,000

TENTATIVE

The electronically filed Motion contains a proof of service ("POS") with blank dates and no service information. The POS is insufficient to establish proper service as filed. Based on the foregoing, the Court is inclined to CONTINUE the hearing to May 24, 2018, at 11:00 a.m. for Movant to file and serve notice of the continued hearing pursuant to FRBP 7004.

On correcting the service issue as indicated, the Court is inclined to GRANT the Motion.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Michael A Losoya

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Michael A Losoya and Patricia O Losoya

Chapter 13

Julie J Villalobos

Joint Debtor(s):

Patricia O Losoya

Represented By
Julie J Villalobos

Movant(s):

Michael A Losoya

Represented By
Julie J Villalobos

Patricia O Losoya

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#51.00 CONT Amended Motion (related document(s): 9 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14950 Deerfield Victorville, CA 92394 with Declarations and Proof of Service. filed by Debtor Rodolfo Aguiar, Joint Debtor Irma D Aguiar) with declaration and proof of service

MOVANT: RODOLFO AGUIAR AND IRMA D AGUIAR

From: 4/10/18, 4/19/18

EH__

Docket 12

***** VACATED *** REASON: ADVANCED TO 4/18/18 AT 1:00 P.M.**

Tentative Ruling:

TENTATIVE RULING:

4/20/2018

The Court is inclined to DENY the motion for improper service. The Court notes that the motion purports to be set on regular notice, but this motion is actually being heard on shortened notice. As a result, the motion leaves notified parties with minimal time to file an objection. Furthermore, secured creditors were not served pursuant to FED. R. BANKR. P. Rule 7004 as required by this Court's procedures.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

Alla Tenina

Movant(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Irma D Aguiar

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:00 AM

6:18-12355 Marc Burns

Chapter 13

#52.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real property located at 6712 Bear Canyon Road, Mt. Baldy, CA 91759

MOVANT: MARC BURNS

From: 4/10/18, 4/19/18

EH__

Docket 8

***** VACATED *** REASON: ADVANCED TO 4/18/18 AT 1:00 P.M.**

Tentative Ruling:

TENTATIVE RULING:

4/20/2018

The Court is inclined to DENY the motion. The Court notes that secured creditors were not served pursuant to FED. R. BANKR. P. Rule 7004 as required by this Court's procedures.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Marc Burns

Represented By
D Justin Harelik

Movant(s):

Marc Burns

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:13-12915 Robb Lee Armstrong and Silvia Armstrong

Chapter 13

#53.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/23/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robb Lee Armstrong

Represented By
Steven A Alpert

Joint Debtor(s):

Silvia Armstrong

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:13-21894 Francisco Javier Medina and Maria Guadalupe Medina

Chapter 13

#54.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 159

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Medina

Represented By
Tamar Terzian

Joint Debtor(s):

Maria Guadalupe Medina

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:13-23615 Richard Joseph Adams, Sr.

Chapter 13

#55.00 Trustee's Motion to Dismiss Case (Material Default)

EH__

Docket 157

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Joseph Adams Sr.

Represented By
Steven A Alpert

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:14-12975 Deborah Lynn Gordon

Chapter 13

#56.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Lynn Gordon

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:14-22236 Gustavo Brito

Chapter 13

#57.00 CONT Motion to Dismiss Case for Failure to Make Plan Payments

From: 3/22/18, 4/19/18

EH__

Docket 71

Tentative Ruling:

04/26/2018

The hearing on the Motion was continued for proper service on the Debtor. A Notice of Continued Hearing correcting the prior service error was filed on March 26, 2018, and the Debtor has failed to file any opposition or response which the Court deems as consent to the granting of the Motion under LBR 9013-1(h). Based on the prior tentative ruling, the Court is inclined to GRANT the Motion and dismiss the case for non-payment of post-petition tax liabilities.

APPEARANCES WAIVED. Movant to lodge an order attaching both of this Court's tentative rulings as an exhibit.

3/22/18

BACKGROUND

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

CONT... Gustavo Brito

Chapter 13

On September 30, 2014, Gustavo Brito ("Debtor") filed a Chapter 13 voluntary petition. On November 20, 2014, Debtor's Chapter 13 plan was confirmed. The mandatory Chapter 13 form plan contains a provision (Section V.H) which states: "The Debtor will pay timely all postconfirmation tax liabilities directly to the appropriate taxing authorities as they become due."

Since confirmation the Trustee has filed three motions to dismiss, all of which were ultimately resolved. Additionally, the Chapter 13 plan has been modified once. On February 23, 2018, the California Department of Tax & Fee Administration ("CDTFA") filed a motion to dismiss or convert to Chapter 7 on the basis that Debtors had not paid their postconfirmation taxes. The Court notes that the motion was served on Debtors' attorney, but was not served on Debtors.

DISCUSSION

The Court will continue the matter for CDTFA to serve the motion on Debtors.

Regarding the merits, the Court notes that 11 U.S.C. § 1307(c)(6) provides for dismissal or conversion for cause, which is defined to include "material default by the debtor with respect to a term of a confirmed plan." Here, the Court notes that Debtors' confirmed plan provided that all postconfirmation tax liabilities were to be timely paid. CDTFA has provided evidence that Debtor has accrued \$19,888.54 in post-petition tax liabilities which constitutes a material default satisfying § 1307(c)(6). Because Debtors do not appear to have meaningful unencumbered, unexempt assets, this Court would be inclined to dismiss the case rather than convert it to Chapter 7.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter to April 19, 2018 at 12:30 p.m. for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

CONT... **Gustavo Brito**
proper service of the motion on Debtors.

Chapter 13

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gustavo Brito

Represented By
Freddie V Vega

Movant(s):

California Department of Tax and

Represented By
Suman Mathews

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:15-14835 Bennea Cynthia Travis

Chapter 13

#58.00 CONT Trustee's Motion to Dismiss Case

From: 3/22/18, 4/12/18

EH__

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bennea Cynthia Travis

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:15-16873 Brenda Morgan

Chapter 13

#59.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/25/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenda Morgan

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:15-22294 Jonathan William Nicastro

Chapter 13

#60.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/18

EH__

Docket 105

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan William Nicastro

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:16-17902 Patricia Daniels

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/11/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Daniels

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:16-17911 Elizabeth T Baker

Chapter 13

#62.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/18

EH__

Docket 121

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:16-18082 Joseph John Vargas and Lydia Vargas

Chapter 13

#63.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph John Vargas

Represented By
Dana Travis

Joint Debtor(s):

Lydia Vargas

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:16-20329 Gabriel Cruz

Chapter 13

#64.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/18

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:16-21234 Frank A Horzen and Barbara A Horzen

Chapter 13

#65.00 CONT Trustee's Motion to Dismiss Case

From: 4/12/18

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank A Horzen

Represented By
Paul Y Lee

Joint Debtor(s):

Barbara A Horzen

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-11566 Jose A. Gonzales, Jr.

Chapter 13

#66.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/19

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose A. Gonzales Jr.

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-12397 Robert Nelson

Chapter 13

#67.00 Trustee's Motion to Dismiss Case

EH__

Docket 21

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Nelson

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-16024 Stacy N Reagor

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy N Reagor

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#69.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-19281 Anthony J McPike

Chapter 13

#70.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony J McPike

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-19432 Ryan Eddie Hinojosa

Chapter 13

#71.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/18

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Eddie Hinojosa

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-19785 Evonne Marie Woodard

Chapter 13

#72.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evonne Marie Woodard

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-19787 Gloria Hayslet

Chapter 13

#73.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/18

EH__

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, April 26, 2018

Hearing Room 303

11:01 AM

6:17-19890 Katrina Renee McDowell

Chapter 13

#74.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 4/19/18

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FLD 4/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Katrina Renee McDowell

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, April 30, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#1.00 Trustees Emergency Motion For Order Abandoning The Estates Interest In The Current Operations Of Desert Ice Castle Ice Skating Rink

EH__

Docket 16

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

10:00 AM

6:14-16717 Andrea Sindy Pozgaj

Chapter 13

#1.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8436 Limestone Dr, Riverside, CA 92504

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

EH__

Docket 49

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT relief from § 1301(a) stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Andrea Sindy Pozgaj

Represented By
Joel M Feinstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

10:00 AM

6:16-10257 Cecilia Orozco and Sergio Orozco

Chapter 13

#2.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13330 Kyle Dr. Moreno Valley, CA 92553

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 41

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cecilia Orozco

Represented By
Majid Safaie

Joint Debtor(s):

Sergio Orozco

Represented By
Majid Safaie

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

10:00 AM

6:16-14868 Richard M. Orellano, II and Tiffany Orellano

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40748 Pocona Place, Murrieta, California 92562

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 55

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Richard M. Orellano II

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Tiffany Orellano

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

10:00 AM

6:17-15227 John E Neilsen, Sr and Kathy A Neilsen

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 41880 Lakefront Drive, Aguanga, California 92536

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 48

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

John E Neilsen Sr

Represented By
Julie J Villalobos

Joint Debtor(s):

Kathy A Neilsen

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

10:00 AM

6:17-20145 Willie J Bryant

Chapter 7

#5.00 CONT Motion for Relief from Stay re 2 2015 Peterbilt 389-series Tractors 131"
6x4

MOVANT: BMO HARRIS BANK N.A.

From: 3/20/18, 4/17/18

EH__

Docket 9

Tentative Ruling:

5/1/2018

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Willie J Bryant

Represented By
Ronald L Brownson

Movant(s):

BMO Harris Bank N.A.

Represented By
Deborah S Cochran

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

10:00 AM

6:18-10959 Victor Cervantes, Jr.

Chapter 7

#6.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2017 HONDA ACCORD, VIN: 1HGC R2F5 1HA2
60836

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 10

Tentative Ruling:

5/1/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (d)(2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Victor Cervantes Jr.

Represented By
Christopher Hewitt

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 11

#7.00 Motion to Determine Character of Granowitz Funds as Separate Property of the Non-Debtor Spouse Under Pre-Petition State Court Order

EH__

Docket 46

Tentative Ruling:

5/1/18

BACKGROUND

On February 7, 2018, Vance Johnson ("Debtor") filed a Chapter 11 voluntary petition. On February 27, 2018, the Court authorized Debtor's employment of Goe & Forsythe, LLP as general bankruptcy counsel as well as the employment of a real estate broker. On March 27, 2018, the Court authorized the employment of Christopher Abernathy as special counsel. On April 16, 2018, the Court authorized Debtor's employment of a CPA.

On April 5, 2018, Joana Johnson ("Joana") filed a "motion to determine character of Granowitz funds as separate property of the non-debtor spouse under pre-petition state court order." Through the motion, Joana requests that the Court issue an order characterizing the Granowitz funds as her separate property (and not property of the bankruptcy estate) and require that the funds be turned over from Debtor's client trust fund to Joana's client trust fund. On April 17, 2018, Debtor filed his opposition.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

FED. R. BANKR. P. Rule 7001 states, in pertinent part:

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

- (1) a proceeding to recover money or property, other than a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under § 554(b) or § 725 of the Code, Rule 2017, or Rule 6002;
- (2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, but not a proceeding under Rule 3012 or Rule 4003(d); . . .
- (9) a proceeding to obtain a declaratory judgment relating to any of the foregoing

Debtor argues that Joana's request for a determination that the Granowitz funds are her separate property fits within the scope of Rule 7001(2). Debtor further argues that Joana's request that the funds be turned over fits within the scope of Rule 7001(1).

The Court agrees with Debtor. While the requirement of an adversary proceeding may be waivable in certain circumstances, here Debtor has opposed the requested relief and raised the procedural defect. *See, e.g., In re Fadel*, 492 B.R. 1, 10 n.5 (B.A.P. 9th Cir. 2013) (resolving a dispute regarding property interests in alleged community property, but noting that neither party had raised the requirement of an adversary proceeding imposed by Rule 7001(2)). Plainly, Joana's motion requests that the Court determine, or issue a declaratory "judgment" regarding, the extent of the parties' respective interest in the property at issue, the Granowitz funds. Therefore, the request requires an adversary proceeding pursuant to FED. R. BANKR. P. Rule 7001.

Joana's reply asserts two separate grounds for why an adversary proceeding is not required here. First, Joana argues that Debtor has previously waived the requirement of an adversary proceeding. In so asserting, Joana states that "the Pre-Petition State

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Court Stipulation provides that the Granowitz Funds ‘shall be held or refunded pending further bankruptcy court approval.’ [Doc. p. 2, lns. 10-12]." This argument is unclear. The document referenced was not filed pre-petition (it was executed February 22, 2018) and the document provides for Granowitz (Joana’s counsel) to transfer the funds to the client trust account for Debtor’s counsel. This simply does not constitute a waiver of the right to an adversary proceeding if Joana seeks a subsequent re-transfer of the funds, and therefore the Court rejects this argument as lacking merit.

Joana also essentially argues that the requirement of an adversary proceeding can essentially be disregarded when ignoring such a requirement would be harmless; Joana cites a Bankruptcy Appellate Panel case in support of her assertion. *In re Munoz*, however, is identifying an appellate standard, i.e. failure to proceed by means of adversary proceeding does not require reversal if such failure is harmless error. 287 B.R. 546, 551 (B.A.P. 9th Cir. 2002). The case also states that "[i]t is error to circumvent the requirement of an adversary proceeding by using a ‘contested matter’ motion under Federal Rule of Bankruptcy Procedure 9014." *Id.* The Court rejects Joana’s request, which essentially amounts to a request to use a deferential appellate standard of review at the trial court level.

The Court need not reach Joana’s request for turnover of the Granowitz funds, because such request is dependent on obtaining an order characterizing the funds as Joana’s separate property.

TENTATIVE RULING

The Court is inclined to DENY the motion without prejudice to filing an adversary proceeding.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 1, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

11:00 AM

6:15-19998 Jack C Pryor

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 322

Tentative Ruling:

05/02/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 13,520.36

Trustee Expenses: \$ 793.07

Attorney Fees: \$36,610.21

Attorney Costs: \$5,047.77

Accountant Fees: \$1,737.91

Accountant Costs: \$310

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Jack C Pryor

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

11:00 AM

CONT... Jack C Pryor

Chapter 7

Trent Thompson

Trustee(s):

Karl T Anderson (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

11:00 AM

6:16-17802 Armon Randolph Sharp

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 70

Tentative Ruling:

05/02/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 2,350

Trustee Expenses: \$ 48.84

Attorney Fees: \$10,000

Attorney Costs: \$0

Accountant Fees: \$1,000 (per flat fee order entered 12/14/17)

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

11:00 AM

CONT... Armon Randolph Sharp

Chapter 7

Debtor(s):

Armon Randolph Sharp

Represented By
Daniel King
Raymond W Stockstill

Trustee(s):

Arturo Cisneros (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#3.00 CONT Motion for Turnover of Property

From: 1/31/18, 4/11/18

EH__

Docket 74

***** VACATED *** REASON: CONTINUED TO 5/30/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Movant(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

6:18-10249 Derick Jones

Chapter 7

Adv#: 6:18-01038 Jones v. US Bank National Association et al

#4.00 Defendant's Motion to Dismiss Plaintiff's First Amended Adversary Complaint

Also #5

EH__

Docket 13

Tentative Ruling:

05/02/2018

BACKGROUND

On November 22, 2017, Derick Jones ("Debtor") filed his first bankruptcy petition (the "First Case"). The First Case was dismissed on January 5, 2018, for failure to file information. On January 12, 2018, the Debtor filed his second bankruptcy petition (the "Second Case"). The chapter 7 trustee is Karl Anderson ("Trustee"). Among the assets of the Debtor's estate is an alleged tenancy interest in certain real property located at 3187 Pinehurst Drive in Corona, CA (the "Property").

On February 12, 2018, the Debtor filed his Complaint for Violation of the Automatic Stay ("Complaint") against U.S. Bank, NA (the "Bank"). In response, the Bank filed a motion to dismiss the Complaint on March 13, 2018. On March 28, 2018, the Debtor filed a First Amended Complaint alleging (1) violation of the automatic stay, (2) lack of standing for Bank to foreclose, and (3) unjust enrichment (the "FAC"). On April 5, 2018, the Bank filed its Motion to Dismiss the FAC (the "Motion"). Service of the Motion was proper and no opposition was filed.

On April 24, 2018, the Debtor filed a Notice of Non-Receipt of Motion to Dismiss the FAC ("Notice").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

CONT... Derick Jones

Chapter 7

DISCUSSION

Under Civil Rule 12(b)(6), made applicable in adversary proceedings through Rule 7012, a bankruptcy court may dismiss a complaint if it fails to "state a claim upon which relief can be granted." In reviewing a Civil Rule 12(b)(6) motion, the trial court must accept as true all facts alleged in the complaint and draw all reasonable inferences in favor of the plaintiff. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). However, the trial court need not accept as true conclusory allegations in a complaint or legal characterizations cast in the form of factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007); *Hartman v. Gilead Scis., Inc. (In re Gilead Scis. Sec. Litig.)*, 536 F.3d 1049, 1055 (9th Cir. 2008).

To avoid dismissal under Civil Rule 12(b)(6), a plaintiff must aver in the complaint "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). It is axiomatic that a claim cannot be plausible when it has no legal basis. A dismissal under Civil Rule 12(b)(6) may be based either on the lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory. *Johnson v. Riverside Healthcare Sys.*, 534 F.3d 1116, 1121 (9th Cir.2008).

The court may rely on judicially noticed facts to establish that an adversary complaint does not state a claim for relief. See *Skilstaf, Inc. v. CVS Caremark Corp.*, 669 F.3d 1005, 1016 n. 9 (9th Cir.2012). And, it may consider the existence and content of documents referenced in the complaint when authenticity is uncontested and the plaintiff necessarily relied upon such documents in his complaint. See *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir.2003); *Lee v. City of L.A.*, 250 F.3d 668, 688 (9th Cir.2001).

Request for Judicial Notice

As a threshold matter, the Court takes judicial notice of the documents filed in support of the Motion as Docket No. 14.

Service

Debtor filed his Notice asserting that he did not receive a copy of the Motion. The Debtor's Notice, however, is not signed under penalty of perjury. In contrast, the Bank has filed a proof of service signed under penalty of perjury which indicates that the Debtor was properly served on the Debtor at his address of record. Based on the Bank's proof of service, the Court concludes that service was proper and Debtor filed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

CONT... **Derick Jones**
to file any opposition or response to the Motion.

Chapter 7

Violation of the Automatic Stay

On October 27, 2017, the Superior Court in the UD Action entered Judgment in favor of the Bank and against the Debtor ("Judgment"). (FAC, pg. 2, ln. 6-7, and ¶ 9). On February 7, 2018, during the pendency of the Debtor's Second Case, the Riverside County Sheriff effectuated a lock-out of the Debtor.

The Bank argues that the lock-out was not a violation of the automatic stay because under California law, the Debtor no longer had any equitable or legal interest in the Property. For this reason, Bank argues that the first claim for relief must be dismissed. The Bank argues, in pertinent part, that

California law contains very specific provisions that address whether an individual holds any legal or equitable interest in a property that was sold via a non-judicial foreclosure. Under California law, once a non-judicial foreclosure sale has occurred, the individual debtor's rights in the foreclosed property are terminated. *In re Onouli-Kona Land Co.*, (9th Cir. 1988) 846 F.2d. 1170. Specifically, the Courts have held that the completion of a foreclosure sale is effective upon the fall of auctioneer's hammer. *Ballengee v. Sadlier* (1986) 179 Cal.App.3d 1; *See also* Cal. Civ. Code § 2924 (h) which provides that once the bidding is open, each bid constitutes "an irrevocable offer." Acceptance of the bid signals "the completion of the sale," constitutes the final adjudication of the rights of the borrower/debtor (*Nguyen v. Calhoun* (2003) 105 Cal.App.4th 428, 440-441), and precludes the borrower/debtor from exercising any redemption or ownership rights in the foreclosed property (*Ballengee v. Sadlier* (1986) 179 Cal.App.3d 1, at p. 5; *Jones v. Wagner* (2001) 90 Cal.App.4th 466).

Motion at 7.

In support of its arguments, the Bank has provided a copy of the Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

CONT...

Derick Jones

Chapter 7

Deed Upon Sale which was recorded subsequent to the foreclosure on December 5, 2016. (RJN, Ex. 8). The Bank has also provided copies of the UD Minute Order awarding possession of the subject property and the Writ of Possession specifically entered in favor of Bank and against the Debtor, both were issued prior to the filing of the First Case. (RJN, Ex.'s 10 and 11).

In *In re Perl*, the Ninth Circuit determined that under California law, entry of judgment and a writ of possession following unlawful detainer proceedings extinguishes all other legal and equitable possessory interests in the real property at issue. *Eden Place, LLC v. Sholem Perl (In re Perl)*, 811 F.3d 1120, 1128 (9th Cir.), cert. denied sub nom. *Perl v. Eden Place, LLC*, 137 S. Ct. 39, 196 L. Ed. 2d 27 (2016). Here, Judgment and a Writ of Possession were entered in favor of Bank prepetition. Thus, any legal or equitable rights that Debtor may have possessed were effectively extinguished prior to the filing of the First Case and as such, the FAC fails to allege facts to support a claim for violation of the automatic stay because the Debtor retained no interest in the Property to be protected by automatic stay. Thus, the First Claim for Relief must be dismissed. Relatedly, the Debtor's claims regarding standing and unjust enrichment constitute a collateral attack on the Unlawful Detainer Judgment of the State Court. This Court finds that permitting the Debtor's litigation to continue would constitute a violation of the *Rooker-Feldman* doctrine. The *Rooker-Feldman* doctrine is confined to cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments. *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 125 S. Ct. 1517, 1521–22 (2005). In this case, the Debtor is plainly dissatisfied with the Judgment of the State Court and now seeks to have this Court invalidate its Judgment.

TENTATIVE RULING

Based on the foregoing analysis, in addition to the Debtor's failure to file opposition to the Motion which this Court deems as consent to the granting of the Motion, and based also on the arguments of Bank, which are well-taken, the Court is inclined to GRANT the Motion and DISMISS the FAC in its entirety, with prejudice.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

CONT... Derick Jones

Chapter 7

Debtor(s):

Derick Jones Pro Se

Defendant(s):

US Bank National Association Pro Se

U.S. Bank National Association, on
Represented By
Nichole Glowin

U.S. Bank National Association, on
Represented By
Nichole Glowin

Movant(s):

U.S. Bank National Association, on
Represented By
Nichole Glowin

Plaintiff(s):

Derick Jones Pro Se

Trustee(s):

Karl T Anderson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 02, 2018

Hearing Room 303

2:00 PM

6:18-10249 Derick Jones

Chapter 7

Adv#: 6:18-01038 Jones v. US Bank National Association et al

#5.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01038. Complaint by Derick Jones against US Bank National Association . (Fee Not Required). Nature of Suit: (14 (Recovery of money/property - other))

From: 4/25/18

Also #4

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derick Jones	Pro Se
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Defendant(s):

US Bank National Association	Pro Se
U.S. Bank National Association, on	Represented By Nichole Glowin
U.S. Bank National Association, on	Represented By Nichole Glowin

Plaintiff(s):

Derick Jones	Pro Se
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Trustee(s):

Karl T Anderson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:13-12182 Stacey Jo West

Chapter 13

#1.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: Property known as 17794 Lemon St, Hesperia CA
92345

MOVANT: DITECH FINANCIAL LLC

From: 4/24/18

EH__

Docket 164

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: Yes

Based on the Court's review of the evidence presented by the parties, it appears Debtor is still delinquent by approximately \$480.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Stacey Jo West

Represented By
Arnold H Wuhrman

Movant(s):

DITECH FINANCIAL LLC

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:14-10539 Joseph Lane Hilliard and Christine Vivian Hilliard

Chapter 13

#2.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2855 Boise Creek Place, Ontario, CA 91761

MOVANT: WILMINTON SAVINGS FUND SOCIETY FSB dba CHRISTIANA TRUST

EH__

Docket 58

Tentative Ruling:

05/08/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT requests under ¶¶ 3 and 12 of the prayer for relief.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Joseph Lane Hilliard

Represented By
Ronald W Ask

Joint Debtor(s):

Christine Vivian Hilliard

Represented By
Ronald W Ask

Movant(s):

Wilmington Savings Fund Society,

Represented By
Tyneia Merritt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

**CONT... Joseph Lane Hilliard and Christine Vivian Hilliard
Nancy L Lee**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:15-19804 Juan M Madueno Carrizoza

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8738 Redondo Avenue, Hesperia, CA 92344

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 61

***** VACATED *** REASON: ORDER ENTERED 4/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan M Madueno Carrizoza

Represented By
James Geoffrey Beirne

Movant(s):

Nationstar Mortgage LLC

Represented By
Megan E Lees
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:16-13715 Timothy A Kiley and Ellen Eastwood

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 437 Darfo Drive, Crestline, California 92325

MOVANT: U.S. NATIONAL ASSOCIATION

EH__

Docket 38

Tentative Ruling:

05/08/2018

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request under ¶3. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Timothy A Kiley

Represented By
M Wayne Tucker

Joint Debtor(s):

Ellen Eastwood

Represented By
M Wayne Tucker

Movant(s):

U.S. Bank National Association, as

Represented By
Megan E Lees
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Timothy A Kiley and Ellen Eastwood

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#5.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

From: 2/6/18, 3/6/18, 4/10/18

EH__

Docket 31

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-13608 Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8893 Orange Street, Rancho Cucamonga, California 91701

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 2/13/18, 3/6/18, 4/10/18

EH__

Docket 23

***** VACATED *** REASON: ORDER ENTERED 4/11/18**

Tentative Ruling:

02/13/2018
Service: Proper
Opposition: Yes

Subject to discussions re adequate protection, the Court's tentative is to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay, GRANT authority to offer loan workout options pursuant to ¶3 of prayer for relief and GRANT relief from the co-debtor stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Warren Alan Hall

Represented By
Lionel E Giron

Joint Debtor(s):

Kelly Suzanne Hall

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

Lionel E Giron

Movant(s):

U.S. Bank National Association, as

Represented By

Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-17241 Corinthia A. Williams

Chapter 13

#7.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 1995 San Gabriel St, San Bernardino, CA 92404-4859

MOVANT: WELLS FARGO BANK NA

EH__

Docket 53

Tentative Ruling:

05/08/2018

Service: Proper

Opposition: Yes

Parties to update Court regarding status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Jonetta A Graves
Darshana Shah
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-17979 Dolphe Stuart Clark and Linda Joyce Clark

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 33926 Vinca Lane, Murrieta, California 92563

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 22

Tentative Ruling:

05/08/2017
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Dolphe Stuart Clark

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Linda Joyce Clark

Represented By
Ethan Kiwhan Chin

Movant(s):

U.S. Bank National Association, not

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Dolphe Stuart Clark and Linda Joyce Clark

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-18039 Tony Lopez, Sr and Nelida Aguilar

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Subaru Impreza sedan

MOVANT: VENTURA COUNTY CREDIT UNION

EH__

Docket 21

Tentative Ruling:

05/08/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request under § 362(d)(2) for lack of evidence to support such finding.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Tony Lopez Sr

Represented By
Edgar P Lombera

Joint Debtor(s):

Nelida Aguilar

Represented By
Edgar P Lombera

Movant(s):

Ventura County Credit Union

Represented By
Ann G. Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Tony Lopez, Sr and Nelida Aguilar

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 38239 Mulligan Drive, Beaumont, CA 92223

MOVANT: PACIFIC UNION FINANCIAL LLC

EH____

Docket 38

Tentative Ruling:

05/08/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT requests under ¶¶ 3, 6 and 12.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Movant(s):

Pacific Union Financial, LLC

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:17-20129 Carlos V Sosa Ramirez and Xochitl O Sosa

Chapter 7

#11.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8580 Candlewood St, Chino, CA 91708

MOVANT: SETERUS INC

EH__

Docket 24

Tentative Ruling:

05/08/2018

Service is Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1), (d)(2) and (d)(4). Court finds that bankruptcy case was part of a scheme to hinder, delay and defraud creditors based on multiple bankruptcy filings and unauthorized transfers affecting this property. GRANT waiver of 4001(a)(3) stay. GRANT request under ¶13 and GRANTED as to annulment retroactive to the petition date.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Carlos V Sosa Ramirez

Represented By
Qais Zafari

Joint Debtor(s):

Xochitl O Sosa

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Carlos V Sosa Ramirez and Xochitl O Sosa

Chapter 7

Qais Zafari

Movant(s):

Seterus, Inc. as the authorized

Represented By
James F Lewin

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:18-10357 Isaias Solano

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8287 Thoroughbred St., Rancho Cucamonga, California 91701

MOVANT: PNC BANK, NATIONAL ASSOCIATION

EH__

Docket 33

Tentative Ruling:

05/08/2018
Service: Proper
Opposition: Yes

Debtor asserts he has made the necessary payments through the chapter 13 trustee's office. The order confirming chapter 13 plan explicitly provides for conduit payments and the Debtor has provided evidence that a cashier's check was made out to the chapter 13 trustee on April 16, 2018. Based on the Debtor's evidence, the Court is inclined to DENY the Motion.

However, the Court notes that the Case Number indicated on the Cashier's Check indicates Case No. 18-10357-WJ, where that number should end in "MH."

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Isaias Solano

Represented By
Edward T Weber

Movant(s):

PNC Bank, National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

CONT... Isaias Solano

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

10:00 AM

6:18-11889 Jose Luis Rodriguez

Chapter 7

#13.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1166 Mandevilla Way, Corona, CA 92879

MOVANT: THE BANK OF NEW YORK MELLON

EH__

Docket 14

Tentative Ruling:

05/08/2018

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 3 and 12 of the prayer for relief.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jose Luis Rodriguez

Pro Se

Movant(s):

The Bank of New York Mellon, as

Represented By
Nancy L Lee

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 8, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#14.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

10:00 AM

6:18-11085 Hyon C. Kwon

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and American Honda Finance Corporation Re: 2016 Honda Civic

Also #2

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hyon C. Kwon

Represented By
Stephen S Smyth

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

10:00 AM

6:18-11085 Hyon C. Kwon

Chapter 7

#2.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation
re: Toyota Prius

Also #1

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hyon C. Kwon

Represented By
Stephen S Smyth

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

10:00 AM

6:18-11202 William Lanfranca and Karen Jean Lanfranca

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Alaska USA Federal Credit Union; (2011 Dodge Challenger), in the amount of \$8,604.75

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Lanfranca Pro Se

Joint Debtor(s):

Karen Jean Lanfranca Pro Se

Trustee(s):

Todd A. Frealy (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

10:00 AM

6:18-12358 Kyle Montoya

Chapter 7

#4.00 Reaffirmation Agreement Between Debtor and Daimler Trust; (Leased 2017 Mercedes-Benz C43W4, VIN# 55SWF6EB6HU187360), in the amount of \$30,859.18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kyle Montoya

Represented By
Terrence Fantauzzi

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:11-12704 Jason Lopez and Julie Lopez

Chapter 7

#5.00 Motion to Avoid Judicial Lien with Citibank National Association (fdba Citibank (South Dakota), N.A.)

EH__

Docket 35

Tentative Ruling:

5/9/2018

The Court is inclined to DENY the motion without prejudice for insufficient evidence. Debtors' motion refers to two senior liens: a voluntary lien held by Chase, and a judgment lien held by Citibank. Regarding the former, Debtors have provided a copy of a mortgage statement from August 2017 (more than six years after the petition date) showing an amount owing of \$222,318.21. Regarding the latter, Debtors' declaration references an exhibit (exhibit 7) which does not appear to have been included in the motion. Therefore, Debtors have not provided any evidence demonstrating the amount owing, as of the petition date, for either lien. As a result, it is not clear whether, as of the petition date, the second judgment lien of Citibank impaired an exemption of Debtors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jason Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

CONT... Jason Lopez and Julie Lopez

Chapter 7

Joint Debtor(s):

Julie Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

Movant(s):

Jason Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

Julie Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

Trustee(s):

Christopher R Barclay (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:15-11982 Extreme Exhibits Inc

Chapter 7

#6.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 101

Tentative Ruling:

5/9/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 2,271
Trustee Expenses: \$ 481.65

Attorney Fees: \$ 9,883.43
Attorney Costs: \$ 856.11

Accountant Fees: \$2,673
Accountant Costs: \$309.40

Auctioneer Fees: \$4,450.84
Accountant Costs: \$300

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

CONT... Extreme Exhibits Inc

Chapter 7

Debtor(s):

Extreme Exhibits Inc

Represented By
Ronald L Brownson

Trustee(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:17-10537 Abel Ortega and Maria Del R. Avalos De Ortega

Chapter 7

#7.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 25

Tentative Ruling:

5/9/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 509.50
Trustee Expenses: \$ 26.33

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Abel Ortega

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Maria Del R. Avalos De Ortega

Represented By
James Geoffrey Beirne

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:17-14013 Barbara J Ritter

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 23

Tentative Ruling:

5/9/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,250
Trustee Expenses: \$ 44.40

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Barbara J Ritter

Represented By
Christina M Holt

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:18-12255 Paola Michelle Hartman

Chapter 7

#9.00 Order to show cause re dismissal for failure to comply with rule 1006(B) - installments

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paola Michelle Hartman

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#10.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17, 2/7/18, 2/28/18, 3/28/18

EH__

Docket 148

***** VACATED *** REASON: CONTINUED TO 6/6/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.

Pro Se

Joint Debtor(s):

Tami Jo Springer

Pro Se

Movant(s):

Hilder & Associates

Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR)

Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:15-21570 Janice Elaine Cox

Chapter 7

#11.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) for property at 1059 Hugo Lane, Big Bear City, CA 92314

EH__

Docket 68

Tentative Ruling:

5/9/18

BACKGROUND

On November 30, 2015, Janice Cox ("Debtor") filed a Chapter 7 voluntary petition. On Schedule A, Debtor listed certain secondary real property located at 1059 Hugo Ln., Big Bear City, CA 92314 (the "Property"). On March 11, 2016, the Court approved Trustee's application to employ Malcolm Cisneros as general counsel. On March 21, 2016, the Court approved Trustee's application to employ Steven Speier as real estate broker.¹ On February 15, 2018, the Court approved Trustee's application to employ Sarah Polley ("Broker") as real estate agent. On February 21, 2018, the Court entered an order directing Debtor to turn over the Property.

On April 18, 2018, Trustee filed a motion for an order: (1) authorizing Trustee to sell the Property pursuant to 11 U.S.C. § 363(b), free and clear of liens pursuant to 11 U.S.C. § 363(f); (2) approving overbid procedures; (3) approving compensation of Trustee's broker; (4) authorizing distribution of sale proceeds; (5) determining that the proposed buyers are "good faith purchasers" under 11 U.S.C. § 363(m); and (6) waiving the 14 day state imposed by FED. R. BANKR. P. Rule 6004(h). The proposed sale price is \$234,000. Trustee proposes to pay \$50,866.40 for delinquent property taxes, \$19,783 for Debtor's exemption, \$14,040 for Broker's commission, and \$4,680 for other costs of sale. The remaining \$145,630.60 will accrue to the bankruptcy estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

CONT... Janice Elaine Cox

Chapter 7

DISCUSSION

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

While it appears that Broker only marketed the property for six weeks, Broker's declaration has detailed significant efforts to market the property and the bid currently under review is close to the original listing price. Given the marketing of the property, the fact that the sale appears to be a good faith, arms-length transaction, and the fact that the estate would receive \$145,630.60 for distribution to unsecured creditors, the Court concludes that Trustee has articulated an adequate business reason for the sale.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) (2010) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

CONT...

Janice Elaine Cox

Chapter 7

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if-

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Trustee contends that § 363(f)(3) is applicable. First, Trustee contends that aggregate value of all encumbrances on the property is \$69,649.40, which is exceeded by the purchase price of \$234,000.

Because Trustee has established that § 363(f)(3) is applicable, and in the absence of any objection, Trustee has met its burden in securing a sale free and clear of liens.

III. 14-Day Stay

FED. R. BANKR. P. Rule 6004(h) states: "An order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." The Court deems the absence of objections to be consent to the relief requested, pursuant to Local Rule 9013-(1)(h), and, therefore, will waive the stay of Rule 6004(h).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

CONT... **Janice Elaine Cox**

Chapter 7

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Trustee's miscellaneous requests. The Court has reviewed the proposed overbidding procedures and finds such procedures to be reasonable. The Court has reviewed the requested Broker compensation of 6% of the sale price (totaling \$14,040) and finds such compensation to be reasonable. The Court has reviewed Trustee's proposed distribution of sale proceeds, and the Court finds that such distribution is reasonable and proper. Finally, the Court finds it appropriate to waive the Rule 6004(h) stay.

Finally, the Court has reviewed the declarations of the purchasers, Oscar and Ana Garcia (the "Garcias"), and finds the declarations sufficient for a determination that the Garcias are good faith purchasers pursuant to 11 U.S.C. § 363 (m).

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety. Specifically, the Court is inclined to authorize the sale of the Property free and clear of liens, approve the overbid procedures, approve the Broker's compensation, authorize the distribution of sale proceeds, determine that the Garcias are good faith purchasers and waived the 14-day stay under Rule 6004(h).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Janice Elaine Cox

Represented By
Rajiv Jain

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

CONT... Janice Elaine Cox

Chapter 7

Movant(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

Trustee(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#12.00 Status Conference re Emergency motion for Telephonic Hearing In Accordance with Court's Oral Ruling on March 28, 2018

Also #13 - #15

EH__

Docket 588

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Douglas J Roger, MD

Represented By
Summer M Shaw

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#13.00 Motion For Order Authorizing Sale of Claims of the Estate (A) Outside the Ordinary Course of Business; (B) Subject to Overbid; and (C) for Determination of Good Faith Purchaser Under Section 363(M)
(HOLDING DATE)

Also #12 - #15

EH ____

Docket 578

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#14.00 CONT Second Joint Motion and Moving Memorandum by Chapter 7 Trustee and Revere Financial Corporation for Order Approving Settlement between Chapter 7 Trustee and Revere Financial Corporation
(HOLDING DATE)

From: 2/14/18, 3/28/18

Also #12 - #15

EH__

Docket 521

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
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11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#15.00 CONT Order setting hearing on Opposition to Notice of Lodgment

From: 3/28/18

Also #12 - #14

EH__

Docket 542

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#16.00 CONT Plaintiff's Motion for Summary Judgment or Alternatively Partial Summary Adjudication

From: 3/7/18

Also #17

EH__

Docket 68

***** VACATED *** REASON: CONTINUED TO 5/30/18 AT 2:00 P.M.**

Tentative Ruling:

3/7/2018

I. PROCEDURAL BACKGROUND

On February 26, 2016, Sam & Greeta Dason (Sam, individually, "Dason") (collectively, "Debtors") filed a Chapter 7 voluntary petition. On August 22, 2016, Juddy Olivares & Eric Panitz (individually, "Olivares" and "Panitz") (collectively, "Plaintiffs") filed a complaint against Dason to determine dischargeability of debt (11 U.S.C. § 523(a)(6)) and for attorney's fees. On September 20, 2016, the complaint was amended. On January 11, 2017, the Court dismissed Panitz from the complaint. On March 7, 2017, Olivares filed her second amended complaint.

On August 9, 2017, Dason filed an answer and a counter-claim¹ against Olivares. On October 2, 2017, Olivares filed her answer to the counter-claim. On January 19, 2018, Olivares filed the instant motion for summary judgment. On February 13, 2018, Dason filed his opposition to the motion for summary judgment. On February 21, 2018, Olivares filed her reply.

The Court notes that Dason has conceded that his counter-claim is moot in light of this Court's order annulling the automatic stay. As a result of this concession, it is the Court's intention to dismiss the counter-claim in the absence of any objection from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason
Dason.

Chapter 7

II. FACTUAL BACKGROUND

Olivares began working as a dental assistant in 2010 for Colton Dental Group, the business name of Dason's dental corporation, Sam Daniel Dason, DDS ("Dason DDS"). Olivares states that she "was subjected to offensive sexual comments and inquiries, and other unwelcome, sexually-based, offensive conduct by Defendant." Furthermore, Olivares states that she "was subjected to repeated unwelcome sexual touching at the hands of Defendant," which is extensively detailed in the complaint and the motion for summary judgment. On January 17, 2013, Olivares left early and did not return to work. On February 26, 2016, the San Bernardino County Superior Court entered a judgment against Dason and Dason DDS in the amount of \$1,724,996.34 (the "Judgment").² The judgment contained the following components:

- 1) \$300,000 for past emotional distress – hostile work environment
- 2) \$200,000 for past emotional distress – *quid pro quo* sexual harassment
- 3) \$500,000 for future emotional distress
- 4) \$100,000 for punitive damages³
- 5) \$1,875 for future psychiatric care
- 6) \$8,125 for future psychological care
- 7) \$6,735.22 for past lost income
- 8) \$608,261.12 for attorney's fees and costs

Olivares contends that the judgment is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6). Olivares bases her motion for summary judgment both on issue preclusion and the record in this case. Dason argues that the record in this case cannot support summary judgment and that the state court judgment does not contain adequate findings to support issue preclusion.

III. DISCUSSION

Olivares requests that the Court apply issue preclusion and find that the Judgment is non-dischargeable under 11 U.S.C. § 523(a)(6). The Bankruptcy Code excepts from discharge any debt for "willful and malicious injury by the debtor to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). The creditor bears the burden of proving each element of § 523(a)(6) by a preponderance of the evidence.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

See, e.g., Grogan v. Garner, 498 U.S. 279, 287 (1991).

To prevail on a claim under § 523(a)(6), a creditor must demonstrate three elements: (1) willful conduct; (2) malice; and (3) causation. *See In re Butcher*, 200 B.R. 675, 680 (Bankr. C.D. Cal. 1996) (*quoting In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995)). A willful injury is a "deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). "A malicious injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." *In re Barboza*, 545 F.3d 702, 706 (9th Cir. 2008) (*quoting In re Jercich*, 238 F.3d 1202, 1209 (9th Cir. 2001)).

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. 56(c) (incorporated by FED. R. BANKR. P. 7056).

The moving party has the burden of establishing the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324. The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

A. Plaintiff's State Court Claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

The legal provision under which the relevant portion of the Judgment was based is CAL. GOV. CODE § 12940(j)(1), which states:

It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(j)(1) For an employer, labor organization, employment agency, apprenticeship training program or any training program leading to employment, or any other person, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. Harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing cases involving the acts of nonemployees, the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees shall be considered. An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.

Olivares reference EEOC guidelines which create two categories of sexual harassment: (1) quid pro quo and (2) hostile environment. Olivares also points to case law which acknowledges the two categories. *See, e.g., Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986); *Beyda v. City of Los Angeles*, 65 Cal. App. 4th 511, 516-517 (Cal. Ct. App. 1998) ("There are two recognized categories of sexual harassment claims. The first is quid pro quo harassment, where a term of employment or employment itself is conditioned upon submission to unwelcome sexual advances. The second, and the one at issue in this case, is hostile work environment, where the harassment is sufficiently pervasive so as to alter the conditions of employment and create an abusive work environment.") (citations and quotations omitted).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

The delineation of two separate categories of sexual harassment is relevant and important here. First, the Court notes that the Judgment references Olivares's claim for "Hostile Work Environment and Quid Pro Quo Sexual Harassment," and the state court specifically identified separate damages for "past emotional distress hostile work environment" and "past emotional distress quid pro quo sexual harassment." [Dkt. No. 70 at pg. 8, lines 1-2]. Because these two categories of sexual harassment implicate different issues and require different findings to be made, issue preclusion may operate differently with respect to each issue.

B. Issue Preclusion on Plaintiff's Claim under 11 U.S.C. § 523(a)(6)

Issue preclusion applies in nondischargeability proceedings to bar the relitigation of factual issues that were determined in a prior state court action. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 284-85, n.11 (1991). To determine the issue-preclusive effect of a California state court's judgment, California preclusion law must be applied. *See* 28 U.S.C. § 1738; *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985); *Gayden v. Nourbakhsh (In re Nourbakhsh)*, 67 F.3d 798, 800 (9th Cir. 1995). Under California law, the party asserting issue preclusion has the burden of establishing the following "threshold" requirements:

- (1) the issue sought to be precluded must be identical to that decided in a former proceeding;
- (2) the issue must have been actually litigated in the former proceeding;
- (3) it must have been necessarily decided in the former proceeding;
- (4) the decision in the former proceeding must be final and on the merits; and,
- (5) the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

Additionally, the application of issue preclusion requires a "mandatory 'additional' inquiry into whether imposition of issue preclusion would be fair and consistent with sound public policy." *In re Khaligh*, 338 B.R. 817, 824-25 (9th Cir. B.A.P. 2006). As stated by the California Supreme Court

We have repeatedly looked to the public policies underlying the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Sam Daniel Dason

Chapter 7

doctrine before concluding that collateral estoppel should be applied in a particular setting.... Accordingly, the public policies underlying collateral estoppel—preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation—strongly influence whether its application in a particular circumstance would be fair to the parties and constitutes sound judicial policy.

Lucido v. Super. Ct., 51 Cal. 3d 335, 342–43 (Cal. 1990) (internal citations omitted).

Here, the Court's focus is on the second and third elements of the *Harmon* test because there is no dispute that the Judgment is final and on the merits, and that the parties are the same. Specifically, the Court is concerned with whether "willfulness" was actually litigated and necessarily decided in state court.⁴

For a default judgment to be "actually litigated," the material factual issues must have been both raised in the pleadings and necessary to uphold the default judgment. *Gottlieb v. Kest*, 141 Cal. App. 4th 110, 149 (Cal. Ct. App. 2006). An express finding need not have occurred if the court in the prior proceeding necessarily decided the issue. *Cantrell v. Cal-Micro, Inc. (In re Cantrell)*, 329 F.3d 1119, 1124 (9th Cir.2003).

Under California law, an issue is necessarily decided when (1) there are explicit findings of an issue made in a judgment or decision, or (2) or when the issue is a conclusion that must have been necessarily decided by the court. *Samuels v. CMW Joint Venture (In re Samuels)*, 273 F. App'x 691, 693 (9th Cir. 2008).

Olivares argues that "[c]ourts analogize *quid pro quo* sexual harassment to 'extortion,' which is not only an intentional tort but is also a crime." [Dkt. No. 68, pg. 14, lines 24-26]. The Court finds the analogy to be apt. The injury sustained in a *quid pro quo* sexual harassment claim is a tangible, negative effect on employment terms. *See, e.g., Henson v. City of Dundee*, 682 F.2d 897, 909 (11th Cir. 1982). The *quid pro quo* conditioning of these employment terms is, necessarily, an intentional action of the employer. As noted in section III, "willfulness" requires an intentional injury, not merely an intentional act. In the case of *quid pro quo* sexual harassment, the distinction is illusory – intentionally and negatively conditioning an individual's employment terms with unwanted sexual advances is the equivalent of intentionally causing an injury. *See, e.g., In re Roth*, 2014 WL 684630 at *6 (Bankr. D. Colo. 2014)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

(applying issue preclusion to find *quid pro quo* sexual harassment to be willful, albeit in a non-default situation). Therefore, that part of the Judgment which deals with *quid pro quo* sexual harassment contains a finding of "willfulness."

The analysis regarding hostile workplace, however, is different. As noted by Olivares, the "hostile workplace" theory of sexual harassment generally requires unwanted sexual advances that have the "effect of unreasonably interfering with an individual's work performance." *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986). In contrast to the *quid pro quo* liability, where the injury results from an employer's intentional reaction or retaliation, the injury under a hostile workplace theory is subjective and dependent upon the employee's perspective. An employer is certainly capable of unintentionally creating a hostile work environment.

The issue preclusion section of Olivares's motion for summary judgment focuses on the *quid pro quo* theory of sexual harassment. The Court agrees with Olivares's that "willfulness," as it is used in 11 U.S.C. § 523(a)(6), is implicit within a judgment for *quid pro quo* sexual harassment. But it is not necessarily implicit in a judgment under the "hostile workplace" theory of sexual harassment – the hostile workplace could be created negligently or unintentionally, based on incorrect assumptions of the employer.

Dason has not advanced any argument why the application of collateral estoppel to the facts of this specific case would not be "fair and consistent with sound public policy." Dason's opposition concedes Dason was aware that a trial was scheduled and the date when the trial would occur. Yet, after three years of litigation, no appearance was made on behalf of Dason at the trial. Given the extensive litigation that occurred in state court and the fact that the non-appearance of Dason at trial was due to a conscious choice, and part of a deliberate litigation strategy, the Court concludes that application of issue preclusion would continue to preserve the integrity of the judicial system and promote judicial economy. Thus, partial application of issue preclusion would further the policy and interests underlying the doctrine. *See, e.g., In re Baldwin*, 249 F.3d 912, 919-920 (9th Cir. 2001) (describing policies underlining collateral estoppel).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

C. Absence of a Genuine Issue of Material Fact

Olivares alternatively argues that the record in this case is sufficient to warrant summary judgment independent of the state court judgment. The Court disagrees. The record in this case essentially consists of: (1) Olivares's extensive and detailed description of the alleged sexual harassment; and (2) Dason's denial of the allegations. After the partial application of issue preclusion noted above, the only remaining factual issue is whether the "willfulness" requirement of § 523(a)(6) is satisfied as to that part of the Judgment which arises from a hostile workplace theory of sexual harassment. Here, the Court is simply presented with competing declarations from Dason and Olivares which assert, respectively, that Dason did not intend to create a hostile workplace environment and that it can be inferred that Dason had such an intention. Apart from those declarations, the record contains two pages of a deposition of Cesar Espinoza stating that Olivares complained that Dason grabbed her posterior at some point in time. Given the paucity of the existing record and the unambiguously contradictory declarations of Dason and Olivares, the Court concludes that summary judgment is inapplicable on this record.

TENTATIVE RULING

The Court is inclined to GRANT summary judgment as to the Judgment in so far as the Judgment relates to a *quid pro quo* theory of sexual harassment and DENY summary judgment in so far as the Judgment relates to a hostile workplace theory of sexual harassment for failure to satisfy the "willfulness" requirement of § 523(a)(6). The Court may order briefing regarding the apportionment of damages that are not specifically assigned to one category.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

Juddy Olivares

Represented By
Lazaro E Fernandez

Juddy Olivares

Pro Se

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
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Judge Mark Houle, Presiding
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Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#17.00 CONT Status Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

From: 11/2/16, 1/4/17, 3/1/17, 3/8/17, 6/7/17, 7/26/17, 9/13/17, 1/24/18, 3/7/18

Also #16

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/30/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Miller

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-15809 Beatrice A Diaz

Chapter 7

Adv#: 6:17-01287 Cisneros v. Diaz

#18.00 Motion for Default Judgment Under LBR 7055-1

Also #19

EH ____

Docket 12

Tentative Ruling:

5/9/18

BACKGROUND

On July 12, 2017, Beatrice Diaz ("Debtor") filed a Chapter 7 voluntary petition. On December 20, 2017, Trustee filed a complaint for: (1) declaratory relief; (2) turnover of property and (3) sale of interest of co-owner in property of the estate against Jose Diaz ("Defendant"), the non-filing spouse of Debtor. On January 24, 2018, the clerk entered default against Defendant. On April 17, 2018, Trustee filed a motion for default judgment.

According to Trustee, in 1994, Debtor and Defendant obtained title to certain real property located at 619 Calle Cuesta, Watsonville, CA 95076 (the "Property") as husband and wife as joint tenants. Trustee requests an order (1) determining that the Property is community, (2) ordering Defendant to turn over the property; and (3) allowing Trustee to sell the property free and clear of Defendant's interest.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Beatrice A Diaz

Chapter 7

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, it is not clear that service was proper. Trustee has only served Defendant at the Property, yet Debtor's Schedule H lists Defendant's address as 21 Del Brienza, Lake Elsinor, CA 92532, which is also the primary residence of Debtor. Trustee's declaration does not provide any indication as to why Debtor was not served at the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... **Beatrice A Diaz**
address identified in the schedules.

Chapter 7

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes three causes of action: (1) declaratory relief; (2) turnover; and (3) authorization to sell the Property free and clear of Defendant's interests.

Regarding the first cause of action, declaratory relief, under California law there is a presumption that property acquired during marriage is community property. *See, e.g., In re Valli*, 58 Cal. 4th 1396, 1400 (Cal. 2014) ("Property that a spouse acquired during the marriage is community property unless it is (1) traceable to a separate property source, (2) acquired by gift or bequest, or (3) earned or accumulated while the spouses are living separate and apart.") (citations omitted) (collecting cases). Trustee has presented the an authenticated copy of the grant deed which specifies that Debtor and Defendant acquired the property as husband and wife, and there is no evidence to rebut the community property presumption. Therefore, Trustee has met his burden on the first cause of action.

Regarding the second cause of action, turnover of property, 11 U.S.C. § 541(a)(2) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Beatrice A Diaz

Chapter 7

- (a) The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held:
- (2) All interests of the debtor and the debtor's spouse in community property as of the commencement of the case that is –
- (A) under the sole, equal, or joint management and control of the debtor; or
- (B) liable for an allowable claim against the debtor, or for both an allowable claim against the debtor and an allowable claim against the debtor's spouse to the extent that such interest is so liable.

In California, community property interests are liable for claims against both spouses. *See, e.g.*, CAL. CODE CIV. P. § 695.020. Therefore, the Property is property of the estate subject to turnover under § 542.

Regarding the third cause of action, 11 U.S.C. § 363(h) states:

- (h) Notwithstanding subsection (f) of this section, the trustee may sell both the estate's interest, under subsection (b) or (c) of this section, and the interest of any co-owner in property in which the debtor had, at the time of the commencement of the case, an undivided interest as a tenant in common, joint tenant, or tenant by the entirety, only if ---
- (1) partition in kind of such property among the estate and such co-owner is impracticable;
- (2) sale of the estate's undivided interest in such property would realize significantly less for the estate than sale of such property free of the interests of such co-owners;
- (3) the benefit to the estate of a sale of such property free of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Beatrice A Diaz

Chapter 7

interests of co-owners outweighs the detriment, if an, to such co-owners; and

- (4) such property is not used in the production, transmission, or distribution, for sale of electric energy or of natural or synthetic gas for heat, light, or power.

Here, because the property in question is community property, § 363(h) is inapplicable. *See, e.g.,* 3 COLLIER'S ON BANKRUPTCY ¶ 363.08[3] (16th ed. 2013) ("Section 363(h) does not apply to property held as community property. Under section 541(a)(1), property of the estate includes all community property to the extent that community property is either under the control of the debtor or liable for claims against the debtor. As a result, the trustee need not satisfy the conditions in subsections 363(h)(1)-(4) to sell community property."). Therefore, this request is denied.

3. Amount of Damages

Here, Trustee is not requesting any damages, and, therefore, no evidence is required establishing the amount of damages.

TENTATIVE RULING

Trustee to explain why it has only served Defendant at the Property instead of serving Defendant at the location identified on Schedule H. If Trustee can establish that service is proper, The Court is inclined to GRANT the motion as to the first and second causes of action, and DENY, as moot, the motion with respect to the third cause of action.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Beatrice A Diaz

Chapter 7

Party Information

Debtor(s):

Beatrice A Diaz Pro Se

Defendant(s):

Jose L Diaz Pro Se

Movant(s):

Arturo M. Cisneros Represented By
Anthony A Friedman

Plaintiff(s):

Arturo M. Cisneros Represented By
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR) Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-15809 Beatrice A Diaz

Chapter 7

Adv#: 6:17-01287 Cisneros v. Diaz

#19.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01287. Complaint by Arturo M. Cisneros against Jose L Diaz. (Charge To Estate). - Complaint: (1) for Declaratory Relief; (2) Turnover of Property; and (3) Sale of Interest of Co-Owner in Property of the Estate [11 U.S.C. §§ 363 542] - Nature of Suit: (91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Friedman, Anthony)

From: 2/28/18

Also #18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beatrice A Diaz	Pro Se
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Defendant(s):

Jose L Diaz	Pro Se
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Plaintiff(s):

Arturo M. Cisneros	Represented By Anthony A Friedman
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Trustee(s):

Arturo Cisneros (TR)	Represented By Todd A Frealy Anthony A Friedman
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Beatrice A Diaz

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01057 Whitson et al v. Bastorous

#20.00 Motion to Dismiss Adversary Proceeding for Failure to State A Claim Pursuant to FRBP 712(b) and FRCP 12(b)(6)

Also #21

EH__

Docket 5

Tentative Ruling:

5/9/18

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda filed a Chapter 7 voluntary petition.

On March 9, 2018, Blaine & Susan Whitston (the "Whitsons"), Union Home Loan Profit Sharing Plan ("UHLPS"), Gurpaljit Deoll ("Deoll"), Benny Winefeld ("Winefeld") and RM Holdings, LLC ("RM") (collectively, "Plaintiffs") filed a complaint against Mark Bastorous ("Defendant") for non-dischargeability pursuant to § 523(a)(2) and (6). On April 9, 2018, Defendant filed a motion to dismiss for failure to state a claim pursuant to FED. R. CIV. P. Rule 12(b)(6). On April 25, 2018, Plaintiffs filed their opposition.

According to Plaintiffs, Defendant is the co-founder, and now majority owner, of a business entity called USA Investments Group, LLC ("USAIG"). Defendant was also involved in a business entity, MB Capital Group, LLC ("MB Capital"), founded by his

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

business partner, Menasseh Bareh ("Bareh"). Defendant is now the sole owner of MB Capital. Defendant's real estate projects were generally run under the umbrella of Professionals Investment Group, LLC ("PIG"). Among these real estate interests was certain real property located at 0 Talcey Terrace, Riverside, CA 92506 (the "Property"), which, prior to January 2015, was owned by USAIG.

According to Plaintiffs, UHLPSP was approached by two brokers about a loan for MB Capital, which was seeking funds to purchase the Property. Ultimately, MB Capital obtained a loan in the amount of \$1,100,000; the loan was serviced by UHLPSP, and the remainder of the Plaintiffs funded the majority of the loan transaction. Defendant allegedly acted as the real estate broker for the sale of the Property by USAIG to MB Capital. Plaintiffs received a first position mortgage on the Property.

According to Plaintiffs, the sale of the Property of the property was actually a "sham" by Defendant, who orchestrated of the sale of the Property from one of his business entities to another in order to obtain a loan, the funds from which were used to pay off other debt. After making payments for more than a year, MB Capital ultimately defaulted on the property, and, eventually, the Property was foreclosed upon, netting Plaintiffs only \$774,000.

DISCUSSION

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

II. *MONEY JUDGMENT IN NON-DISCHARGEABILITY PROCEEDINGS*

The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), aff'd, 760 F.3d 1038 (9th Cir. 2014). Nevertheless, in the complaint at issue here, Plaintiffs have set forth only two causes of action: (1) non-dischargeability pursuant to 11 U.S.C. § 523(a)(2)(A); and (2) non-dischargeability pursuant to 11 U.S.C. § 526(a). 11 U.S.C. § 523(a) alone is not a basis to enter a money judgment; the plain language of the statute provides that it is a basis for finding a debt to be non-dischargeable. If Plaintiffs seek a money judgment, they need to set forth a non-bankruptcy law cause of action supporting that request.¹ In order words, Plaintiffs need to establish that a debt exists under state law. Without that showing, it is impossible to determine the applicable legal analysis.

III. *NON-DISCHARGEABILITY*

As 11 U.S.C. § 523(a) makes clear, the first element in any non-dischargeability proceeding is that the debtor owe the plaintiff a debt. The complaint at issue here fails to plead adequate factual matter detailing the debt owing.

The Bankruptcy Code defines "debt" as "liability on a claim." 11 U.S.C. § 101(12). The Bankruptcy Code defines "claim" as "right to payment, whether or not such right is reduced to judgment, liquidate, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured." 11 U.S.C. § 101(5).

The only paragraph in the complaint which presumably alleges that Plaintiffs have a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

claim against Defendant is paragraph 57, which states: "Plaintiffs are entitled to a return of all the monies that they were compelled to provide in the form of the loan proceeds to Bastorous and Bastorous' alter egos, agents, dbas, through this fraudulent misrepresentations and concealment." This assertion is implausible on its face, as it appears to assert a debt in the amount of \$671,000 based on an unexplained legal theory. According to the complaint, Plaintiffs lent Defendant approximately 61% of \$1,100,000 (or approximately \$671,000) and recouped 61% of \$774,000 (or approximately \$472,140). It would appear, based on the figures provided by Plaintiffs, that Plaintiffs lost \$198,860 in their investment – which seems to be the source of the statement in paragraph 58, that "[a]s a direct and proximate result of Defendant's fraudulent acts, Plaintiffs have suffered damages in a total sum of not less than \$198,000."

Yet, the assertion in paragraph 58 is not adequate to allege a debt – it is simply an allegation of damages, an always necessary element of a legal claim, but not, itself, a legal claim. While it may be possible to piece together fragments of the complaint to craft a coherent, cognizable claim, the nature and theory of such a claim are less than clear. The Court declines to engage in such artistry, especially given that because an independent cause of action is necessary to support the request for a money judgment, it appears likely the complaint will ultimately need to be amended to provide such detail regardless.

TENTATIVE RULING

The Court is inclined to GRANT the motion and DISMISS the complaint without prejudice to filing an amended complaint within 30 days of the entry of the order. Parties to address referral to mediation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Blaine Whitson

Represented By
Benjamin Taylor

Susan Whitson

Represented By
Benjamin Taylor

Union Home Loan Profit Sharing

Represented By
Benjamin Taylor

Gurpaljit Deoll

Represented By
Benjamin Taylor

Benny Winefeld

Represented By
Benjamin Taylor

RM Holdings, LLC

Represented By
Benjamin Taylor

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01057 Whitson et al v. Bastorous

#21.00 Status Conference RE: Adversary case 6:18-ap-01057. Complaint by Blaine Whitson, Susan Whitson, Union Home Loan Profit Sharing Plan, Gurpaljit Deoll, Benny Winefeld, RM Holdings, LLC against Mark Bastorous. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

Also #20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Blaine Whitson

Represented By
Benjamin Taylor

Susan Whitson

Represented By
Benjamin Taylor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Union Home Loan Profit Sharing

Represented By
Benjamin Taylor

Gurpaljit Deoll

Represented By
Benjamin Taylor

Benny Winefeld

Represented By
Benjamin Taylor

RM Holdings, LLC

Represented By
Benjamin Taylor

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#22.00 Status Conference RE: Adversary case 6:18-ap-01061. Complaint by Mina Farah, Mark Bastorous against Mark Bastorous, Bernadette Shenouda. false pretenses, false representation, actual fraud)),(65 (Dischargeability - other)),(14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(01 (Determination of removed claim or cause))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/11/18 AT 2:00 P.M.
ALIAS SUMMONS ISSUED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#23.00 Status Conference RE: [1] Adversary case 6:18-ap-01062. Complaint by Anis Khalil against Mark Bastorous, Bernadette Shenouda. false pretenses, false representation, actual fraud)),(65 (Dischargeability - other)),(14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Suojanen, Wayne)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/11/18 AT 2:00 P.M.
ALIAS SUMMONS ISSUED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#24.00 Status Conference Re: Adversary case 6:18-ap-01063. Complaint by Chienan Chen, Chun-Wu Li against Mark Bastorous. False pretenses, False representation, Actual fraud, 65 - Dischargeability - other; 14 - Recovery of money/property - other, 13 - Recovery of money/property - 548 fraudulent transfer

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/6/18 AT 2:00 P.M. -
ALIAS SUMMONS ISSUED**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Pro Se

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#25.00 Status Conference Re: Adversary case 6:18-ap-01064. Complaint by Mona Gerges, Rafet Gerges, St. Mary Properties, LLC against Mark Bastorous, Bernadette Shenouda. False pretenses, False representation, actual fraud, 67- Dischargeability - 523(a)(4); Fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), Willful and malicious injury

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/16/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 9, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#1.00 CONT Motion to Dismiss Adversary Proceeding

From: 4/26/18

Also #2

EH__

Docket 3

Tentative Ruling:

5/10/18

BACKGROUND

On December 13, 2017, Sean Coy ("Debtor") filed a Chapter 13 voluntary petition. On February 2, 2018, Debtor filed a motion to avoid the lien of Deutsche Bank National Trust Company ("Deutsche"). On February 15, 2018, Deutsche filed its opposition to the motion to avoid lien. In its opposition, Deutsche argued that a portion of the originally senior lien¹, held by FMJM RWL III Trust 2015-1 ("FMJM") is actually subordinate to the originally junior lien² of Deutsche, due to the execution, after the recordation of Deutsche's lien, of a mortgage modification without the consent of Deutsche which Deutsche argues materially prejudices its junior lien. Deutsche argued that because of this subordination, its lien was not wholly unsecured, and therefore could not be avoided.

On February 27, 2018, Deutsche filed a complaint against FMJM seeking declaratory relief. On March 30, 2018, FMJM filed a motion to dismiss for failure to state a claim. On April 12, 2018, Deutsche filed its opposition. By stipulation of the parties, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

CONT... Sean Phillip Coy

Chapter 13

instant hearing has been previously continued for two weeks.

DISCUSSION

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Id.* at 464. The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.* at 678.

II. DECLARATORY JUDGMENT

FED. R. BANKR. P. Rule 7001(2) & (9) state the following:

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Rule 4003(d);

(9) a proceeding to obtain a declaratory judgment relating to any of the foregoing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

CONT... Sean Phillip Coy

Chapter 13

Here, Deutsche seeks a judgment declaring that its lien is entitled to higher priority than a portion of FMJM's lien.

The starting point for priority of liens under California law is "first in time, first in right." See generally CAL. CIV. CODE § 2897. Deutsche points to *Gluskin v. Atlantic Sav. & Loan Ass'n*, 32 Cal. App. 3d 307 (Cal. Ct. App. 1973) and *Lennar Ne. Partners v. Buice*, 49 Cal. App. 4th 1576 (Cal. Ct. App. 1996) as standing for the proposition that if a senior lienholder executed a modification which prejudices the junior lienholder, the senior lienholder may lose priority to the extent of the modification. See also MILLER & STARR CAL. REAL ESTATE § 10:102 (4th ed. 2017) ("If modifications in the senior lien have a material adverse effect on the junior lien either by increasing the risk of default or making protection of the junior lienor's position potentially more burdensome, then the senior lien may lose priority to the junior lien."). FMJM argues that the cases cited above contain unique factual situations not applicable here and that the California Court of Appeals has constrained the holding of *Gluskin* and *Lennar* to specific factual situations. See *Friery v. Sutter Buttes Sav. Bank*, 61 Cal. App. 4th 869 (Cal. Ct. App. 1998); see also MILLER & STARR CAL. REAL ESTATE § 10:102 (4th ed. 2017) ("The possible argument from these earlier cases, that all junior lienors, not solely subordinating sellers, should be able to gain priority over modifications to the senior lien made without their consent, has been rejected.").

Recently, citing all three of the above cases, the California Court of Appeals synthesized the existing case law with the following succinct statement:

Subsequent cases have made clear that a material modification of a senior lien, such as an increase in the principal or interest rate, does not result in loss of priority absent contractual subordination. Where a seller agrees to subordinate to construction loans, a material modification of those loans may result in their total loss of priority. However, in the case of a subordinating junior lender, only the modification of the senior lien loses priority.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

CONT... Sean Phillip Coy

Chapter 13

Bank of New York Mellon v. Citibank, N.A., 8 Cal. App. 5th 935, 954 (Cal. Ct. App. 2017) (citations omitted).

FMJM implicitly, and to some degree explicitly, asserts that this case is closer to the situation in *Friery* than the situation in *Lennar*. This Court disagrees. Here, the notes now held by FMJM and Deutsche were executed simultaneously, as first and second mortgage, with the intention that the security interest evidenced by the second mortgage be subordinated to the security interest evidenced by the first mortgage. In *Friery*, however, there was originally only a single lien on the property – the original borrowers then sold the property to a third party, who encumbered the property with additional liens. That is not the situation here. Here, the two mortgages were executed simultaneously, similar to the situation in *Lennar*, and, as a result, the subordination principles outlined by *Bank of New York Mellon*, *Lennar*, and *Gluskin* are applicable.

In distinguishing *Lennar* from the instant situation, FMJM argues that, unlike the case in *Lennar*, here the modification did not materially prejudice the junior lienholder, Deutsche. The Court need not reach this argument at the motion to dismiss standard because such an argument is usually factual in nature. *See* MILLER & STARR CAL. REAL ESTATE § 10:102 (4th ed. 2017) ("Usually, whether a modification has a material adverse impact on a junior lienor is a question of act, but when reasonable minds cannot differ, the conclusion that the modification resulted in a material adverse effect can be decided as a matter of law."). While FMJM has provided arguments as to why the Deutsche is not prejudiced by the modification, the complaint of Deutsche alleges sufficient factual matter to plausibly allege that material prejudice could plausibly have occurred. FMJM's assertions on this point are not appropriate at the motion to dismiss stage.

TENTATIVE RULING

The Court is inclined to DENY the motion to dismiss.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

CONT... Sean Phillip Coy

Chapter 13

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Movant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#2.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01050. Complaint by Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1 against FMJM RWL III Trust 2015-1. Kristin)

From: 4/26/18

Also #1

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:17-19432 Ryan Eddie Hinojosa

Chapter 13

#3.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 39

***** VACATED *** REASON: CASE DISMISSED 4/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Eddie Hinojosa

Represented By
Steven A Alpert

Movant(s):

Ryan Eddie Hinojosa

Represented By
Steven A Alpert
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 13

#4.00 Motion to vacate dismissal

Also #5

EH__

Docket 69

Tentative Ruling:

5/10/18

BACKGROUND

On June 29, 2017, Cary and Amber Surface ("Debtors") filed a Chapter 13 voluntary petition. On September 21, 2017, Debtors' Chapter 13 plan was confirmed.¹

On February 5, 2018, Trustee filed a motion to dismiss for plan delinquency. After Debtors filed an opposition, the original hearing, on March 22, 2018, was continued for one week for a full cure. The day before the continued hearing, Debtors filed a supplemental declaration stating that their payment had still not posted to the Trustee's website. On March 29, 2018, the Court continued the motion to dismiss for two more weeks, again for a full cure. Instead of curing, Debtors filed a motion to modify plan, and the Trustee filed comments indicating disapproval of the modification. On April 12, 2018, the case was dismissed.

On April 23, 2018, Debtors filed a motion to vacate dismissal, as well as an application shortening time. The Court set a hearing for May 10, 2018 at 11:00 a.m. On April 24, 2018, Trustee filed comments indicating his disapproval of Debtors' request that the dismissal order be vacated *nunc pro tunc*, and indicated approval of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

CONT... Cary Lee Surface and Amber Dawn Surface

Chapter 13

Debtors' request to vacate dismissal, conditioned on Debtors' full cure of the delinquency (\$2,766) and the Debtors' submission of their 2017 tax returns and refunds to Trustee.

DISCUSSION

Regarding Debtor's request that the vacation of the dismissal order be *nunc pro tunc*, the Court agrees with the Trustee that such relief is not appropriate. Debtor's motion does not contain legal authorities that directly support the proposition that the reinstatement of a case can, or should, be ordered *nunc pro tunc*. It is also not clear why Debtor has made such a request, although Trustee appears to assume that Debtor wishes to have the automatic stay retroactively imposed.

The general rule is "that the reinstatement of a dismissed bankruptcy case does not retroactively reimpose the automatic stay." *In re Lomagno*, 320 B.R. 473, 479 (B.A.P. 1st Cir. 2005) (collecting cases); *see also In re Nagel*, 245 B.R. 657, 662 (D. Ariz. 1999) ("By 'undoing' the return to the status quo ante through the retroactive application of the stay, the bankruptcy court engaged in a kind of judicial time travel that cannot be reconciled with the law.")

As discussed in *In re Lomagno*, courts have recognized an exception when there is a violation of due process rights. *See generally* 320 B.R. at 480 ("Several courts have concluded that reinstatement of a dismissed bankruptcy case does not affect the validity of a creditor's actions taken during the period the case was dismissed, *unless there was a violation of due process rights.*") (emphasis in original). Here, there is no indication that the situation fits within the exception to the general rule.

Regarding Debtors' request that the dismissal order be vacated, Debtors have not provided any legal authority for their request. Debtors' motion contains two legal sections: (1) a section relating to *nunc pro tunc* relief; and (2) a section asserting that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

CONT... Cary Lee Surface and Amber Dawn Surface

Chapter 13

the request is timely under FED. R. CIV. P. Rule 60. Debtors have not, however, indicated which provision in FED. R. CIV. P. Rule 60 is applicable to the instant situation, and have not presented any factual or legal analysis.

Based upon the recommendation of Trustee, however, the Court will vacate the dismissal order if Debtors comply with the conditions specified in the Trustee's comments.

TENTATIVE RULING

The Court is inclined to GRANT the motion in accordance with the conditions and limitations outlined in the Trustee's comments.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Movant(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 13

#5.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #4

EH__

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Movant(s):

Cary Lee Surface

Represented By
Lionel E Giron

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11449 Cesar Valenzuela and Julissa Valenzuela

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cesar Valenzuela

Represented By
Andrew Nguyen

Joint Debtor(s):

Julissa Valenzuela

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11476 Randy Saulsberry and Kimberly E May

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randy Saulsberry

Represented By
David L Nelson

Joint Debtor(s):

Kimberly E May

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11519 Shirley M Clark

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shirley M Clark

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11529 Michael A Losoya and Patricia O Losoya

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael A Losoya

Represented By
Julie J Villalobos

Joint Debtor(s):

Patricia O Losoya

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11532 Marsha Elizabeth Hall

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marsha Elizabeth Hall

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11579 Pedro Ramirez

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Ramirez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11636 Amanuel Montrell Bradberry and Katrina Lashall

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanuel Montrell Bradberry

Represented By
Gary S Saunders

Joint Debtor(s):

Katrina Lashall Bradberry

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11638 Elizabeth Taufaa

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

*** VACATED *** REASON: CASE DISMISSED 5/7/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Taufaa

Represented By
Benjamin A Yrungaray

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11652 Gwendolyn Priscilla Saunders

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwendolyn Priscilla Saunders

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11653 Richard Espinoza

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Espinoza

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11692 Michael James Gresham

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael James Gresham

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11701 Wayne Anthony King and Traci Ann Zweck

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wayne Anthony King

Represented By
Dana Travis

Joint Debtor(s):

Traci Ann Zweck

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11740 Graham Sirwin Walker and Excyba Maiela Walker

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Graham Sirwin Walker	Pro Se
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Joint Debtor(s):

Excyba Maiela Walker	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11770 Raymond Burrola and Estela Burrola

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Burrola

Represented By
Elena Steers

Joint Debtor(s):

Estela Burrola

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11818 Caesar A Rodriguez and Roxane Arambula

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Caesar A Rodriguez

Represented By
Allan O Cate

Joint Debtor(s):

Roxane Arambula

Represented By
Allan O Cate

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11863 David Fox

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Fox

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:00 AM

6:18-11890 Rogelio Ramos and Maria Escobar

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rogelio Ramos

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Escobar

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:12-35294 Penelope Ann Young

Chapter 13

#23.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 11/9/17, 3/8/18

EH__

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Penelope Ann Young

Pro Se

Trustee(s):

Amrane (RS) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:13-28666 Mildred Goodridge Crawford

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 206

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mildred Goodridge Crawford

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:14-19524 Donnita M. Oliver

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 82

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donnita M. Oliver

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#26.00 CONT Trustee's Motion to Dismiss Case

From: 4/12/18

EH__

Docket 205

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:16-13233 Sherry Ann Beardsley

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sherry Ann Beardsley

Represented By
Jeffrey D Larkin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:16-13595 Robert P Contreras and Marie G Contreras

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert P Contreras

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Marie G Contreras

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 174

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:16-21234 Frank A Horzen and Barbara A Horzen

Chapter 13

#30.00 CONT Trustee's Motion to Dismiss Case

From: 4/12/18, 4/26/18

EH__

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank A Horzen

Represented By
Paul Y Lee

Joint Debtor(s):

Barbara A Horzen

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:17-13063 Ethel N Odimegwu

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

***** VACATED *** REASON: ADVANCED TO 4/12/18 AT 12:30 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:17-16024 Stacy N Reagor

Chapter 13

#32.00 CONT Trustee's Motion to Dismiss Case

From: 4/26/18

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy N Reagor

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 10, 2018

Hearing Room 303

11:01 AM

6:17-19787 Gloria Hayslet

Chapter 13

#33.00 CONT Trustee's Motion to Dismiss Case

From: 4/19/18, 4/26/18

EH__

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:16-10048 Margaret Crain

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3300 Mary Ellen Dr, Riverside, California 92509-0816

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 66

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Yes

Parties to apprise Court regarding extent of arrears and status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Margaret Crain

Represented By
Lauren Rode

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt
Jessica L Carter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Margaret Crain

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:16-10257 Cecilia Orozco and Sergio Orozco

Chapter 13

#2.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 13330 Kyle Dr. Moreno Valley, CA 92553

MOVANT: US BANK NATIONAL ASSOCIATION

From: 5/1/18

EH__

Docket 41

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶¶ 2 and 3.
DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cecilia Orozco

Represented By
Majid Safaie

Joint Debtor(s):

Sergio Orozco

Represented By
Majid Safaie

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Cecilia Orozco and Sergio Orozco

Chapter 13

Movant(s):

U.S. BANK NATIONAL

Represented By
Andrew Kussmaul
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:17-15893 Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 26025 Willow Street, Hemet, CA 92544

MOVANT: WILMINGTON TRUST, NATIONAL ASSOCIATION

EH ____

Docket 25

***** VACATED *** REASON: ORDER ENTERED 5/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Manuel Ruiz

Represented By
April E Roberts

Joint Debtor(s):

Shannon Elizabeth Ruiz

Represented By
April E Roberts

Movant(s):

Wilmington Trust, National

Represented By
Maria Tsagaris
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:17-16683 Salvador Caridad Rodriguez

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Ford Fusion, VIN: 3FA6P0HRXDR236224

MOVANT: AMERICAN CREDIT ACCEPTANCE LLC

EH ____

Docket 54

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Salvador Caridad Rodriguez

Represented By
Carey C Pickford

Movant(s):

American Credit Acceptance LLC

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Salvador Caridad Rodriguez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:18-12101 Anagabriela Perez

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Corolla, VIN JTDBU4EE2DJ122450

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 7

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Anagabriela Perez Pro Se

Movant(s):

Santander Consumer USA Inc. Represented By
Sheryl K Ith

Trustee(s):

Lynda T. Bui (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:18-12949 Lenton Hutton

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13370 Seagull Dr, Victorville, CA 92392

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 10

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Late

Pursuant to the operation of 11 U.S.C. § 362(c)(4)(A)(i), no automatic stay went into effect in the instant case, and, therefore, Movant's requests for relief to the automatic stay, to the extent that *in rem* relief is not requested, are DENIED as moot, although the order may make clear there is no stay in effect by virtue of § 362(c)(4)(A)(i).

Regarding Movant's request for *in rem* relief from the automatic stay, the Court is inclined to DENY the requests for lack of cause shown. The entire basis for Movant's request is that the instant case has been filed in bad faith due to two previous Chapter 13 filings in the five months preceding this petition. The docket reflects that each of the two previous cases were filed by the same attorney, Brian Nomi. The first case was dismissed for failure to file required information and the second case was dismissed at the confirmation hearing due to failure to appear at the meeting of creditors. At the time of the second dismissal, the Court imposed a 180-day re-filing bar.

Subsequent to the second dismissal, Debtor retained new counsel, Christopher Hewitt. Mr. Hewitt subsequently moved for relief from the second dismissal order in so far as the order contained a re-filing bar. The Court granted that request, and, on April 10,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Lenton Hutton

Chapter 13

2018, Debtor filed a third Chapter 13 case using the services of Mr. Hewitt.

Given the circumstances surrounding the previous two dismissals and the fact that Debtor has not sought to impose the automatic stay, the Court declines to infer that the instant bankruptcy filing evidences bad faith to support the requested *in rem* relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lenton Hutton

Represented By
Christopher Hewitt

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:18-12969 Richard H Enstad

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Mitsubishi Outlander, VIN JA4AP3AU6HZ069327

MOVANT: TD AUTO FINANCE LLC

EH ____

Docket 6

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Richard H Enstad

Represented By
Michael L Kellogg

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Richard H Enstad

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:18-13216 Alexander Tofick David

Chapter 13

#8.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1521 Latham St., Colton CA 92324

MOVANT: ALEXANDER TOFICK DAVID

EH__

Docket 15

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT the motion, continuing the automatic stay as to Ocwen Loan Servicing LLC only. The Court is inclined to DENY the motion to the extent it seeks to continue the automatic stay as to all creditors because Abbyfield Properties LP had a pending motion for relief from the automatic stay in the previous case, and does not appear to have been served pursuant to FED. R. BANKR. P. Rule 7004. Furthermore, Debtor has not presented clear and convincing evidence adequate to overcome the presumption of bad faith as to Abbyfield Properties LP.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alexander Tofick David

Represented By
Brad Weil

Movant(s):

Alexander Tofick David

Represented By
Brad Weil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Alexander Tofick David

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

6:18-13219 Patrick Merrill and Gayle Merrill

Chapter 7

#9.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 232 Ohio St, Lake Elsinore CA 92530

MOVANT: 2ND CHANCE MORTGAGE INC

EH__

Docket 10

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: None

Pursuant to Local Rule 4001-1(c)(1)(C)(iv), service is required upon "the holder of a lien or encumbrance against the subject property that is known to the movant, scheduled by the debtor, or appears in the public record." Here, Movant is the junior lienholder on the subject property, yet has not served the senior lienholder with the instant motion. Therefore, the Court is inclined to CONTINUE the motion for service on the first mortgagee, Selection Portfolio Servicing, Inc.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Patrick Merrill

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Gayle Merrill

Represented By
Jeremiah D Raxter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

10:00 AM

CONT... Patrick Merrill and Gayle Merrill

Chapter 7

Movant(s):

2nd Chance Mortgages Inc.

Represented By
Henry D Paloci

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

#10.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 12/13/16, 3/7/17, 5/30/17, 7/25/17, 9/26/17, 10/31/17, 11/7/17

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 11

#11.00 Motion for Order Approving Payment of Mediation Fee From Debtor-in-Possession Account

EH__

Docket 56

Tentative Ruling:

5/15/18

BACKGROUND

On February 7, 2018, Vance Johnson ("Debtor") filed a Chapter 11 voluntary petition. On February 27, 2018, the Court approved Debtor's application to employ Goe & Forsythe, LLP ("Counsel") as bankruptcy counsel.

On May 1, 2018, Joana Johnson ("Joana"), Debtor's ex-wife, filed a proof of claim in the amount of \$6,134,701.47 ("Claim 8"), of which \$1,144,497.36 was identified as entitled to priority, and \$309,233.74 was identified as secured by certain real property in Temecula, California. On May 7, 2018, Joana filed a complaint against Debtor to determine her interest in, and compel turnover of, certain funds held in Counsel's client trust account.

On April 24, 2018, Debtor filed the instant motion seeking Court approval of the payment of the mediation fee from the DIP account.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

The Court supports the parties pursuit of a solution through mediation, and, in the absence of any opposition, is inclined to GRANT the motion pursuant to the two issues below.

First, it not clear why the parties have not sought to defray costs by utilizing the United States Bankruptcy Court for the Central District of California's Mediation Program.

Second, the motion states that the parties "have preliminarily agreed to a \$7,500 cap on the fee for the mediation, which Debtor and Joana have agreed to split evenly." Nevertheless, the motion also states that "Debtor requests authority to pay Debtor's portion of the mediation from Debtor's debtor-in-possession account up to the amount of \$5,000." It is unclear whether the two quoted sections evidence an oversight on the part of the Debtor or Counsel or whether the discrepancy reflects an anticipation that the preliminary cap will be exceeded.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 15, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Movant(s):

Vance Zachary Johnson

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

6:18-11327 Latoya Joy Armstrong

Chapter 7

#1.00 Motion Of United States Trustee For An Order To Show Cause Why John Alarcon Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020

Also #12

EH__

Docket 13

***** VACATED *** REASON: CONTINUED/TRAILED TO 5/16/18 AT 11:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Latoya Joy Armstrong

Pro Se

Movant(s):

United States Trustee (RS)

Represented By
Mohammad Tehrani

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

6:18-10761 Ronald Wayne Cloyd

Chapter 13

#2.00 Motion to Convert Case From Chapter 7 to 13

Also #9

EH__

Docket 11

*** VACATED *** REASON: CONTINUED/TRAILED TO 5/16/18 AT
11:30 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
James P Doan

Movant(s):

Ronald Wayne Cloyd

Represented By
James P Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

6:17-10141 Shawn Michel Smigel

Chapter 7

#3.00 Notice of Trustee's Final Report and Applications for Compensation

Also #7

EH__

Docket 58

***** VACATED *** REASON: CONTINUED/TRAILED TO 5/16/18 AT
11:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Michel Smigel

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Robert Whitmore (TR)

Represented By
Julie Philippi
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#4.00 CONT Motion for Turnover of Property

From: 4/11/18

Also #8

EH__

Docket 102

***** VACATED *** REASON: CONTINUED/TRAILED TO 5/16/18 AT
11:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lloyd Walker

Pro Se

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Cathy Ta

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Cathy Ta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#5.00 CONT Motion to Approve Compromise Under Rule 9019 between Trustee and Dr. Eric L. Freedman

From: 5/11/16, 6/8/16, 6/29/16, 8/31/16, 10/5/16, 11/9/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18

Also #11

EH__

Docket 322

***** VACATED *** REASON: CONTINUED/TRAILED TO 5/16/18 AT 11:30 A.M.**

Tentative Ruling:

05/11/2016

Based on the representations made to the Court by counsel for the Parties that negotiations are ongoing, and based on the consent of the Parties to a continuance, the Court shall CONTINUE the hearing on the Motion to June 8, 2016 at 11:00 a.m.

APPEARANCES ARE WAIVED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:00 AM

6:13-17565 Bertrand Tenke Kengni

Chapter 7

#6.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f)

Also #10

EH ____

Docket 49

***** VACATED *** REASON: CONTINUED/TRAILED TO 5/16/18 AT
11:30 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bertrand Tenke Kengni

Represented By
Terrence Fantauzzi

Movant(s):

Helen R. Frazer (TR)

Pro Se

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

6:17-10141 Shawn Michel Smigel

Chapter 7

#7.00 Notice of Trustee's Final Report and Applications for Compensation

Also #3

EH__

Docket 58

Tentative Ruling:

05/16/18

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professional, the following administrative claims will be allowed:

Trustee Fees: \$ 3,250

Trustee Expenses: \$ 88.78

Attorney Fees: \$8,960

Attorney Costs: \$141.30

The applications for compensation are approved and the trustee and associated professional may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Shawn Michel Smigel

Represented By
Jenny L Doling
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Shawn Michel Smigel

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Represented By
Julie Philippi
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

6:15-21418 James Lloyd Walker

Chapter 7

#8.00 CONT Motion for Turnover of Property

From: 4/11/18

Also #4

EH__

Docket 102

***** VACATED *** REASON: CONTINUED TO 7/25/18 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lloyd Walker

Pro Se

Movant(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Cathy Ta

Trustee(s):

Robert Whitmore (TR)

Represented By
Franklin C Adams
Cathy Ta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

6:18-10761 Ronald Wayne Cloyd

Chapter 13

#9.00 Motion to Convert Case From Chapter 7 to 13

Also #2

EH__

Docket 11

*** VACATED *** REASON: ORDER CONVERTING CASE TO
CHAPTER 13 ENTERED 5/15/16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
James P Doan

Movant(s):

Ronald Wayne Cloyd

Represented By
James P Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

6:13-17565 Bertrand Tenke Kengni

Chapter 7

#10.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f)

Also #6

EH ____

Docket 49

Tentative Ruling:

05/16/2018

BACKGROUND

On April 27, 2013, Bertrand Tenke Kengni ("Debtor") filed a petition for chapter 7 relief. Helen Frazer is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate is an interest in real property located at 813 North Campus Ave (the "Property").

On April 18, 2018, the Trustee filed her Motion to Sell Property of the Estate Free and Clear of Liens (the "Motion").

Service of the Motion was proper as to the Debtor, Carisa Kengni and Fernando Pearson, as well as all creditors, and no opposition has been filed.

DISCUSSION

Sale of Estate Property Pursuant to Section 363(b)

The trustee, after notice and a hearing, may sell property of the estate. 11 U.S.C. § 363(b)(1); *see also Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 352 (1985). The sale must be in the best interests of the estate and the price must be fair and reasonable. *In re Canyon Partnership*, 55 B.R. 520 (Bankr. S.D. Cal. 1985); *see also In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991)(sale must have fair/reasonable price, accurate/reasonable notice to creditors and sale made in good faith). The trustee must articulate some "business

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Bertrand Tenke Kengni Chapter 7

justification" for selling estate property out of the "ordinary course of business" before the court may approve the transaction. *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983); *In re Ernst Home Ctr., Inc.*, 209 B.R. 974, 979 (Bankr. W.D. Wash. 1997). Objections to sale that are based on inadequacy of price are often resolved the court ordering an auction, which may occur in open court. *Simantrob v. Claims Prosecutor, LLC (In re Lahijani)*, 325 B.R. 282, 287 (9th Cir. BAP 2005) *citing* Fed. R. Bankr. P. 6004(f).¹

In support of the proposed sale to Yuefu Yu and Yi Zhao (collectively, "Buyers"), the Trustee sets forth the following figures and analysis:

Sale Price	\$365,000
Ditech	\$189,000
Debtor's Claim of Exemption	\$19,621.59
<u>Closing Costs (8%, including 6% broker commission)</u>	<u>\$29,378.41</u>
Net Equity for the Estate:	\$127,000

Based on these figures, the proposed sale to Purchaser appears reasonable and the Trustee's business justification for the sale warrants granting of the Motion.

a) Bidding Procedures

Generally, bidding procedures must be untainted by self-dealing, encourage bidding and be fair/reasonable/serve the best interests of the estate. *See In re Crown Corp.*, 679 F.2d 774 (9th Cir. 1982). Here, the Trustee has proposed bidding procedures which require an initial overbid of \$1,000 above the proposed purchase

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Bertrand Tenke Kengni Chapter 7

price of \$365,000, with each additional bid in increments of \$1,000, and a deposit of \$7,500 provided to the Trustee 5 days prior to the sale. The Trustee's proposed bidding procedures are reasonable and encourage bidding and are therefore approved.

b) Sale Made in Good Faith

The proposed sale has been brought in good faith and has been negotiated on an "arms- length" basis. The court, in Wilde Horse Enterprises, set forth the factors in considering whether a transaction is in good faith. The court stated:

‘Good faith’ encompasses fair value, and further speaks to the integrity of the transaction. Typical ‘bad faith’ or misconduct, would include collusion between the seller and buyer, or any attempt to take unfair advantage of other potential purchasers. . . . And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale.

Id. at 842 (citations omitted).

Here, the Trustee marketed the Property via her Broker, Neiman Realty, which marketed the Property. The Buyers' all cash offer is the highest and best offer received by the Trustee since listing the Property in the winter of 2017. (Trustee Decl. ¶9). The sale appears to be made in good faith.

c) Sale Free and Clear of non-Debtor Interests

A trustee may sell estate property "free and clear" of third party interests in the property, such as co-ownership interest, liens, claims and encumbrances. *See* 11 U.S.C. § 363(f). A sale free and clear of third party interests pursuant to section 363 is authorized only if one of the following conditions is met: (1) sale authorized by applicable nonbankruptcy law; (2) third party whose interest will be affected consents; (3) the affected interest is a lien and the sale price is greater than total value of all liens on the property; (4) the affected interest is a bona fide dispute; or (5) the third party whose interest will be affected could be compelled to accept a money

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Bertrand Tenke Kengni

Chapter 7

satisfaction of the interest. 11 U.S.C. § 363(f)(1)-(5).

Here, the Trustee seeks a sale free and clear of any interest of Carisa Kengni's nephew, Fernando Pearson Jr. ("Pearson"), to whom she attempted to transfer, post-petition, an interest in the Property. The Trustee's Declaration sufficiently details that there are bona fide disputes as to any interest that could be asserted by either Carisa Kengni or Pearson because the attempted transfers of interests in the Property postpetition likely constitute avoidable postpetition transfers. Based on the foregoing, the Court is inclined to grant the request to sell the Property free and clear of the non-Debtor interests of Carisa Kengni (already resolved via 9019) and of any interest held by Pearson.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion as follows:

1. Approving the sale of the Property to the Buyers or successful overbidder;
2. Providing that the Trustee is authorized and empowered to execute and deliver on behalf of the estate any and all documents as reasonably may be necessary to implement the terms of the proposed sale;
3. Providing that the notice given by the Trustee in connection with the sale and hearing thereon is adequate, sufficient, proper and complies with all applicable provisions of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure;
4. Approving the overbid procedures;
5. Approving payment of the Ditech deed of trust and any unpaid property taxes from escrow;
6. Approving payment of a 6% Broker's commission at close without further order;
7. Authorizing the sale of the Property free and clear of any interest of Pearson;
8. Authorizing Trustee to pay Debtor his allowed exemption; and
9. Waiving the 14-day stay prescribed by rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

Finally, the Court does not make a good faith finding at this time because no

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Bertrand Tenke Kengni

Chapter 7

declaration was filed by the Buyers establishing their lack of relationship to interested parties. The Court shall permit a supplemental declaration to be filed prior to entry of the order at which time the Court can approve the Buyers as Good Faith Buyers under §363(m).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Bertrand Tenke Kengni

Represented By
Terrence Fantauzzi

Movant(s):

Helen R. Frazer (TR)

Pro Se

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#11.00 CONT Motion to Approve Compromise Under Rule 9019 between Trustee and Dr. Eric L. Freedman

From: 5/11/16, 6/8/16, 6/29/16, 8/31/16, 10/5/16, 11/9/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18

Also #5

EH__

Docket 322

***** VACATED *** REASON: CONTINUED TO 6/11/18 AT 11:00 A.M.**

Tentative Ruling:

05/11/2016

Based on the representations made to the Court by counsel for the Parties that negotiations are ongoing, and based on the consent of the Parties to a continuance, the Court shall CONTINUE the hearing on the Motion to June 8, 2016 at 11:00 a.m.

APPEARANCES ARE WAIVED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

6:18-11327 Latoya Joy Armstrong

Chapter 7

#12.00 Motion Of United States Trustee For An Order To Show Cause Why John Alarcon Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020

Also #1

EH__

Docket 13

Tentative Ruling:

TENTATIVE RULING

The Office of the United States Trustee ("UST") moves this Court for an order to show cause why John Alarcon ("Alarcon"), bankruptcy petition preparer, should not be held in contempt of Court. Service of the Motion appears proper and no opposition has been filed.

In support, the UST has provided evidence that Alarcon previously committed violations of §110 while performing BPP services and was eventually enjoined from performing BPP services in February 2017 by Judge Clarkson for his failure to comply with prior orders (the "Injunction Order"). Despite that injunction and Alarcon's failure to seek to lift the injunction, the UST has provided evidence that Alarcon aided the Debtor in the instant case in the filing of her bankruptcy petition. The evidence sufficiently demonstrates Alarcon has been performing BPP services in violation of the Injunction Order.

Based on the foregoing, the Court is inclined to GRANT the Motion and issue an order to show cause why Alarcon should not be held in contempt.

APPEARANCES WAIVED. UST to lodge a proposed order to show cause re: contempt within 7 days.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

11:30 AM

CONT... Latoya Joy Armstrong

Chapter 7

Party Information

Debtor(s):

Latoya Joy Armstrong

Pro Se

Movant(s):

United States Trustee (RS)

Represented By
Mohammad Tehrani

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#13.00 Motion to Dismiss Adversary Proceeding For Failure To State A Claim

Also #14

EH__

Docket 6

Tentative Ruling:

05/16/2018

BACKGROUND

On December 8, 2017, Mark Bastorous and Bernadette Shenouda (collectively, "Debtors" or "Defendants") filed their petition for chapter 7 relief.

On March 12, 2018, Mona and Rafet Gerges and St. Mary Properties, LLC (collectively, Plaintiffs") filed their complaint for dischargeability determination under §§ 523(a)(2), (a)(4), and (a)(6) and for a finding of Alter Ego liability and an award of attorneys' fees and costs (the "Complaint"). The Complaint alleges generally that the Plaintiffs made loans in the original amount of \$540,000 plus interest at 1.66% every six months (the "Advances") to Defendants' wholly owned entity, MRM Investment Group Inc. ("MRM") and by deposits with Defendants' wholly owned corporate entity Professional Investment Group, LLC ("PIG"), secured by real property located at 2311 S. 6th Avenue, Arcadia, CA 91006 (the "Arcadia Property"). Plaintiffs further allege as follows:

1. Plaintiffs interest in the Arcadia Property was secured by a Deed of Trust recorded May 4, 2015 (Compl. ¶10)
2. A Deed of Trust in favor of the Bleeker Family Trust was recorded on April 20, 2016, securing a note in the principal amount of \$735,000 (Compl. ¶11);
3. A Trustee's Deed Upon Sale following a foreclosure sale was recorded on January 10, 2017 (Id.);
4. On March 5, 2017, the Bleeker Family Trust sold the Arcadia Property for \$880,000 to recover indebtedness due of \$869,428.05 (Id.);

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

5. Plaintiffs made the Advances to fund the remodeling of the Arcadia Property so that it would be fixed and flipped at a profit, from which Plaintiff would be paid on the Maturity Date (Compl. ¶12);
6. Plaintiff in a senior priority position to the Bleeker Family Trust, was not paid any amount from the proceeds (Compl. ¶13);
7. Plaintiffs made Advances to Defendant because they knew them and trusted them (Compl. ¶14);
8. In or about November 15, 2015, after the last of the Advances was made to Defendants, Defendants admitted to Plaintiffs that the Advances were not secured by the Arcadia Property (Compl. ¶15);
9. Defendant further represented to Plaintiff that an attorney, Marian Bishay (SBN 195315), would form a new corporation for them, to be known as St. Mary Properties, LLC ("St.Mary"), and that St. Mary would enter into a new promissory note with Defendant, secured by a different property owned by Defendant (Compl. ¶16);
10. Defendant further represented to Plaintiff that they would enter into a Secured Promissory Note and Profit Participation Agreement ("Secured Note") in the original amount of \$552,000, with a deed of trust recorded in a third position on an office building in Santa Ana, located at 1665 E 4th Street, Santa Ana, CA ("Office Property").
11. On November 15, 2015, Plaintiff executed a Deed of Trust and Assignment of Rents ("Deed of Trust"), in which it is stated it is to secure performance under a promissory note, dated as of June 28, 2015, by and between St. Mary Properties, LLC, on the one hand, and PIG, on the other hand (Compl. ¶18);
12. The Office Property was later foreclosed by a senior lender (Compl. ¶22);
13. The Articles of Organization for St Mary were not filed until August 6, 2016, or nine months after the Deed of Trust was executed (Compl. ¶21).

On April 14, 2018, Debtors filed their Motion to Dismiss the Complaint ("Motion"). The Plaintiffs opposed the Motion on May 2, 2018 ("Opposition") and Debtors filed their reply to the Opposition on May 9, 2018. Service is not at issue.

DISCUSSION

Civil Rule 12(b)(6) standards

Under Civil Rule 12(b)(6), made applicable in adversary proceedings through

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Rule 7012, a bankruptcy court may dismiss a complaint if it fails to "state a claim upon which relief can be granted." In reviewing a Civil Rule 12(b)(6) motion, the trial court must accept as true all facts alleged in the complaint and draw all reasonable inferences in favor of the plaintiff. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). However, the trial court need not accept as true conclusory allegations in a complaint or legal characterizations cast in the form of factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007); *Hartman v. Gilead Scis., Inc. (In re Gilead Scis. Sec. Litig.)*, 536 F.3d 1049, 1055 (9th Cir. 2008).

To avoid dismissal under Civil Rule 12(b)(6), a plaintiff must aver in the complaint "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). It is axiomatic that a claim cannot be plausible when it has no legal basis. A dismissal under Civil Rule 12(b)(6) may be based either on the lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory. *Johnson v. Riverside Healthcare Sys.*, 534 F.3d 1116, 1121 (9th Cir.2008).

Rule 9(b)

Allegations regarding fraud are subject to a heightened pleading standard. Civil Rule 9(b), made applicable to adversary proceedings by Rule 7009, requires that a plaintiff must state "with particularity the circumstances constituting fraud...." The Ninth Circuit has provided guidance for the "with particularity" requirement by stating that to comport with Civil Rule 9(b) the complaint must (1) specify the averred fraudulent representations; (2) aver the representations were false when made; (3) identify the speaker; (4) state when and where the statements were made; and (5) state the manner in which the representations were false and misleading. *Lancaster Cmty. Hosp. v. Antelope Valley Hosp. Dist.*, 940 F.2d 397, 405 (9th Cir.1991).

Because fraud encompasses a wide variety of circumstances, the requirements of Civil Rule 9(b)—like Civil Rule 8(a)(2)—should provide all defendants with sufficient information to formulate a response. Therefore, the complaint cannot lump multiple defendants together but must "inform each defendant separately of the allegations surrounding [its] alleged participation in the fraud." *Swartz v. KPMB LLP*, 476 F.3d 756, 764–65 (9th Cir. 2007).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

However, in *Cooper v. Pickett*, 137 F.3d 616, 627 (9th Cir.1997), the Ninth Circuit acknowledged that "[e]very transaction alleged to be fraudulent does not have to be detailed in the complaint." Instead, the Rule 9(b) requirement is satisfied where the Complaint sets forth an explanation as to why the transactions were false or misleading. *See Cooper v. Pickett*, 137 F.3d at 625; *see also In re Dreier LLP*, 453 B.R. 499, 508-09 (Bankr. S.D.N.Y. 2011) ("Under appropriate circumstances, multiple transactions will be collapsed and treated as steps in a single transaction for analysis under the fraudulent conveyance laws.").

I. CLAIM I : FRAUD UNDER §523(a)(2)

The Defendants assert that the claim for fraud is insufficiently stated. The Court agrees.

In order to maintain a claim for actual fraud, the plaintiff must provide sufficient factual content from which a court can derive that:

- (1) the debtor made the representations;
- (2) that at the time he knew they were false;
- (3) that he made them with the intention and purpose of deceiving the creditor;
- (4) that the creditor relied on such representations, and
- (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made.

In re Taylor, 514 F.2d 1370, 1373 (9th Cir.1975)

Allegations regarding fraud are subject to a heightened pleading standard. Civil Rule 9(b), made applicable to adversary proceedings by Rule 7009, requires that a plaintiff must state "with particularity the circumstances constituting fraud..." The Ninth Circuit has provided guidance for the "with particularity" requirement by stating that to comport with Civil Rule 9(b) the complaint must (1) specify the averred fraudulent representations; (2) aver the representations were false when made; (3) identify the speaker; (4) state when and where the statements were made; and (5) state the manner in which the representations were false and misleading. *Lancaster Cmty. Hosp. v. Antelope Valley Hosp. Dist.*, 940 F.2d 397, 405 (9th Cir.1991).

Because fraud encompasses a wide variety of circumstances, the requirements

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... **Mark Bastorous**

Chapter 7

of Civil Rule 9(b)—like Civil Rule 8(a)(2)—should provide all defendants with sufficient information to formulate a response. Therefore, the complaint cannot lump multiple defendants together but must "inform each defendant separately of the allegations surrounding [its] alleged participation in the fraud." *Swartz v. KPMB LLP*, 476 F.3d 756, 764–65 (9th Cir. 2007).

In the Complaint, Plaintiffs imply misrepresentations were made but do not identify which Debtor made the misrepresentations, when and where the statements were made or the manner in which the statements were misleading. It is, for example, asserted in the Opposition that a Defendant (though it is not clear which one) represented that the Advances would be secured by the Arcadia Property. (Opp'n at 2). However, the Complaint does not actually state that a representation was made regarding the debt being secured. Instead, the Complaint states generically that the "Note, was to be secured by a deed of trust". The Complaint then goes on to state that the Note was recorded on May 4, 2015, and also provides an instrument number. (Compl. at ¶11). The Complaint later indicates that Defendant (again, it is not clear which Defendant) admitted that the Advances were not secured by the Arcadia Property. (Compl. at ¶15). The series of allegations is confusing as to what the Plaintiffs understood was happening and what misrepresentations were made by the Defendants, even in a general sense. Similarly, as to the Office Property, it is not clear what, if any misrepresentation occurred, and if a misrepresentation occurred, how such misrepresentation caused a loss to the Plaintiffs where a senior lender was the one to foreclose on the Office Property.

If, for example, the Plaintiffs had alleged that Defendant Bastouros stated he would record the Deed of Trust on behalf of the Plaintiffs and then failed to do so, which ultimately resulted in Plaintiffs losing their investment when the Property was foreclosed, that statement would constitute a misrepresentation. However, here, there is basically no misrepresentation alleged. Nor is it clear how the foreclosure by the senior lender as to the Office Property was caused by any fraud or misrepresentation of the Defendants.

The Court is inclined to GRANT the Motion as to the First Claim and dismiss with leave to amend.

II. CLAIM II: FRAUD OR DEFALCATION WHILE ACTING IN A

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

FIDUCIARY CAPACITY, EMBEZZLEMENT OR LARCENY

Section 523(a)(4) provides in relevant part that a discharge under section 727 does not discharge an individual debtor from any debt for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny. 11 U.S.C. § 523(a)(4).

First, whether a relationship is a "fiduciary" one within the meaning of section 523(a)(4) is a question of federal law. *Ragsdale v. Haller*, 780 F.2d 794, 795 (9th Cir.1986). The broad, general definition of "fiduciary" is inapplicable in the dischargeability context. *Id.* at 796. Instead, the fiduciary relationship must be one arising from an express or technical trust that was imposed before and without reference to the wrongdoing that caused the debt. *Id.* Here, there is no express trust or trust res as required for a finding of fraud or defalcation while acting in a fiduciary capacity. *See id.* In their Opposition, the Plaintiffs assert that the Defendants acted in an investment-advisory capacity for the Plaintiffs and then cite to a case indicating that a real estate broker is a fiduciary under § 523(a)(4). (Opp'n at 6). The Opposition's legal authority and argument do not cure the failure of the Complaint to allege that an investment-advisory relationship existed between the parties nor does the Opposition provide legal authority for the proposition that the relationship between the parties created a financial advisor relationship or that such relationship would constitute a fiduciary relationship under § 523(a)(4). The Court is inclined to GRANT the Motion as to the Second Claim and dismiss with leave to amend. Finally, the Court concurs that because larceny and embezzlement are neither alleged nor addressed in the Opposition, to the extent the Plaintiffs sought relief on these grounds, the Court is also inclined to GRANT as to these two grounds.

III. CLAIM III: WILLFUL AND MALICIOUS INJURY

Section 523(a)(6) provides in relevant part that a discharge under section 727 does not discharge an individual debtor from any debt for willful and malicious injury by the debtor to another entity or to the property of another entity. 11 U.S.C. § 523(a)(6).

First, for an injury to be willful, the debtor must have a subjective motive to inflict injury or must believe that injury is substantially certain to occur as a result of his or her conduct. *Petralia v. Jercich (In re Jercich)*, 238 F.3d 1202, 1208 (9th Cir. 2001). In other words, the debtor must have acted with "actual knowledge that harm to the creditor was substantially certain" to result. *In re Su*, 290 F.3d at 1146; *Ditto v.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

McCurdy, 510 F.3d 1070, 1078 n. 8 (9th Cir. 2007).

In addition to the willfulness requirement, a claim under § 523(a)(6) requires that the injury be caused with malice. *See Su* at 1146-47. A 'malicious' injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse. *Id.* (internal citations omitted).

Here, as explained in SECTION I regarding the fraud claim, the Complaint has inadequately alleged actions or misrepresentations by the Defendants to establish a plausible claim that Defendants acted willfully and maliciously. The Complaint in its current form establishes little more than that Defendants induced Plaintiffs to loan them money in order to flip houses.

The Opposition indicates that the Defendants induced Plaintiff to record a reconveyance so that the Plaintiffs could induce another victim to loan money on the representations of sufficient equity in the Arcadia Property. Such allegations would be more supportive of Plaintiffs' claims. However, these facts were not alleged in the Complaint. The Complaint is vague as to why the reconveyance occurred. If the Defendant made a misrepresentation to Plaintiffs to induce them to reconvey the Deed of Trust on the Arcadia Property then Rule 9 compels Plaintiffs to set these allegations forth in the Complaint.

Based on the foregoing, the Court is inclined to GRANT the Motion as to the Third Claim for Relief.

IV. CLAIM IV and V: ALTER EGO AND ATTORNEY FEES AND COSTS

The sole argument by Defendants to support dismissal of the Fourth and Fifth Claims for relief is that they seek substantive relief which is not available in a nondischargeability action. The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), *aff'd*, 760 F.3d 1038 (9th Cir. 2014).

Based on the foregoing, the Defendants have failed to establish that substantive claims specifically related to dischargeability complaints cannot be

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

brought in the bankruptcy court. Nonetheless, the Motion is GRANTED as to the Fourth and Fifth Claims with leave to amend on the sole basis that the Court has granted the Motion as to the First through Third Claims for relief as the Fourth and Fifth Claims cannot stand alone.

TENTATIVE RULING

The Court is inclined to GRANT the Motion dismissing the Complaint in its entirety with leave to amend.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#14.00 CONT Status Conference Re: Adversary case 6:18-ap-01064. Complaint by Mona Gerges, Rafet Gerges, St. Mary Properties, LLC against Mark Bastorous, Bernadette Shenouda. False pretenses, False representation, actual fraud, 67- Dischargeability - 523(a)(4); Fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), Willful and malicious injury

From: 5/9/18

Also #13

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#15.00 Motion to Dismiss Adversary Proceeding

EH__

Docket 3

Tentative Ruling:

05/16/2018

Plaintiff, having filed an Amended Complaint on May 3, 2018, the Court is inclined to DENY the Motion as moot.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#16.00 Defendant and Non-Debtor Mike Bareh's Motion to Dismiss Complaint

EH__

Docket 7

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mike Bareh

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Mirco J Haag

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#17.00 Motion to Dismiss Adversary Proceeding

EH__

Docket 3

Tentative Ruling:

05/16/2018

Plaintiff, having filed an Amended Complaint on May 3, 2018, the Court is inclined to DENY the Motion as moot.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:17-12748 William A. Mendez, II

Chapter 7

Adv#: 6:18-01021 Cisneros v. Ganahl Lumber Company, A California Corporation

#18.00 CONT Status Conference re Complaint by Arturo Cisneros against Ganahl Lumber Company, A California Corporation for Avoidance Of Fradulent Transfers; Recovery Of Avoided Transfer; Recovery of money/property - 548 fraudulent transfer and other actions that would have been brought in state court if unrelated to bankruptcy

From: 3/21/18

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Defendant(s):

Ganahl Lumber Company, A

Pro Se

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Plaintiff(s):

Arturo Cisneros

Represented By
Todd A Frealy
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... William A. Mendez, II

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:17-01085 PRINGLE v. Winn et al

#19.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01085. Complaint by JOHN P PRINGLE against Ralph Winn. (Charge To Estate - \$350.00). and other Defendants including DOES 1-25 Nature of Suit: 12 - Recovery of money/property - 547 preference, 13-Recovery of money/property - 548 fraudulent transfer, 21-Validity, priority or extent of lien or other interest in property, 14 - Recovery of money/property - other, 91- Declaratory judgment)

From: 7/12/17, 8/23/17, 10/25/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Ralph Winn

Represented By
Douglas A Plazak

Sterling Security Service, Inc.

Represented By
Seth W Wiener

Natalia V Knoch

Represented By
Seth W Wiener

Steven B Knoch

Represented By
Seth W Wiener

Stacy Winn

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Home Security Stores, Inc.

Chapter 7

Douglas A Plazak

Plaintiff(s):

JOHN P PRINGLE

Represented By
Charity J Miller
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Miller

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#20.00 Motion to Dismiss and/or Motion to Strike

EH__

Docket 90

Tentative Ruling:

05/16/2018

BACKGROUND

On October 25, 2013, Douglas Jay Roger ("Debtor" or "Defendant") filed his petition for chapter 7 relief. On September 22, 2014, Revere Financial Corporation ("Revere") and Jerry Wang ("Receiver") (collectively, "Plaintiffs") filed a complaint for determination of the dischargeability of debts pursuant to §§ 523(a)(2)(B), 523(a)(2)(A), 523(a)(4)(A), 523(a)(4) & 523(a)(6); and objecting to the Debtor's discharge pursuant to §§727(a)(3), 727(a)(4)(A), 727(a)(4)(B), 727(a)(5), & 727(a)(7) ("Complaint" or "Dischargeability Action").

On October 6, 2014, the Debtor filed a Motion to Dismiss, to Strike, and for a More Definite Statement (the "MTD"). After numerous hearings on the merits of the Complaint, followed by numerous months of joint stipulations between the parties to continue the hearing for settlement discussions, an order granting in part and denying in part the MTD was entered on December 20, 2017. On February 20, 2018, the Plaintiffs filed their First Amended Complaint (the "FAC"). On March 14 and 21, the parties stipulated to a continuance and extension of time for Defendant to respond to the FAC. On April 24, 2018, the Defendant filed a Motion to Dismiss and/or Strike the FAC (the "Motion"). Plaintiffs filed Opposition to the Motion on May 2, 2018. On the same date, the Trustee for the Douglas J. Roger MD. Inc. ("DJRI") bankruptcy filed a joinder to the Plaintiffs' Opposition ("Opposition"). The Defendant filed his reply on May 10, 2018 ("Reply").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

DISCUSSION

I. Dismissal pursuant to Rule 8

The Defendant asserts that dismissal is warranted because the First Amended Complaint violates Rule 8 in that Plaintiffs fail to provide a short and plain statement of the claims. Instead, Defendant argues that the FAC is "filled with subordinate clauses and contains extensive elaboration and superfluous details that make it non-compliant with the provisions of [Rule 8]." (Mot. at 7:12-16).

In response to Defendant's argument, Plaintiff correctly cites to *Hearns v. San Bernardino Police Dep't*, 530 F.3d 1124, 1131 (9th Cir. 2008). In *Hearns*, the Ninth Circuit extensively discusses cases in which dismissals under Rule 8 have been upheld:

- Not only was the first complaint at issue in that case lengthy; it set out its claims in two sentences, which comprised 30 lines, without specifying which of the 20 named defendants were liable for which claims ... We affirmed the district court's dismissal of the final amended complaint, which we described as 'argumentative, prolix, replete with redundancy, and largely irrelevant' (*McHenry v. Renne*, 84 F.3d 1172 (9th Cir.1996));
- In *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 671 (9th Cir.1981), we upheld a Rule 8(a) dismissal of a 48–page complaint that contained an additional 23 pages of addenda and exhibits. The complaint was characterized as " 'verbose, confusing and almost entirely conclusory.' " *Id.* at 674;
- In *Schmidt v. Herrmann*, 614 F.2d 1221, 1224 (9th Cir.1980), the complaint was 30 pages long. It was "impossible to designate the cause or causes of action attempted to be alleged in the complaint." 614 F.2d at 1223. The complaint was described as a "confusing statement of a non-existing cause of action" and as "confusing, distracting, ambiguous, and unintelligible";
- The Ninth Circuit further indicated that two older cases, *Gillibeau v. City of Richmond*, 417 F.2d 426, 431–32 (9th Cir.1969) and *Agnew v. Moody*, 330 F.2d 868, 870–71 (9th Cir.1964), narrowly permit dismissal under Rule 8(a)(2) where a complaint is "so verbose, confused and redundant that its true substance, if any, is well disguised"

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

Here, the Court initially notes that Defendant fails to point to any specific portions of the FAC which support a finding that the allegations are so verbose, confused or redundant as to conceal the true substance of the Plaintiff's claims or that dismissal is otherwise warranted under Rule 8(a) or (d). Nor does the Court's review of the FAC raise any concerns that the Defendant could be confused about what claims are being alleged against him. Finally, the Defendant fails to distinguish *Hearns* or otherwise provide binding caselaw to support his Rule 8 arguments. The Court is inclined to DENY the request for dismissal under Rule 8 and declines to strike any portion of the FAC.

II. Dismissal for Failure to Prosecute, Rule 41(b)

Defendant seeks dismissal asserting that Plaintiffs have failed in their duty to diligently prosecute the action, and Debtor has been prejudiced by their delay. (Mot. at 5:15-17).

In response, Plaintiffs primarily point out that the Defendant expressly requested and/or agreed to several stipulations to continue the matters in the instant action. A review of the docket confirms that in most instances, Defendant has agreed affirmatively or tacitly to the continuances that he now asserts caused him prejudice. For example, in his declaration, Dr. Roger opines that the Court's tentative ruling granting in part and denying in part his first Motion to Dismiss was issued on November 5, 2014, but that the order was not entered until December 20, 2017. (Roger Decl. ¶¶ 7-10). Defendant, however, glaringly ignores that he signed numerous stipulations continuing the final hearing on the Motion to Dismiss during that period. In fact, the final order (which was one approved as to form and content by all of the parties) illustrates that the Defendant consented to review of the final order by the other parties and to their approval prior to lodgment of the order. In this context, the Roger Declaration reveals itself to be a self-serving and misleading statement of the history of this case. Now the Court shall turn to the merits of the argument.

A trial court is required to consider the following five factors in determining whether to dismiss an action for lack of prosecution: (1) the public's interest in expeditious resolutions of litigation, (2) the court's need to manage its docket, (3) the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

risk of prejudice to defendants, (4) the public policy favoring disposition of cases on their merits, and (5) the availability of less drastic sanctions. *In re Osinga*, 91 B.R. 893, 894 (9th BAP Cir. 1988).

1. The Public's Interest in Expeditious Resolutions of Litigation

In support of the Motion, Defendant cites heavily to *Osinga* for the proposition that the Plaintiffs' alleged 'unreasonable' delay in moving the case forward has prejudiced the Defendant and warrants dismissal. Defendant particularly underscores the fact that in a bankruptcy case, parties seeking to have their debts determined nondischargeable are required to "litigate their claims with reasonable promptitude." (Reply at 5)(citing *Osinga* at 895).

In *Osinga*, the BAP noted that "defendants/appellees had seen no action and had heard nothing from the plaintiffs/appellants regarding [the] matter for twenty-nine months." Defendant appears to argue that the *Osinga* Panel's decision rested heavily on the duty of the plaintiffs at all times to move the case forward. However, *Osinga* is distinguishable from the instant case because in *Osinga*, the discussion regarding the plaintiff's duty to move a case forward was in the context of a record demonstrating a complete absence of any actions taken by plaintiff for a period of twenty-nine months. Additionally, *Thompson v. Housing Authority of the City of Los Angeles*, 782 F.2d 829 (9th Cir.1986) (cited in *Osinga* to support the proposition that delay caused by defendants does not obviate the possibility that dismissal may still be appropriate), involved a case in which neither side was prepared for trial. Thus, in *Thompson*, the fact that the defendant was not prepared did not relieve plaintiff from his separate obligation to prepare for trial (especially where plaintiff and defendant had been granted numerous continuances to prepare). The instant case is readily distinguishable. This is a case where there have been numerous stipulations signed by all of the parties, **including Defendant**, consenting to continuances and extensions of time. Moreover, the FAC reflects that the Dischargeability Action involves complex factual and legal issues related to the numerous adversary actions filed in the Roger and DJRI bankruptcy cases and it is not unreasonable to believe as indicated in the signed stipulations of the parties, that settlement negotiations have been ongoing for a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

lengthy period of time. Here, the Court does not find that Plaintiffs caused an unreasonable delay or that they failed in their duty to diligently prosecute the case. Thus, this factor weighs against granting of the Motion.

2. The Court's need to Manage its Docket

The first two of the four policy considerations suggest that rule 41(b) is in large part a housekeeping measure related to the efficient administration of judicial business for the benefit of all litigants with cases pending. *Nealey v. Transportacion Maritima Mexicana, S. A.*, 662 F.2d 1275, 1279 (9th Cir. 1980). As to this factor, the Court finds that permitting the action to move forward will not prejudice other litigants and as such this factor weighs against granting of the Motion.

3. Risk of Prejudice to Defendants

The plaintiff, of course, "has the ultimate burden of persuasion both as to the excuse for his own delay and as to lack of prejudice to the defendant." *Nealey* at 1280 (citing *Larios v. Victory Carriers, Inc.*, 316 F.2d 63, 67 (2d Cir. 1963).

(W)hen such a plaintiff has presented evidence excusing his own delay, he should (not) be automatically barred unless he also presents anticipatory evidence to negate prejudice on the part of the defendant, an issue as to which the defendant, with his greater knowledge, ought to be required to come forward.

Id. As a threshold matter, the Court has already determined that the alleged delay has not been unreasonable and that given the consent of Defendant to numerous continuances, even if there was prejudice to Defendant, such prejudice was not caused by actions of the Plaintiffs.

As to legal prejudice, the Defendant has provided evidence that he is unable to locate one of the witnesses that would have testified on his behalf - Mr. Gamboa, the original loan underwriter for 1st Centennial Bank. However, the Court finds there has not been actual prejudice stemming from the actions of Plaintiffs. In *Nealey*, the Court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

evaluated in a detailed manner whether actions by the plaintiffs could or would prejudice the defendants. Such analysis requires more detailed information regarding when the Defendant allegedly lost contact with Mr. Gamboa and whether Defendant made diligent efforts to keep in contact with his witnesses when he agreed to the numerous continuances that caused the delay in prosecution of the Dischargeability Action. As the Ninth Circuit held in *Nealey*, "the irretrievable loss of evidence may of course be ... serious. Fairness dictates, however, that a plaintiff not be deprived of his cause of action if the missing evidence would have been lost even absent delay. Rather, the loss **must in some way be causally related to the plaintiff's conduct.**" *Nealey* at 1281 (emphasis added). Here, the Court finds insufficient evidence that any specific conduct by Plaintiffs have caused actual prejudice with regard to Mr. Gamboa's absence. Additionally, the Defendant has not indicated whether and to what extent other employees or former employees of 1st Centennial Bank may be able to testify on behalf of the Defendant.

As to the remaining bases for prejudice alleged by Defendant, i.e., loss of income and reputation, the Court SUSTAINS the evidentiary objections of RFC. The Defendant's assertions that the Dischargeability Action have caused him damage are without foundation, are speculative and constitute little more than unsupported conjecture on the part of Defendant. As such the Court strikes the Defendant's statements as inadmissible. Alternatively, even assuming the Court were to credit the Defendant's statements, the Defendant has not shown that actions by Plaintiffs have had a direct causal relationship to his loss of income and reputation.

Based on the foregoing, the Court finds that Defendant has failed to demonstrate legal prejudice causally related to any actions by Plaintiffs. This factor weighs against granting the Motion.

4. Public Policy Favoring Disposition of Cases on their Merits

Defendant does not address this factor. However, the Court finds that this factor weighs in favor of a decision on the merits and against granting of the Motion.

5. Availability of Less Drastic Sanctions

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

Defendant also does not address this factor. However, in the event the Defendant had been able to demonstrate legal prejudice causally related to Plaintiffs actions, various evidentiary sanctions and/or punitive monetary sanctions could have been considered. Dismissal, however, is an extreme sanction and given the consent of Defendant to numerous continuances, is wholly unwarranted in this case. This factor weighs against granting of the Motion.

The Court, having evaluated all of the factors under Rule 41 finds that the weight of all factors favors denial of the Motion.

III. Statute of Limitations and the Receiver's Authority to File the Complaint

Finally, Defendant complains that Receiver's *nunc pro tunc* order authorizing the filing of a complaint in the bankruptcy court served to improperly circumvent the Federal Rule of Bankruptcy Procedure because although he timely signed on to the timely Complaint that initiated this proceeding, he did not have authority from the State Court to file the action until well past the bankruptcy deadline for doing so. The Court agrees with Plaintiffs that the argument is inartfully couched within the Rule 41 argument.

"*Nunc pro tunc* signifies now for then, or in other words, a thing is done now, which shall have the same legal force and effect as if done at [the] time when it ought to have been done." *United States v. Allen*, 153 F.3d 1037, 1044 (9th Cir.1998) (quoting Black's Law Dictionary 964 (5th ed.1979)). The doctrine is considered part of the "inherent power of the court to make its records speak the truth." *Id.*

Defendant does not dispute that original Complaint was timely filed and that the Receiver signed on to that Complaint. Instead, Defendant argues that because the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

Defendant did not have authority to file the initial Complaint under state law, at the time of the filing, that his participation in this case going forward cannot be cured by the State Court's retroactive grant of authority. On this point, the Court agrees with the cases cited by Plaintiffs that the failure to obtain authority to sue is not a jurisdictional bar to filing. The *In re Richards* case cited by Defendant is unavailing on this point because it involves a **bankruptcy** local rule which the plaintiff had not complied with when the complaint was filed. 2 B.R. 219, 22 CBC 501 (BC MD NC 1980). In contrast, the Receiver's authority to sue in this case involves state law and a *nunc pro tunc* order issued by the State Court. The Defendant now asks this Court to invalidate that order. However, if the Defendant disagreed with the State Court's authority to issue *nunc pro tunc* relief, his recourse should have been to appeal or seek reconsideration of the State Court's order. The legal argument that the Receiver's action is untimely is not well-taken and the Defendant has not provided legal authority to support the proposition that this Court may now invalidate the State Court's Nunc Pro Tunc Order.

Finally, the Defendant's arguments regarding the Receiver's fees and expenses are incognizable. As such the Court need not reach this argument at this time. To the extent relief is requested as to the Defendant's liability for Receiver's fees and expenses, such relief is denied without prejudice.

TENTATIVE RULING

For the foregoing reasons, including for the reasons set forth by Plaintiffs' and Trustee's Opposition not here addressed, the Court is inclined to DENY the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Movant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat
Adv#: 6:15-01303 Cisneros v. AMERICAN EXPRESS

Chapter 7

#21.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01303. Complaint by A. Cisneros against AMERICAN EXPRESS. (Charge To Estate \$350). For Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 1/13/16, 3/23/16, 5/25/16, 6/29/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17 9/13/17, 12/13/17, 2/14/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

AMERICAN EXPRESS

Represented By
Robert S Lampl
Chad V Haes

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#22.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/25/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Summer M Shaw
George Hanover

LIBERTY ORTHOPEDIC

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat
George Hanover

Chapter 7

UNIVERSAL ORTHOPAEDIC

Represented By
Summer M Shaw
George Hanover

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01309 Cisneros v. DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN

#23.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01309. Complaint by A. Cisneros against DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential Transfer (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/25/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

DOUGLAS J. ROGER, M.D., INC.

Represented By
Summer M Shaw

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01308 Cisneros v. BWI CONSULTING, LLC et al

#24.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01308. Complaint by A. Cisneros against BWI CONSULTING, LLC, Black and White, Inc., BLACK AND WHITE BILLING COMPANY, BLACK AND WHITE INK, MEHRAN DEVELOPMENT CORPORATION. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 1/13/16, 3/23/16, 5/25/16, 7/27/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/11/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

BWI CONSULTING, LLC	Pro Se
Black and White, Inc.	Pro Se
BLACK AND WHITE BILLING	Pro Se
BLACK AND WHITE INK	Pro Se
MEHRAN DEVELOPMENT	Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#25.00 CONT Motion for Summary Judgment Against Defendant Carolina Villalobos Navarro

From: 4/25/18

Also #26 & #27

EH__

Docket 42

Tentative Ruling:

4/25/18

BACKGROUND

On April 12, 2016, Jose Hernandez ("Debtor") filed a Chapter 7 voluntary petition. On July 7, 2016, the Chapter 7 Trustee ("Plaintiff") filed a complaint against Carolina Navarro ("Defendant") seeking the avoidance and recovery of a fraudulent transfer. After default was entered against Defendant, on October 14, 2016, the parties stipulated to set aside default, and, that same day, Defendant filed her answer. On March 1, 2018, Plaintiff filed a motion for summary judgment. On April 4, 2018, Defendant filed her opposition.

Plaintiff alleges that on July 21, 2014, Debtor transferred certain real property located at 3510 Duffy St., San Bernardino, CA 92407 to Defendant for no consideration and that Debtor was insolvent at the time of the transfer or became insolvent as a result of the transfer. Defendant received a Chapter 7 discharge on January 26, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

DISCUSSION

I. Violation of Discharge Injunction

As a preliminary matter, Defendant argues that because she obtained her own discharge in January, the continuation of this proceeding violates her discharge injunction. Specifically, Defendant argues that her discharge extinguishes her personal liability and that Trustee's complaint seeks avoidance of the transfer and recovery of the property *or its value*. Defendant's opposition states:

Notwithstanding his heightened knowledge of the provisions of the Bankruptcy Code and bankruptcy jurisprudence, the Trustee has pursued the same claims and remedies against Defendant after her discharge was granted, relieving her of any personal liability on account of the Trustee's alleged claims and barring the Trustee from obtaining relief in this case. For example, the Trustee seeks judgment on his Fifth Claim, which as pled in the Complaint, alleges that "Plaintiff is entitled to recovery the Subject Property **or its value** from the Defendant Pursuant to § 550(a)."

[Dkt. No. 46, pg. 12-13].

Defendant's argument is misleading and lacks merit. Regardless of the relief requested in the complaint, which was filed before Defendant obtained a discharge, Plaintiff's motion for summary judgment has dropped the reference to "or its value" and only seeks recovery of the subject property. Nothing in the motion for summary judgment seeks to enforce a personal liability of the Defendant. Therefore, the Court rejects Defendant's argument.

II. Motion for Summary Judgment

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. Rule 56(c) (incorporated by FED. R.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez
BANKR. P. 7056).

Chapter 7

The moving party has the burden of establishing the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324; *see also* FED. R. CIV. P. Rule 56(e). The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

Plaintiff requests summary judgment on the second claim for relief (avoidance of constructively fraudulent transfer) and the fifth claim for relief (recovery of avoided transfer). 11 U.S.C. § 548(a)(1)(B) states, in pertinent part:

(a)(1) The trustee may avoid any transfer (including any transfer to or for the benefit of an insider under an employment contract) of an interest of the debtor in property, or any obligation (including any obligation to or for the benefit of an insider under an employment contract) incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition, if the debtor voluntarily or involuntarily --

(B)(i) received less than a reasonably equivalent value in exchange for such transfer or obligation; and

(ii)(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... **Jose Antonio Hernandez**
transfer or obligation

Chapter 7

Defendant does not dispute that there was a transfer of an interest of property within 2 years before the petition date. Defendant does, however, dispute the satisfaction of the other two elements, arguing that Defendant received reasonably equivalent value and was not rendered insolvent by the subject transfer. *See generally In re Fruehauf Trailer Corp.*, 444 F.3d 203, 210 (3rd Cir. 2006); *In re Southern Textile Knitters*, 65 Fed. Appx. 426, 436 (4th Cir. 2003) (outlining elements of § 548(a)(1)(B) action).

Regarding the requirement that reasonably equivalent value have been provided, Plaintiff asserts that the grant deed reflects that the transfer was a "bonafide gift and the grantor received nothing in return." In her opposition, Defendant argues that the language of the grant deed is inaccurate, and that she offered value in a variety of ways. Specifically, Defendant contends that she was a co-signer for the refinancing and "also provided consideration by contributing her wages to pay for household expenses and by providing domestic labor including cooking, cleaning, child-rearing, and running the parties' household." [Dkt. No. 46, pg. 17, lines 7-9]. With regard to the language on the grant deed, Defendant states that:

The Grant Deed was not prepared by Debtor or Defendant. Debtor and Defendant correctly advised the loan officer who handled the refinancing that Defendant was not paying cash to Debtor for her one-half interest. For this reason, Debtor and Defendant believe the loan officer or escrow agent who prepared the Grant Deed noted on the document that the Transfer was a gift.

[Dkt. No. 46, pg. 5, lines 1-5].

In the reply, Plaintiff contends that "[a]fter first stating that it was a gift and nothing was received, the Debtor and Defendant should be estopped from now claiming it was not a gift and reasonably equivalent value was provided for the Subject Transfer." [Dkt. No. 51, pg. 4, lines 13-15].

The Court concludes that the parol evidence rule applies here to preclude the consideration of evidence which contradicts the plain and unambiguous language of the deed. *See generally In re Khalil*, 2014 WL 1725811 at *6-11 (Bankr. C.D. Cal. 2014) (collecting cases providing comprehensive analysis of the parol evidence rule in the context of grant deeds deed). As was noted in *Khalil*:

If there is no ambiguity on the face of the document, and no reference to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

information or terms in the recorded document or from the circumstances of the conveyance that would lead a bona fide purchaser to inquire as to the intent and meaning of the instrument, then the bona fide purchaser is entitled to rely on the written record and is not charged with or bound by unstated meanings or by secret or collateral agreements that add to or alter the written record.

Id. at *10. While the above quotation is in the context of ownership interests in real property, rather than the nature of consideration, or lack thereof, in connection with a grant deed, the same underlying principle is applicable: "third parties, including the trustee and the estate's creditors, must be able to rely on the terms of recorded deed." *Id.* at *11. *See also id.* at *10 ("As a general rule, when any ambiguity is not evident from the face of the instrument (i.e., a "latent" ambiguity), the deed must be construed solely from an analysis of the plain meaning of the document itself, and extrinsic evidence is not admissible."); *Laux v. Freed*, 53 Cal. 2d. 512, 523 (Cal. 1960) ("[I]f the language of a deed is plain, certain and unambiguous, neither parol evidence nor surrounding facts and circumstances will be considered to add to, detract from, or vary its terms.").

Regarding the insolvency requirement, Plaintiff first argues that given the absence of reasonably equivalent value, Debtor's insolvency as a result of the transfer should be assumed; Plaintiff cites *United States v. Mazzeo*, 245 B.R. 435, 441 (E.D.N.Y. 1999). The Court declines to make such a presumption. The case cited by Plaintiff, and the related case law, deals with fraudulent transfer provisions under New York state law. *See, e.g., Kim v. Ji Sung Yoo*, 2017 WL 4382078 (S.D.N.Y. 2017) (noting presumption and collecting cases). No such burden shifting framework, however, exists under the Bankruptcy Code. *See* 5 COLLIER'S ON BANKRUPTCY ¶ 548.11[2] (16th ed. 2017) ("Under state law and the UFTA (and presumably the UVTA), a well-recognized exception permits the court to infer a proscribed financial state once the plaintiff has shown a lack of fair consideration or a lack of reasonably equivalent value. This shift should not apply to cases brought under section 548.") (footnotes omitted); *see also In re Galbreath*, 286 B.R. 185, 197 (Bankr. S.D. Ga. 2002) ("The burden for proving constructive fraud falls on the trustee who must show by a preponderance of the evidence that all requirements set out in § 548(a)(1)(B) have been met.")

Plaintiff next argues that Debtor's insolvency can be established through a review of the schedules. Essentially, Plaintiff argues that the schedules indicate that Debtor was insolvent as of the petition date, and that the Court can work backwards to conclude that Debtor was insolvent on the date of the transfer. As one bankruptcy court has stated:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

Since insolvency at a given point in time is often difficult to demonstrate by direct proof, courts permit the trustee to show that the debtor was insolvent at one point in time and then prove that the same condition existed at the time of the subject transfer. This method of proof has been labeled "retrojection," but it applies equally to situations in which the trustee starts at a point in time prior to the transfer. When the trustee chooses to use this method of proof it is essential that the trustee be able to show the absence of any substantial or radical changes in the assets or liabilities of the bankruptcy between the retrojection dates.

In re R. Purbeck & Assocs., Ltd., 27 B.R. 953, 955 (Bankr. D. Conn. 1983) (footnotes and quotation omitted). Plaintiff argues that the schedules reflect that Debtor had no meaningful unexempt assets as of the petition date while much of Debtor's unsecured debt was identified as having been incurred prior to the date of the transfer. Furthermore, Debtor's statement of financial affairs does not disclose any significant transfers of property between the date of the subject transfer and the petition date.

In Defendant's opposition, she appears to contend that Debtor's outstanding debt on the date of the subject transfer was \$210,282 and that Debtor's assets were valued at approximately \$224,000. The Court notes that these assertions do not demonstrate solvency – they demonstrate insolvency as that term is defined in the Code. 11 U.S.C. § 101(32)(A)(ii) exempts from the solvency requirement property which may be exempt under § 522. The assets listed in Debtor's schedules, and in Defendant's opposition, all appear to be assets capable of being exempted under § 522, thereby rendering Defendant statutorily insolvent. Even ignoring that fact, however, Defendant's opposition indicates that Debtor had \$53,186 in equity in the property; transferring a 50% interest in the property would have rendered Debtor insolvent even before removing property which can be exempted. As a result, the Court concludes that Plaintiff has demonstrated there is no genuine dispute regarding Debtor's insolvency on the date of the subject transfer.

III. Recovery

Plaintiff also seeks recovery of the subject property pursuant to 11 U.S.C. § 550. 11 U.S.C. § 550(a)(1) states:

- (a) Except as otherwise provided in this section, to the extent that a transfer is avoided under section 544, 545, 547, 548, 549, 553(b), or 724(a) of this title,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

- the trustee may recover, for the benefit of the estate, the property transferred, or, if the court so orders, the value of such property, from –
- (1) the initial transferee of such transfer or the entity for whose benefit such transfer was made

Defendant opposes the requested recovery, although the legal basis for the opposition is less than clear. Defendant argues that "annulment of the Transfer would have the effect of returning the Property to a single ownership since Debtor was the sole owner. Therefore, recovery of the Transfer is unnecessary and provides no benefit to the estate." [Dkt. No. 46, pg. 18, lines 15-17]. The Court's interpretation of the Plaintiff's request is that Plaintiff is requesting an order indicating that the Property has retained to single ownership (the bankruptcy estate). Therefore, it does not appear there is really any legal dispute here, semantical differences aside.

IV. Withdrawal of Admissions

In light of the foregoing, the Court is inclined to deny Defendant's motion to withdraw admissions as moot. The Court need not rely on admissions by default in resolving the instant motion for summary judgment.

TENTATIVE RULING

The Court is inclined to GRANT the motion for summary judgment, avoiding the transfer as constructively fraudulent and permitting Trustee's recovery of such transfer. Defendant's motion to withdraw admissions is DENIED as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By

Jessica De Anda Leon

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Larry D Simons

Represented By
Frank X Ruggier

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#26.00 CONT Motion to Withdraw Alleged Admissions To Trustees Requests For Admission

From: 4/25/18

Also #25 & #27

EH__

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Frank X Ruggier

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 16, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#27.00 CONT Status Conference RE: Complaint to Avoid and Recover Fraudulent Transfer

From: 9/7/16, 11/9/16, 1/11/17, 3/8/17, 4/12/17, 5/17/17, 6/7/17, 7/26/17, 9/27/17, 11/29/17, 1/10/18, 4/25/18

Also #25 & #26

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 22, 2018

Hearing Room 303

9:30 AM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#1.00 Evidentiary hearing re Order to Show Cause Why Jesse Bojorquez, American Business Investments, William Morschauser, Stephen Collias and Continental Capital, LLC, Should Not Be Sanctioned for Facilitating Payment to and/or Receiving Payment for Broker Services in Contravention of this Court's August 11, 2003, Sale Order

FROM: 3/12/18

Also #2

EH__

Docket 1

Party Information

Debtor(s):

Devore Stop A General Partners

Represented By

Arshak Bartoumian - DISBARRED -
Newton W Kellam

Devore Stop

Represented By

Hutchison B Meltzer

Defendant(s):

Continental Capital LLC

Represented By

Cara J Hagan

Stephen Collias

Represented By

Cara J Hagan

Jesse Bojorquez

Represented By

Lawrence J Kuhlman
Autumn D Spaeth ESQ

American Business Investments

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 22, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

Lawrence J Kuhlman
Autumn D Spaeth ESQ

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 22, 2018

Hearing Room 303

9:30 AM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#2.00 CONT Status Conference RE: [1] Complaint by William G Morschauser against Continental Capital LLC , Stephen Collias , Jesse Bojorquez , American Business Investments , Mohammed Abdizadeh . (91 (Declaratory judgment)) , (72 (Injunctive relief - other))

HOLDING DATE

From: 3/11/15, 5/20/15, 7/29/15, 12/16/15, 2/3/16, 3/16/16, 5/11/16, 8/31/16, 11/2/16, 11/16/16, 3/8/17, 6/7/17, 7/26/17, 9/13/17, 3/12/18

Also #1

EH__

Docket 1

Party Information

Debtor(s):

Devore Stop A General Partners

Represented By

Arshak Bartoumian - DISBARRED -
Newton W Kellam

Devore Stop

Represented By

Hutchison B Meltzer

Defendant(s):

Continental Capital LLC

Represented By

Cara J Hagan

Stephen Collias

Represented By

Cara J Hagan

Jesse Bojorquez

Represented By

Lawrence J Kuhlman
Autumn D Spaeth ESQ

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 22, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

American Business Investments

Represented By

Lawrence J Kuhlman

Autumn D Spaeth ESQ

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By

Hutchison B Meltzer

Reid A Winthrop

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 22, 2018

Hearing Room 303

9:30 AM

6:14-14377 Hilary D Hill

Chapter 7

Adv#: 6:15-01206 Speier v. Simmons et al

#3.00 Trial RE: [1] Adversary case 6:15-ap-01206. Complaint by Steven M Speier against Angela Simmons, David Schanhals, Hilary D Hill. (Charge To Estate Robert)

EH__

Docket 1

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Defendant(s):

Angela Simmons

Represented By
David Brian Lally

David Schanhals

Represented By
David Brian Lally

Hilary D Hill

Represented By
David Brian Lally

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Donald Reid

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Elizabeth A LaRocque

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 23, 2018

Hearing Room 303

9:30 AM

6:14-14377 Hilary D Hill

Chapter 7

Adv#: 6:15-01206 Speier v. Simmons et al

#1.00 CONT Trial RE: [1] Adversary case 6:15-ap-01206. Complaint by Steven M Speier against Angela Simmons, David Schanhals, Hilary D Hill. (Charge To Estate) Robert)

From: 5/22/18

EH__

Docket 1

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Defendant(s):

Angela Simmons

Represented By
David Brian Lally

David Schanhals

Represented By
David Brian Lally

Hilary D Hill

Represented By
David Brian Lally

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Donald Reid

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 23, 2018

Hearing Room 303

9:30 AM

CONT...

Hilary D Hill

Elizabeth A LaRocque

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:17-20318 Lynette Kathryn Beaver

Chapter 13

#1.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynette Kathryn Beaver

Represented By
Anerio V Altman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11529 Michael A Losoya and Patricia O Losoya

Chapter 13

#2.00 CONT Motion to Avoid Junior Lien on Principal Residence with Bank of America
NA Successor to Countrywide Home Loans

From: 4/26/18

EH__

Docket 17

***** VACATED *** REASON: ORDER ENTERED 5/10/18**

Tentative Ruling:

04/26/2018

Summary of the Motion:

Notice: Improper

Opposition: None

Address: 6713 Pierce Ct, Chino, CA 91710

First trust deed: \$476,934.41 with HSBC Bank USA (mortgage statement dated
01/01/2018)

Second trust deed (to be avoided): \$23,046.47 with Bank of America NA (statement
dated 01/01/2018)

Fair market value (per debtor declaration): \$430,000

TENTATIVE

The electronically filed Motion contains a proof of service ("POS") with blank dates and no service information. The POS is insufficient to establish proper service as filed. Based on the foregoing, the Court is inclined to CONTINUE the hearing to May 24, 2018, at 11:00 a.m. for Movant to file and serve notice of the continued hearing pursuant to FRBP 7004.

On correcting the service issue as indicated, the Court is inclined to GRANT the Motion.

APPEARANCES WAIVED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

CONT... Michael A Losoya and Patricia O Losoya

Chapter 13

Debtor(s):

Michael A Losoya

Represented By
Julie J Villalobos

Joint Debtor(s):

Patricia O Losoya

Represented By
Julie J Villalobos

Movant(s):

Michael A Losoya

Represented By
Julie J Villalobos

Patricia O Losoya

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11924 Don Gurule and Elaine Gurule

Chapter 13

#3.00 Motion for Setting Property Value

Also #4

EH__

Docket 16

*** VACATED *** REASON: ORDER ENTERED 5/22/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Don Gurule

Represented By
Christopher Hewitt

Joint Debtor(s):

Elaine Gurule

Represented By
Christopher Hewitt

Movant(s):

Don Gurule

Represented By
Christopher Hewitt

Elaine Gurule

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11924 Don Gurule and Elaine Gurule

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

Also #3

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Don Gurule

Represented By
Christopher Hewitt

Joint Debtor(s):

Elaine Gurule

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11973 Kyle Stephens and Diandra Stephens

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kyle Stephens

Represented By
Mona V Patel

Joint Debtor(s):

Diandra Stephens

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11981 Victorio Roman Manabat and Sheila Rosales Manabat

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victorio Roman Manabat

Represented By
John A Varley

Joint Debtor(s):

Sheila Rosales Manabat

Represented By
John A Varley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11986 Ardreda Lynn Johnson

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ardreda Lynn Johnson

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-11993 Anisha Christel Wilson

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anisha Christel Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12001 Marilyn N Koehnlein

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marilyn N Koehnlein

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12028 Matthew Glenn Martin and Melody Dawn Martin

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Matthew Glenn Martin

Represented By
Todd L Turoci

Joint Debtor(s):

Melody Dawn Martin

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12033 Tatiana Noemi Alegre

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tatiana Noemi Alegre

Represented By
LeRoy Roberson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12099 James David Wilson, IV and Kerri Ann Wilson

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James David Wilson IV

Represented By
Dina Farhat

Joint Debtor(s):

Kerri Ann Wilson

Represented By
Dina Farhat

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12170 Pamela Ann Harris

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela Ann Harris

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12174 Oswaldo H Perez

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oswaldo H Perez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12189 Keely J Barrett

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keely J Barrett

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12206 Pedro Norlito Ibanez and Celia Singca Ibanez

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Norlito Ibanez

Represented By
Alon Darvish

Joint Debtor(s):

Celia Singca Ibanez

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12231 Brian Howell and Faythe Howell

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brian Howell

Represented By
Julie J Villalobos

Joint Debtor(s):

Faythe Howell

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#19.00 Motion to Avoid JUNIOR LIEN with Corona Promenade Community Association

Also #20 & #21

EH__

Docket 30

Tentative Ruling:

Hearing Date: 05/24/2018

Summary of the Motion:

Notice: Proper

Opposition: None

Address: 636 Wellesley Drive, Corona CA 92879

First trust deed: \$793,014 with Wells Fargo Bank

Second trust deed (to be avoided): \$13,123.40 with Corona Promenade Comm.

Ass'n

Fair market value (per Debtor declaration): \$475,000

TENTATIVE

Based on the Debtor's evidence of the value of the Property, of the priority of the liens encumbering the Property, and proof that the Motion was properly served, which supports the Debtor's request to avoid the junior lien on the Property, the Court is inclined to GRANT upon receipt of a chapter 13 discharge.

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued to the next Chapter 13 calendar.

PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER WITHIN 7 DAYS, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE FORMS SECTION ON THE COURT'S WEBSITE.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

CONT... Michael Anthony Rivera

Chapter 13

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Movant(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#20.00 Motion to Avoid Property Lien with Internal Revenue Service

Also #19 & #21

EH__

Docket 31

***** VACATED *** REASON: CONTINUED TO 7/5/18 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Movant(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

Also #19 & #20

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12277 Marta Samhouri

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marta Samhouri

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12284 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#23.00 Motion to vacate dismissal

Also #24

EH__

Docket 21

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/3/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Movant(s):

Jose Velasco

Represented By
Daniel King

Lilian Micaela Velasco

Represented By
Daniel King
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12284 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

Also #23

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12319 Steven Michel McCann

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Michel McCann

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12323 Kevin E Horton and Manuel F. Dela Rosa

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin E Horton

Represented By
Todd L Turoci

Joint Debtor(s):

Manuel F. Dela Rosa

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12331 Joe R Garcia

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe R Garcia

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12355 Marc Burns

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Burns

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-12473 Ignacio Salvador Aguilar and Cynthia Araujo Aguilar

Chapter 13

#29.00 Motion for Setting Property Value with Declaration of Ignacio Salvador Aguilar

EH__

Docket 15

Tentative Ruling:

05/24/2018

BACKGROUND

On March 27, 2018, Ignacio and Cynthia Aguilar (collectively, "Debtors") filed their petition for chapter 13 relief. Among the assets of the estate is a 2014 Nissan Sentra (the "Sentra"). On April 30, 2018, the Debtors filed their Motion to Value the Sentra ("Motion"). On May 8, 2018, Capital One Auto Finance ("Capital One") filed its opposition to the Motion ("Opposition"). No reply has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the Sentra's value, and thus its secured portion, should be determined to be \$5,800, with an unsecured deficiency claim for \$5,308. The Debtors' valuation is based on a KBB value trade-in report. The Debtors have also provided evidence of estimates obtained to repair damage and normal wear and tear on the Sentra. (Ex.'s 3 & 4). Capital One has responded that the value of the Sentra should be no less than \$9,975. In support, Capital One has provided evidence that the NADA Guide provides \$9,975 as the retail value for the Sentra. To the extent there is a dispute about the valuation, Capital One requests a continuance for an appraisal. The Court is inclined to grant a short continuance for Capital One to have an appraiser

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

CONT... Ignacio Salvador Aguilar and Cynthia Araujo Aguilar
evaluate the Sentra's condition.

Chapter 13

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ignacio Salvador Aguilar

Represented By
Jenny L Doling

Joint Debtor(s):

Cynthia Araujo Aguilar

Represented By
Jenny L Doling

Movant(s):

Ignacio Salvador Aguilar

Represented By
Jenny L Doling
Jenny L Doling

Cynthia Araujo Aguilar

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:00 AM

6:18-13193 Richard Garavito

Chapter 13

#30.00 Motion to Convert Case From Chapter 13 to 11

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Michael Avanesian

Movant(s):

Richard Garavito

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:14-24807 Bryan K. Harrison and Dawn Harrison

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan K. Harrison

Represented By
April E Roberts

Joint Debtor(s):

Dawn Harrison

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:15-12168 Leslie A. Larson

Chapter 13

#32.00 Trustee's Motion to Dismiss Chapter 13 Case

EH__

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leslie A. Larson

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:15-12820 Jose Ceja, Jr and Chasity Ann Ceja

Chapter 13

#33.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 175

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ceja Jr

Represented By
Dana Travis

Joint Debtor(s):

Chasity Ann Ceja

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:15-20023 Zachary Lee Nowak

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

EH__

Docket 75

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zachary Lee Nowak

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:16-13233 Sherry Ann Beardsley

Chapter 13

#35.00 CONT Trustee's Motion to Dismiss Case

From: 5/10/18

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sherry Ann Beardsley

Represented By
Jeffrey D Larkin

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:16-16263 Tanyua A Gates-Holmes

Chapter 13

#36.00 Trustee's Motion to Dismiss Case

EH__

Docket 96

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanyua A Gates-Holmes

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:16-18082 Joseph John Vargas and Lydia Vargas

Chapter 13

#37.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 4/26/18

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph John Vargas

Represented By
Dana Travis

Joint Debtor(s):

Lydia Vargas

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:16-18820 Chase D Chung

Chapter 13

#38.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chase D Chung

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#39.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:16-21236 Ronald A Waters and Trisha Waters

Chapter 13

#40.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald A Waters

Represented By
Paul Y Lee

Joint Debtor(s):

Trisha Waters

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-10787 Willie J Brooks

Chapter 13

#41.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willie J Brooks

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-11075 Ryan Christopher Murphy and Theresa Marie Murphy

Chapter 13

#42.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Christopher Murphy

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Theresa Marie Murphy

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-11182 Renard Louis Hamilton and Regina Elizabeth Hamilton

Chapter 13

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renard Louis Hamilton

Represented By
D Justin Harelik

Joint Debtor(s):

Regina Elizabeth Hamilton

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-13165 Richard Ortiz and Dolores Ortiz

Chapter 13

#44.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Ortiz

Represented By
Elena Steers

Joint Debtor(s):

Dolores Ortiz

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#45.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/7/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#46.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-15792 William Martin Farber

Chapter 13

#47.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Martin Farber

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-16455 Elizabeth Jucaban Tuason

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/7/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Jucaban Tuason

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-17358 David Kevin Davidson and Lisa Marie Davidson

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Kevin Davidson

Represented By
Michael E Clark

Joint Debtor(s):

Lisa Marie Davidson

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-18531 Victor Manuel Rosales

Chapter 13

#50.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Rosales

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-19589 Rodrigo Fernando Ramirez Guinea

Chapter 13

#51.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodrigo Fernando Ramirez Guinea

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, May 24, 2018

Hearing Room 303

11:01 AM

6:17-20019 Frank Prouty

Chapter 13

#52.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:13-24456 Lenore Esther Hernandez and Jesus Anthony Hernandez

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 17074 Cambria Ave., Fontana, CA 92336

MOVANT: CITIBANK, N.A.

EH__

Docket 43

Tentative Ruling:

05/29/2018

Service: Proper

Opposition: Yes

The Opposition provides evidence that sufficient payments to cure the delinquency were made prior to the hearing. However, Debtors do not dispute that they were delinquent in making payments. Parties to discuss entry of a stay current APO.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jesus Anthony Hernandez

Represented By

Erik Clark

Michael E Clark

Joint Debtor(s):

Lenore Esther Hernandez

Represented By

Michael E Clark

Movant(s):

Citibank, N.A.

Represented By

Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Lenore Esther Hernandez and Jesus Anthony Hernandez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:14-10322 Marianne Bowers

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1065 Ehu Road, Makawao, HI 96768

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 41

Tentative Ruling:

05/29/2018

Service: Proper

Opposition: Yes

Parties to provide status of cure and settlement discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Marianne Bowers

Represented By
Thomas B Ure

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#3.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 483 Grapevine Dr, Corona CA 92882

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

From: 4/24/18

EH__

Docket 55

***** VACATED *** REASON: CONTINUED TO 7/31/18 AT 10:00 A.M.**

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Carl J Charlot and Jacinta S Charlot

Chapter 13

Movant(s):

Deutsche Bank Trust Company

Represented By

April Harriott

Seth Greenhill

Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:16-14868 Richard M. Orellano, II and Tiffany Orellano

Chapter 13

#4.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40748 Pocona Place, Murrieta, California 92562

MOVANT: SPECIALIZED LOAN SERVICING LLC

From: 5/1/18

EH__

Docket 55

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Richard M. Orellano II

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Tiffany Orellano

Represented By
Patricia M Ashcraft

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Richard M. Orellano, II and Tiffany Orellano

Chapter 13

Movant(s):

Specialized Loan Servicing LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 4123 Pearl Street, Lake Elsinore, CA 92530

MOVANT: AMERIHOM MORTGAGE COMPANY LLC

EH__

Docket 37

Tentative Ruling:

05/29/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT requests under ¶¶ 3 and 6. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Movant(s):

AmeriHome Mortgage Company,

Represented By
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#6.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 977 Allegre Drive, Corona CA 92879

MOVANT: WELLS FARGO BANK

From: 3/20/18, 4/24/18

EH__

Docket 54

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.
DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Movant(s):

Wells Fargo Bank, National

Represented By
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Gwendolyn Washington

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:17-16751 Gary Ramirez and Christina Faith Ramirez

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 27977 Owen Drive, Moreno Valley, CA 92555

MOVANT: LAKEVIEW LOAN SERVICING LLC

EH__

Docket 33

Tentative Ruling:

05/29/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT as to ¶3 of prayer for relief. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Gary Ramirez

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Christina Faith Ramirez

Represented By
Ethan Kiwhan Chin

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Mark S Krause

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Gary Ramirez and Christina Faith Ramirez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:17-17134 Noel Mallari

Chapter 13

#8.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 31932 COPPER TERRACE Menifee, CA 92584 UNDER
11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 4/24/18

EH__

Docket 23

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: Yes

Parties to update Court regarding APO discussions. Absent agreement, the Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT termination of the co-debtor stay. GRANT waiver of 4001(a)(3) stay. GRANT authority to offer loan workout options.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Noel Mallari

Represented By
David L Nelson

Movant(s):

Freedom Mortgage Corporation

Represented By
John D Schlotter
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Noel Mallari

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:17-19785 Evonne Marie Woodard

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Chevrolet Cruze Sedan 4D LT

MOVANT: CAPITAL ONE AUTO FINANCE

EH__

Docket 37

***** VACATED *** REASON: CASE DISMISSED 4/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evonne Marie Woodard

Represented By
Dana Travis

Movant(s):

Capital One Auto Finance, a

Represented By
Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-10249 Derick Jones

Chapter 7

#10.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 3187 Pinehurst Dr., Corona CA 92881

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 23

Tentative Ruling:

05/29/2018

Service is Proper

Opposition: Yes

Standing

As a threshold matter, Debtor asserts that Movant has no standing. A party seeking relief from the stay "need only establish that it has a colorable claim to enforce a right against property of the estate." *In re Pak*, 2011 WL 7145763 (9th Cir.BAP (Cal.) 2011). A showing by a party that it is a person entitled to enforce the note at issue or that it holds some ownership or other interest in the note translates to a colorable claim. *Id.* Here, the Movant has provided evidence of a Trustee's Deed Upon Sale in which it was conferred title to the Property at issue. For purposes of relief from stay, Movant has established it has a colorable claim sufficient to confer standing.

Relief from Stay

The Court takes judicial notice of its Order Granting Motion to Dismiss the Debtor's Adversary Proceeding (Docket No. 29) in related Case No. 6:18-ap-01038-MH ("AP Order"). In that AP Order, the Court determined that pursuant to *In re Perl*, the foreclosure and issuance of a writ of possession against the Debtor by the California Superior Court extinguished all legal and equitable possessory interests in the real property at issue, including any that may have been held by the Debtor. *Eden Place, LLC v. Sholem Perl (In re Perl)*, 811 F.3d 1120, 1128 (9th Cir.), cert. denied sub nom. *Perl v. Eden Place, LLC*, 137 S. Ct. 39, 196 L. Ed. 2d 27 (2016).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Derick Jones

Chapter 7

The Court finds that the Opposition is not well-taken and is inclined to adopt its AP Order as a basis for granting of the Motion, in addition to the grounds set forth in the Motion itself. The Court is inclined to GRANT relief from stay, GRANT the request for an order confirming that there is no stay in effect, and GRANT waiver of the 14-day stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Derick Jones

Pro Se

Movant(s):

U.S. Bank National Association, on

Represented By
Jamie D Hanawalt

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-12657 Tamoor Malik Ilyas

Chapter 7

#11.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Motor Vehicle Negligence

MOVANT: EYDEE VELASCO MARTINEZ

EH__

Docket 10

Tentative Ruling:

05/29/2018

Service was proper.

No opposition has been filed.

The Motion is GRANTED pursuant to § 362(d)(1) for Movant to pursue insurance only. Request for relief under ¶ 2 is also GRANTED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Tamoor Malik Ilyas

Represented By
Raj T Wadhvani

Movant(s):

Eydee Velasco Martinez

Represented By
Demetrios Papanikolas

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-12684 Carmen Burgueno

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT CORPORATON

EH__

Docket 18

Tentative Ruling:

05/29/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carmen Burgueno

Represented By
Curtis A Cavalletto

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-12774 Tatiana Noemi Alegre

Chapter 13

#13.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property 17253 Emerson St, Victorville, CA 92394.

MOVANT: TATIANA NOEMI ALEGRE aka RICK ALEGRE

EH__

Docket 21

Tentative Ruling:

05/29/2018

The Motion was not served on any creditors. As such the Motion must at the outset be denied for a failure to provide creditors with due process.

The Opposition argues that the Debtor has failed to demonstrate changed circumstances and that the Motion is untimely. As to the first argument, the Court concurs. The only "change in circumstances" indicated by the Debtor is that she has now hired counsel. However, there is no explanation of why counsel for the second and third case did not verify the petition was complete when the documents were filed.

As to the second grounds indicated by the Opposition, the Court does not read § 362(c) as requiring a motion to impose the stay to be heard within 30 days of the petition day, it must only be filed prior to the expiration of the 30-day period. Here, the Motion was timely.

The Reply does not cure the service issues and responds only by offering objecting creditor an APO.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tatiana Noemi Alegre

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Tatiana Noemi Alegre

Chapter 13

LeRoy Roberson

Movant(s):

Tatiana Noemi Alegre

Represented By

LeRoy Roberson

LeRoy Roberson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-12901 Veronica Santos Ortiz and Conrado Corona Gonzalez

Chapter 7

#14.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2011 HONDA ODYSSEY, 5FNR L5H6 8BB0
44028

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 7

Tentative Ruling:

05/29/2015
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Veronica Santos Ortiz Pro Se

Joint Debtor(s):

Conrado Corona Gonzalez Pro Se

Movant(s):

AMERICAN HONDA FINANCE Represented By
Vincent V Frounjian

Trustee(s):

Karl T Anderson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-13092 Mark Irwin Barule

Chapter 13

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 49143 Eisenhower Drive, Indio, CA 92201

MOVANT: RIVERSIDE COUNTY TAX COLLECTOR

EH__

Docket 16

***** VACATED *** REASON: CONTINUED TO 6/5/18 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Irwin Barule

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Riverside County Treasurer-Tax

Represented By
Ronak N Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

6:18-13219 Patrick Merrill and Gayle Merrill

Chapter 7

#16.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 232 Ohio St, Lake Elsinore CA 92530

MOVANT: 2ND CHANCE MORTGAGE INC

From: 5/15/18

EH__

Docket 10

Tentative Ruling:

Tentative Ruling:

05/29/2017

Service is now proper.

No opposition has been filed.

GRANT as to § 362(d)(1) and § 362(d)(2). GRANT request to waive 14-day stay.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

5/15/2018

Service is Proper

Opposition: None

Pursuant to Local Rule 4001-1(c)(1)(C)(iv), service is required upon "the holder of a lien or encumbrance against the subject property that is known to the movant, scheduled by the debtor, or appears in the public record." Here, Movant is the junior lienholder on the subject property, yet has not served the senior lienholder with the instant motion. Therefore, the Court is inclined to CONTINUE the motion for service on the first mortgagee, Selection Portfolio Servicing, Inc.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, May 29, 2018

Hearing Room 303

10:00 AM

CONT... Patrick Merrill and Gayle Merrill

Chapter 7

Debtor(s):

Patrick Merrill

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Gayle Merrill

Represented By
Jeremiah D Raxter

Movant(s):

2nd Chance Mortgages Inc.

Represented By
Henry D Paloci

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

11:00 AM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#1.00 CONT Motion for Turnover of Property

From: 1/31/18, 4/11/18, 5/2/18

EH__

Docket 74

***** VACATED *** REASON: ORDER ENTERED 5/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Movant(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

11:00 AM

6:17-13232 David B. Hertsgaard

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 53

Tentative Ruling:

5/30/18

No opposition has been filed.
Service was Okay

The applications for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 5,770.31

Trustee Expenses: \$ 63.40

Tax Preparer Fee: \$ 1,000.00

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

David B. Hertsgaard

Represented By
Timothy S Huyck

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

11:00 AM

6:18-10696 Audrey Beck

Chapter 7

#3.00 Motion to Reopen Case and Issuing OSC why Martin Rojas should not be sanctioned for improperly providing legal advice

**Returned Mail: Not Deliverable as Addressed Re: Martin Rojas
3200 Guasti Rd Ste 100, Ontario CA 91760**

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Audrey Beck Pro Se

Movant(s):

Audrey Beck Pro Se

Trustee(s):

Karl T Anderson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:14-12990 Garrick Craig Smedman

Chapter 7

Adv#: 6:17-01121 Smedman et al v. STATE BOARD OF EQUALIZATION et al

#4.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01121. Complaint by Craig Smedman against STATE BOARD OF EQUALIZATION. (Fee Not Required \$350.00). Joint Plaintiff Veronica Lee Wilkins Nature of Suit: (91 (Declaratory judgment)),(72 (Injunctive relief - other)) (Evans, Neil)

From: 8/30/17, 9/27/17, 1/10/18

EH__

Docket 1

***** VACATED *** REASON: CASE CLOSED 5/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Garrick Craig Smedman

Represented By
Neil C Evans

Defendant(s):

STATE BOARD OF
California Department of Tax and

Pro Se
Represented By
Matthew C. Heyn

Joint Debtor(s):

Veronica Lee Wilkins

Represented By
Neil C Evans

Plaintiff(s):

Craig Smedman

Represented By
Neil C Evans

Veronica Lee Wilkins

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Garrick Craig Smedman

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:16-15419 Francisco Javier Castillo

Chapter 7

Adv#: 6:16-01310 Swift Financial Corporation d.b.a. Swift Capital v. Castillo

#5.00 Order to Appear and Show Cause Why Case Should Not Be Dismissed

Also #6

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Castillo

Represented By
Joseph M Tosti

Defendant(s):

Francisco Javier Castillo

Pro Se

Plaintiff(s):

Swift Financial Corporation d.b.a.

Represented By
Lazaro E Fernandez

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:16-15419 Francisco Javier Castillo

Chapter 7

Adv#: 6:16-01310 Swift Financial Corporation d.b.a. Swift Capital v. Castillo

#6.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01310. Complaint by Swift Financial Corporation d.b.a. Swift Capital against Francisco Javier Castillo (willful and malicious injury)

From: 5/3/17, 9/13/17, 11/8/17, 1/31/18, 3/28/18

Also #5

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Javier Castillo

Represented By
Joseph M Tosti

Defendant(s):

Francisco Javier Castillo

Pro Se

Plaintiff(s):

Swift Financial Corporation d.b.a.

Represented By
Lazaro E Fernandez

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#7.00 Motion for Default Judgment

Also #8

EH__

Docket 46

Tentative Ruling:

5/30/18

BACKGROUND

On November 18, 2016, Javier & Carmen Lopez (collectively "Debtors"; individually, "Javier" and "Carmen") filed a Chapter 7 voluntary petition. On March 6, 2017, Amarillo College of Hairdressing ("Plaintiff") filed a non-dischargeability complaint against Javier pursuant to 11 U.S.C. § 523(a)(2)(A), (a)(4), and (a)(6). On July 12, 2017, the clerk entered default against Javier.

On October 17, 2017, Plaintiff filed a motion for leave to file an amended complaint to include Carmen as a defendant. On November 7, 2017, Debtors filed their opposition. On November 13, 2017, the Court granted the motion, and, on December 11, 2017, Plaintiff amended its complaint to include Carmen as a defendant. On February 26, 2018, the clerk entered default against Carmen.

On April 5, 2018, Plaintiff filed a motion for default judgment. According to Plaintiff, Javier, while employed as the Dean of Education at Plaintiff's Palm Desert campus, received, through direct deposit, twice his agreed upon salary for a period of one year.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

Plaintiff asserts that the direct deposit authorization form contained a provision which granted Plaintiff the right to correct any erroneous overpayments of funds. After alerting Javier of the erroneous double payment, Javier refused to voluntarily reimburse Plaintiff for the overpayment. Plaintiff also asserts that Javier was aware of the erroneous double payment during the time when the double payments were made.

On January 2, 2014, Plaintiff filed a state court complaint against Javier for breach of contract, fraud, and conversion. On September 15, 2015, the state court granted Plaintiff's motion for summary judgment as to all causes of action, and entered judgment in the amount of \$49,603.08.

DISCUSSION

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, Plaintiff served Debtors at the address listed on their bankruptcy schedules and served Debtor's attorney via ECF. Therefore, service is proper.

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes three causes of action, all related to non-dischargeability: (1) 11 U.S.C. § 523(a)(2)(A); (2) 11 U.S.C. § 523(a)(4); and (3) 11 U.S.C. § 523(a)(6). The above provisions read, in pertinent part:

- (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –
 - (2) for money, property, services, or an extension, renewal, or refinancing of creditor, to the extent obtained by –

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

- (A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;
- (4) for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny;
- (6) for willful and malicious injury by the debtor to another entity or to the property of another entity;

The Court notes that it is, at best, unclear whether any of the three provisions are applicable to the facts here. For example, in *In re Sterling*, the bankruptcy court analyzed whether an employee's retention of overtime pay at double the contractual rate satisfied the either 11 U.S.C. § 523(a)(2)(A) or 11 U.S.C. § 523(a)(6). 479 B.R. 444 (Bankr. E.D. Mich. 2012). Respecting 11 U.S.C. 523(a)(2)(A), the court first noted that the provision can apply to "misleading omissions" or "a scheme to deprive or cheat another of property or a legal right." *Id.* at 449. The bankruptcy court noted, however, that omission or silence only establishes the requisite intent if the debtor had an affirmative duty to disclose. *Id.* (applying Michigan law and the silent fraud doctrine). After noting that the plaintiff had not identified any contractual duty to disclose, the bankruptcy court noted that: "[a] duty to disclose may also arise in equity," but ultimately concluded the following:

The present case does not present any circumstances that would give rise to such an equitable duty. To the contrary, Plaintiff was in a position of control and had at least equal if not superior knowledge, gained from repeated, but unavailing attempts to correct the problem. Plaintiff, as Defendant's employer, had access to the payroll information and, with the exercise of reasonable diligence, could have discovered the continuing overpayments at any time.

Id. at 450 (also questioning whether plaintiff's reliance on defendant's silence was justifiable because the information was in the control of plaintiff).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... **Javier Lopez**

Chapter 13

Here, neither the complaint nor the motion for default judgment include any allegation that Javier affirmatively misled Plaintiff, nor do they contain any basis upon which the Court could conclude that Javier had a contractual or an equitable duty to disclose the overpayments to Plaintiff. Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

11 U.S.C. § 523(a)(4) contains three different exceptions to dischargeability: (1) fraud or defalcation while acting in a fiduciary capacity; (2) larceny; and (3) embezzlement. Regarding fraud or defalcation while acting in a fiduciary capacity, the elements are: (1) the existence of an express trust; (2) the debt was caused by fraud or defalcation; and (3) the debtor acted as a fiduciary to the creditor at the time the debt was created. *See, e.g., In re Niles*, 106 F.3d 1456, 1459 (9th Cir. 1997). Clearly Plaintiff has not satisfied the standard for fraud or defalcation while acting in a fiduciary capacity because, among other things, Javier was not acting in a fiduciary capacity as to his salary and his salary was certainly not the corpus express trust. *See, e.g., Matter of Cantrell*, 88 F.3d 344, 347 (5th Cir. 1996) ("The court also correctly opined that, in the absence of an express trust and a recognizable corpus, 11 U.S.C. § 523(a)(4) is inapplicable.").

Plaintiff also does not appear to have satisfied the standard for larceny or embezzlement. "Larceny is the fraudulent and wrongful taking and carrying away of the property of another with intent to convert the property to the taker's use without the consent of the owner." 4 COLLIER'S ON BANKRUPTCY ¶ 523.10[2] (16th ed. 2009). Here, it appears doubtful that Javier could be considered to have "taken" the excess salary payments which Plaintiff caused to be directly deposited in Javier's bank account. Embezzlement, on the other hand, contains three elements: "(1) property rightfully in the possession of a nonowner; (2) nonowner's appropriation of the property to a use other than which it was entrusted; and (3) circumstances indicating fraud." *In re Littleton*, 942 F.2d 551, 555 (9th Cir. 1991). While there may be a colorable argument that embezzlement has occurred in this case, such an argument has not been detailed in the complaint or the motion for default judgment. Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(4).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... **Javier Lopez**

Chapter 13

Regarding § 523(a)(6) the elements are: "(1) willful conduct, (2) malice, and (3) causation." *See, e.g., In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995). Here, Plaintiff's complaint simply recites the legal standard, notes that the state court awarded a judgment based, in part, on fraud, and Plaintiff's motion for default judgment contains the material state court pleadings as an attachment. The Court deems the allegations in the complaint to be insufficient to establish non-dischargeability under § 523(a)(6). *See In re Sterling*, 479 B.R. 444, 452-455 (Bankr. E.D. Mich. 2012) (detailing § 523(a)(6) analysis in context of retention of salary overpayment). Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6).

Finally, the Court notes that it appears Plaintiff has assumed that the use of issue preclusion is appropriate in this case, but has not briefed the issue.

Issue preclusion applies in nondischargeability proceedings to bar the relitigation of factual issues that were determined in a prior state court action. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 284-85, n.11 (1991). To determine the issue-preclusive effect of a California state court's judgment, California preclusion law must be applied. *See* 28 U.S.C. § 1738; *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985); *Gayden v. Nourbakhsh (In re Nourbakhsh)*, 67 F.3d 798, 800 (9th Cir. 1995). Under California law, the party asserting issue preclusion has the burden of establishing the following "threshold" requirements:

- (1) the issue sought to be precluded must be identical to that decided in a former proceeding;
- (2) the issue must have been actually litigated in the former proceeding;
- (3) it must have been necessarily decided in the former proceeding;
- (4) the decision in the former proceeding must be final and on the merits; and,
- (5) the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

Additionally, the application of issue preclusion requires a "mandatory 'additional'

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

inquiry into whether imposition of issue preclusion would be fair and consistent with sound public policy." *In re Khaligh*, 338 B.R. 817, 824–25 (9th Cir. B.A.P. 2006). As stated by the California Supreme Court

We have repeatedly looked to the public policies underlying the doctrine before concluding that collateral estoppel should be applied in a particular setting.... Accordingly, the public policies underlying collateral estoppel—preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation—strongly influence whether its application in a particular circumstance would be fair to the parties and constitutes sound judicial policy.

Lucido v. Super. Ct., 51 Cal. 3d 335, 342–43 (Cal. 1990) (internal citations omitted). The Court requires further briefing on the appropriateness of issue preclusion in this case, including legal arguments explaining how the applicable state court causes of action (presumably fraud by concealment) translate to the non-dischargeability standards.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for further briefing.

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Christopher Hewitt

Movant(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#8.00 CONT Status Conference Re: Complaint by Amarillo College of Hairdressing, Inc., against Javier Lopez. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 5/11/17, 6/22/17, 8/17/17, 10/19/17, 11/9/17, 2/1/18, 2/8/18, 3/22/18

Also #7

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#9.00 Motion to strike answer and enter default of Defendant Richard Earl Davis Jr.

EH__

Docket 27

Tentative Ruling:

5/30/18

BACKGROUND

On January 3, 2017, Richard Earl Davis Jr. ("Debtor") filed a Chapter 7 voluntary petition. On March 30, 2017, Angelo & Kandis Gumbs ("Plaintiffs") filed a non-dischargeability complaint against Debtor and his business entity.

On June 27, 2017, Plaintiffs filed a motion for default judgment, which was denied on October 4, 2017, for failure to serve the motion at the address Debtor listed on his bankruptcy petition.¹ On December 7, 2017, Plaintiffs filed a second motion for default judgment. At a hearing on January 10, 2018, Debtor appeared and opposed the request. After the Court continued the matter, Debtor filed his answer later that same day. On January 30, 2018, the Court entered a scheduling order.

On May 9, 2018, Plaintiffs filed a motion to strike the answer of Debtor and for entry of default. The basis for Plaintiffs' motion is that Debtor failed to attend the scheduled deposition and failed to respond to any of Plaintiffs' discovery requests.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

DISCUSSION

FED. R. CIV. P. Rule 37(b)(2)(A), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 7037, states:

- (A) If a party or a party's officer, director, or managing agent – or a witness designated under Rule 30(b)(6) or 31(a)(4) – fails to obey an order to provide or permit discovery, including an order under Rule 26(f), 35, or 37(a), the court where the action is pending may issue further just orders. They may include the following:
- (I) directing that the matter embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
 - (II) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
 - (III) striking pleadings in whole or in part;
 - (IV) staying further proceedings until the order is obeyed;
 - (V) dismissing the action or proceeding in whole or in part;
 - (VI) rendering a default judgment against the disobedient party;
 - (VII) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

Furthermore, FED. R. CIV. P. Rule 37(d)(3) permits the Court to order the above listed sanctions in response to a party's failure to attend its own deposition, serve answers to interrogatories, or respond to a request for inspection.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Here, Plaintiffs have adequately established that Debtor failed to attend his own deposition and has otherwise failed to cooperate in discovery in this matter. The Court also notes that Debtor only filed a late answer approximately ten months after the commencement of this proceeding, and after being served with a motion for default judgment, which Debtor did not oppose in writing.

Based on Debtor's failure to cooperate in discovery, Debtor's failure to attend his own deposition, Debtor's late filing of his answer in the instant case, and Debtor's lack of opposition to the instant motion, the Court is inclined to strike Debtor's answer. Regarding Plaintiffs' request that the Court enter default against Debtor, the Court notes that the continued hearing for Plaintiffs' motion for default judgment is in one week, and the Court will take up the issue at that time.

TENTATIVE RULING

The Court is inclined to GRANT the motion to the extent of STRIKING Debtor's Answer.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

Defendant(s):

Richard Earl Davis Jr

Pro Se

Two6 Sports Management

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Movant(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Plaintiff(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Kandis Gumbs

Represented By
Alexander B Boris

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:17-12858 Scott Leigh Baumann

Chapter 7

Adv#: 6:17-01205 PRINGLE v. Rizzo et al

#10.00 CONT Status Conference Re: [1] Adversary case 6:17-ap-01205. Complaint by JOHN P PRINGLE against Michael R Rizzo, Linda M Rizzo. (\$350.00 Charge To Estate). (Attachments: # 1 Adversary Coversheet) Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(31 (Approval of sale of property of estate and of a co-owner - 363(h)

FROM: 11/29/17, 3/28/18

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Leigh Baumann

Represented By
Jenny L Doling

Defendant(s):

Michael R Rizzo

Pro Se

Linda M Rizzo

Pro Se

Joint Debtor(s):

Holly Lynn Baumann

Represented By
Jenny L Doling

Plaintiff(s):

JOHN P PRINGLE

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Scott Leigh Baumann

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:17-19010 Sara Durham

Chapter 7

Adv#: 6:18-01020 SCE Federal Credit Union v. Durham

#11.00 Motion to Compel Defendant to Respond to Request for Production of Documents, Monetary Sanctions

EH__

Docket 11

Tentative Ruling:

5/30/18

BACKGROUND

On October 30, 2017, Sara Durham ("Debtor") filed a Chapter 7 voluntary petition. On January 8, 2018, SCE Federal Credit Union ("Plaintiff") filed a non-dischargeability complaint against Debtor pursuant to 11 U.S.C. § 523(a)(1), (a)(2)(A), and (a)(14). On February 8, 2018, Debtor filed her answer. On March 27, 2018, the Court issued a scheduling order.

On May 2, 2018, Plaintiff filed a motion to compel Debtor to respond to document production requests and for monetary sanctions in the amount of \$1,013.50. No opposition has been filed by Debtor.

DISCUSSION

FED. R. CIV. P. Rule 34, incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 7034, outlines the procedure for requesting document production and for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Sara Durham

Chapter 7

responding to such requests. As outlined in Plaintiff's motion, Debtor failed to respond to Plaintiff's request for document production within the time frame specified by FED. R. CIV. P. Rule 34(b)(2)(A).

According to Plaintiff, FED. R. CIV. P. Rule 37(a)(2) provides the grounds for its request for an order compelling disclosure of discovery. The sentence quoted by Plaintiff, however, appears to be that contained in FED. R. CIV. P. Rule 37(a)(3)(A), which states: "[i]f a party fails to make a disclosure required by Rule 26(a), any other party may move to compel disclosure and for appropriate sanctions." FED. R. CIV. P. Rule 26(a), however, deals with disclosures that are required independent from discovery. It would appear that the appropriate legal basis for Plaintiff's request to compel a discovery response is FED. R. CIV. P. Rule 37(a)(3)(B)(iv).

Given Debtor's failure to timely respond to or object to Plaintiff's request for document production, the Court is inclined to order Debtor to respond to such request within fourteen days of the entry of the order. Given that Debtor is *pro se*, however, given the absence of any previous delay in the proceedings, and given the fact that Plaintiff has failed to identify the appropriate legal basis for its request, the Court is not inclined to order monetary sanctions if Debtor responds to the request for document production within fourteen days.

TENTATIVE RULING

The Court is inclined to GRANT the motion and order Debtor to respond to Plaintiff's request for document production, and order sanctions in the amount of \$1,013.50 payable only if Debtor fails to respond to the Plaintiff's request for document production within fourteen days of the entry of the order.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sara Durham

Chapter 7

Debtor(s):

Sara Durham

Represented By
Edgar P Lombera

Defendant(s):

Sara Durham

Pro Se

Movant(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Plaintiff(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#12.00 Defendant and Non-Debtor Mike Bareh's Motion to Dismiss First Amended Complaint

EH__

Docket 11

Tentative Ruling:

5/30/2018

Pursuant to the terms of the stipulation lodged on May 25, 2018 [Dkt. No. 20] the Court is inclined to take the matter off calendar if no party appears to dispute the authenticity of the stipulation.

APPEARANCES WAIVED. Counsel for Plaintiffs to lodge an order within seven days.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mike Bareh

Represented By
Mirco J Haag

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:17-20552 Andrew William Nieto
Adv#: 6:18-01076 Kiefner v. Nieto

Chapter 7

#13.00 Motion to Dismiss Adversary Proceeding

EH__

Docket 3

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 5/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew William Nieto

Represented By
Krystina T Tran

Defendant(s):

Andrew Nieto

Represented By
Krystina T Tran

Movant(s):

Andrew Nieto

Represented By
Krystina T Tran

Plaintiff(s):

Leslie Kiefner

Represented By
Brandon L Fieldsted

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

**#14.00 CONT Motion For Summary Judgment
(Holding Date)**

From: 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17,
1/24/18, 1/31/18

Also #15

EH__

Docket 62

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell Pro Se

Defendant(s):

Nancy Ann Howell Pro Se

Movant(s):

Law Office of Andrew S. Bisom Represented By
Andrew S Bisom

Plaintiff(s):

Law Office of Andrew S. Bisom Represented By
Andrew S Bisom

Eisenberg Law Firm, APC Represented By
Andrew S Bisom

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Nancy Ann Howell

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

#15.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01070. Complaint by Law Office of Andrew S. Bisom, Eisenberg Law Firm, APC against Nancy Ann Howell. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 5/14/14, 7/2/14, 12/10/14, 3/18/15, 4/22/15, 5/20/15, 7/22/15, 10/28/15, 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17, 1/24/18, 1/31/18

Also #14

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell Pro Se

Defendant(s):

Nancy Ann Howell Pro Se

Plaintiff(s):

Law Office of Andrew S. Bisom Represented By
Andrew S Bisom

Eisenberg Law Firm, APC Represented By
Andrew S Bisom

Trustee(s):

Steven M Speier (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Nancy Ann Howell

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#16.00 CONT Plaintiff's Motion for Summary Judgment or Alternatively Partial Summary Adjudication

From: 3/7/18, 5/9/18

Also #17

EH__

Docket 68

Tentative Ruling:

3/7/2018

I. PROCEDURAL BACKGROUND

On February 26, 2016, Sam & Greeta Dason (Sam, individually, "Dason") (collectively, "Debtors") filed a Chapter 7 voluntary petition. On August 22, 2016, Juddy Olivares & Eric Panitz (individually, "Olivares" and "Panitz") (collectively, "Plaintiffs") filed a complaint against Dason to determine dischargeability of debt (11 U.S.C. § 523(a)(6)) and for attorney's fees. On September 20, 2016, the complaint was amended. On January 11, 2017, the Court dismissed Panitz from the complaint. On March 7, 2017, Olivares filed her second amended complaint.

On August 9, 2017, Dason filed an answer and a counter-claim¹ against Olivares. On October 2, 2017, Olivares filed her answer to the counter-claim. On January 19, 2018, Olivares filed the instant motion for summary judgment. On February 13, 2018, Dason filed his opposition to the motion for summary judgment. On February 21, 2018, Olivares filed her reply.

The Court notes that Dason has conceded that his counter-claim is moot in light of this Court's order annulling the automatic stay. As a result of this concession, it is the Court's intention to dismiss the counter-claim in the absence of any objection from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason
Dason.

Chapter 7

II. FACTUAL BACKGROUND

Olivares began working as a dental assistant in 2010 for Colton Dental Group, the business name of Dason's dental corporation, Sam Daniel Dason, DDS ("Dason DDS"). Olivares states that she "was subjected to offensive sexual comments and inquiries, and other unwelcome, sexually-based, offensive conduct by Defendant." Furthermore, Olivares states that she "was subjected to repeated unwelcome sexual touching at the hands of Defendant," which is extensively detailed in the complaint and the motion for summary judgment. On January 17, 2013, Olivares left early and did not return to work. On February 26, 2016, the San Bernardino County Superior Court entered a judgment against Dason and Dason DDS in the amount of \$1,724,996.34 (the "Judgment").² The judgment contained the following components:

- 1) \$300,000 for past emotional distress – hostile work environment
- 2) \$200,000 for past emotional distress – *quid pro quo* sexual harassment
- 3) \$500,000 for future emotional distress
- 4) \$100,000 for punitive damages³
- 5) \$1,875 for future psychiatric care
- 6) \$8,125 for future psychological care
- 7) \$6,735.22 for past lost income
- 8) \$608,261.12 for attorney's fees and costs

Olivares contends that the judgment is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6). Olivares bases her motion for summary judgment both on issue preclusion and the record in this case. Dason argues that the record in this case cannot support summary judgment and that the state court judgment does not contain adequate findings to support issue preclusion.

III. DISCUSSION

Olivares requests that the Court apply issue preclusion and find that the Judgment is non-dischargeable under 11 U.S.C. § 523(a)(6). The Bankruptcy Code excepts from discharge any debt for "willful and malicious injury by the debtor to another entity or to the property of another entity." 11 U.S.C. § 523(a)(6). The creditor bears the burden of proving each element of § 523(a)(6) by a preponderance of the evidence.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

See, e.g., Grogan v. Garner, 498 U.S. 279, 287 (1991).

To prevail on a claim under § 523(a)(6), a creditor must demonstrate three elements: (1) willful conduct; (2) malice; and (3) causation. *See In re Butcher*, 200 B.R. 675, 680 (Bankr. C.D. Cal. 1996) (*quoting In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995)). A willful injury is a "deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). "A malicious injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." *In re Barboza*, 545 F.3d 702, 706 (9th Cir. 2008) (*quoting In re Jercich*, 238 F.3d 1202, 1209 (9th Cir. 2001)).

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. 56(c) (incorporated by FED. R. BANKR. P. 7056).

The moving party has the burden of establishing the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324. The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

A. Plaintiff's State Court Claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

The legal provision under which the relevant portion of the Judgment was based is CAL. GOV. CODE § 12940(j)(1), which states:

It is an unlawful employment practice, unless based upon a bona fide occupational qualification, or, except where based upon applicable security regulations established by the United States or the State of California:

(j)(1) For an employer, labor organization, employment agency, apprenticeship training program or any training program leading to employment, or any other person, because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, to harass an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract. Harassment of an employee, an applicant, an unpaid intern or volunteer, or a person providing services pursuant to a contract by an employee, other than an agent or supervisor, shall be unlawful if the entity, or its agents or supervisors, knows or should have known of this conduct and fails to take immediate and appropriate corrective action. An employer may also be responsible for the acts of nonemployees, with respect to sexual harassment of employees, applicants, unpaid interns or volunteers, or persons providing services pursuant to a contract in the workplace, if the employer, or its agents or supervisors, knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing cases involving the acts of nonemployees, the extent of the employer's control and any other legal responsibility that the employer may have with respect to the conduct of those nonemployees shall be considered. An entity shall take all reasonable steps to prevent harassment from occurring. Loss of tangible job benefits shall not be necessary in order to establish harassment.

Olivares reference EEOC guidelines which create two categories of sexual harassment: (1) quid pro quo and (2) hostile environment. Olivares also points to case law which acknowledges the two categories. *See, e.g., Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986); *Beyda v. City of Los Angeles*, 65 Cal. App. 4th 511, 516-517 (Cal. Ct. App. 1998) ("There are two recognized categories of sexual harassment claims. The first is quid pro quo harassment, where a term of employment or employment itself is conditioned upon submission to unwelcome sexual advances. The second, and the one at issue in this case, is hostile work environment, where the harassment is sufficiently pervasive so as to alter the conditions of employment and create an abusive work environment.") (citations and quotations omitted).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

The delineation of two separate categories of sexual harassment is relevant and important here. First, the Court notes that the Judgment references Olivares's claim for "Hostile Work Environment and Quid Pro Quo Sexual Harassment," and the state court specifically identified separate damages for "past emotional distress hostile work environment" and "past emotional distress quid pro quo sexual harassment." [Dkt. No. 70 at pg. 8, lines 1-2]. Because these two categories of sexual harassment implicate different issues and require different findings to be made, issue preclusion may operate differently with respect to each issue.

B. Issue Preclusion on Plaintiff's Claim under 11 U.S.C. § 523(a)(6)

Issue preclusion applies in nondischargeability proceedings to bar the relitigation of factual issues that were determined in a prior state court action. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 284-85, n.11 (1991). To determine the issue-preclusive effect of a California state court's judgment, California preclusion law must be applied. *See* 28 U.S.C. § 1738; *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985); *Gayden v. Nourbakhsh (In re Nourbakhsh)*, 67 F.3d 798, 800 (9th Cir. 1995). Under California law, the party asserting issue preclusion has the burden of establishing the following "threshold" requirements:

- (1) the issue sought to be precluded must be identical to that decided in a former proceeding;
- (2) the issue must have been actually litigated in the former proceeding;
- (3) it must have been necessarily decided in the former proceeding;
- (4) the decision in the former proceeding must be final and on the merits; and,
- (5) the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

Additionally, the application of issue preclusion requires a "mandatory 'additional' inquiry into whether imposition of issue preclusion would be fair and consistent with sound public policy." *In re Khaligh*, 338 B.R. 817, 824-25 (9th Cir. B.A.P. 2006). As stated by the California Supreme Court

We have repeatedly looked to the public policies underlying the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Sam Daniel Dason

Chapter 7

doctrine before concluding that collateral estoppel should be applied in a particular setting.... Accordingly, the public policies underlying collateral estoppel—preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation—strongly influence whether its application in a particular circumstance would be fair to the parties and constitutes sound judicial policy.

Lucido v. Super. Ct., 51 Cal. 3d 335, 342–43 (Cal. 1990) (internal citations omitted).

Here, the Court's focus is on the second and third elements of the *Harmon* test because there is no dispute that the Judgment is final and on the merits, and that the parties are the same. Specifically, the Court is concerned with whether "willfulness" was actually litigated and necessarily decided in state court.⁴

For a default judgment to be "actually litigated," the material factual issues must have been both raised in the pleadings and necessary to uphold the default judgment. *Gottlieb v. Kest*, 141 Cal. App. 4th 110, 149 (Cal. Ct. App. 2006). An express finding need not have occurred if the court in the prior proceeding necessarily decided the issue. *Cantrell v. Cal-Micro, Inc. (In re Cantrell)*, 329 F.3d 1119, 1124 (9th Cir.2003).

Under California law, an issue is necessarily decided when (1) there are explicit findings of an issue made in a judgment or decision, or (2) or when the issue is a conclusion that must have been necessarily decided by the court. *Samuels v. CMW Joint Venture (In re Samuels)*, 273 F. App'x 691, 693 (9th Cir. 2008).

Olivares argues that "[c]ourts analogize *quid pro quo* sexual harassment to 'extortion,' which is not only an intentional tort but is also a crime." [Dkt. No. 68, pg. 14, lines 24-26]. The Court finds the analogy to be apt. The injury sustained in a *quid pro quo* sexual harassment claim is a tangible, negative effect on employment terms. *See, e.g., Henson v. City of Dundee*, 682 F.2d 897, 909 (11th Cir. 1982). The *quid pro quo* conditioning of these employment terms is, necessarily, an intentional action of the employer. As noted in section III, "willfulness" requires an intentional injury, not merely an intentional act. In the case of *quid pro quo* sexual harassment, the distinction is illusory – intentionally and negatively conditioning an individual's employment terms with unwanted sexual advances is the equivalent of intentionally causing an injury. *See, e.g., In re Roth*, 2014 WL 684630 at *6 (Bankr. D. Colo. 2014)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT...

Sam Daniel Dason

Chapter 7

(applying issue preclusion to find *quid pro quo* sexual harassment to be willful, albeit in a non-default situation). Therefore, that part of the Judgment which deals with *quid pro quo* sexual harassment contains a finding of "willfulness."

The analysis regarding hostile workplace, however, is different. As noted by Olivares, the "hostile workplace" theory of sexual harassment generally requires unwanted sexual advances that have the "effect of unreasonably interfering with an individual's work performance." *Meritor Sav. Bank, FSB v. Vinson*, 477 U.S. 57, 65 (1986). In contrast to the *quid pro quo* liability, where the injury results from an employer's intentional reaction or retaliation, the injury under a hostile workplace theory is subjective and dependent upon the employee's perspective. An employer is certainly capable of unintentionally creating a hostile work environment.

The issue preclusion section of Olivares's motion for summary judgment focuses on the *quid pro quo* theory of sexual harassment. The Court agrees with Olivares's that "willfulness," as it is used in 11 U.S.C. § 523(a)(6), is implicit within a judgment for *quid pro quo* sexual harassment. But it is not necessarily implicit in a judgment under the "hostile workplace" theory of sexual harassment – the hostile workplace could be created negligently or unintentionally, based on incorrect assumptions of the employer.

Dason has not advanced any argument why the application of collateral estoppel to the facts of this specific case would not be "fair and consistent with sound public policy." Dason's opposition concedes Dason was aware that a trial was scheduled and the date when the trial would occur. Yet, after three years of litigation, no appearance was made on behalf of Dason at the trial. Given the extensive litigation that occurred in state court and the fact that the non-appearance of Dason at trial was due to a conscious choice, and part of a deliberate litigation strategy, the Court concludes that application of issue preclusion would continue to preserve the integrity of the judicial system and promote judicial economy. Thus, partial application of issue preclusion would further the policy and interests underlying the doctrine. *See, e.g., In re Baldwin*, 249 F.3d 912, 919-920 (9th Cir. 2001) (describing policies underlining collateral estoppel).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

C. Absence of a Genuine Issue of Material Fact

Olivares alternatively argues that the record in this case is sufficient to warrant summary judgment independent of the state court judgment. The Court disagrees. The record in this case essentially consists of: (1) Olivares's extensive and detailed description of the alleged sexual harassment; and (2) Dason's denial of the allegations. After the partial application of issue preclusion noted above, the only remaining factual issue is whether the "willfulness" requirement of § 523(a)(6) is satisfied as to that part of the Judgment which arises from a hostile workplace theory of sexual harassment. Here, the Court is simply presented with competing declarations from Dason and Olivares which assert, respectively, that Dason did not intend to create a hostile workplace environment and that it can be inferred that Dason had such an intention. Apart from those declarations, the record contains two pages of a deposition of Cesar Espinoza stating that Olivares complained that Dason grabbed her posterior at some point in time. Given the paucity of the existing record and the unambiguously contradictory declarations of Dason and Olivares, the Court concludes that summary judgment is inapplicable on this record.

TENTATIVE RULING

The Court is inclined to GRANT summary judgment as to the Judgment in so far as the Judgment relates to a *quid pro quo* theory of sexual harassment and DENY summary judgment in so far as the Judgment relates to a hostile workplace theory of sexual harassment for failure to satisfy the "willfulness" requirement of § 523(a)(6). The Court may order briefing regarding the apportionment of damages that are not specifically assigned to one category.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

Juddy Olivares

Represented By
Lazaro E Fernandez

Juddy Olivares

Pro Se

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#17.00 CONT Status Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

From: 11/2/16, 1/4/17, 3/1/17, 3/8/17, 6/7/17, 7/26/17, 9/13/17, 1/24/18, 3/7/18, 5/9/18

Also #16

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, May 30, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Charity J Manee

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-14337 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#1.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1931 Hemmingway Pl, San Jacinto CA 92583

MOVANT: JOSE & LILIAN VELASCO

EH__

Docket 9

Tentative Ruling:

6/5/2018

The Court is inclined to DENY the motion. While Debtors have provided sufficient evidence to overcome the presumption of bad faith as to their most recent Chapter 13 case, Debtors have not provided clear and convincing evidence to overcome the presumption of bad faith as their second most recent Chapter 13 case, which was pending within the previous year. Furthermore, Wells Fargo Bank, N.A., the holder of the note secured by Debtors' real property during the second most recent Chapter 13 case, had a relief from stay motion pending at the time of the case's dismissal. The Court takes judicial notice of the contents of docket number 72 in case 6:12-bk-35097-MH, which appears to state that Debtors were 29 months behind on their mortgage payments on October 5, 2017. 11 U.S.C. § 362(c)(3)(C)(ii) provides for a presumption of bad faith as to a creditor if a motion from relief from stay is granted or pending at dismissal in a case during the previous year. Here, Debtors' unsupported statement that their income has increased is insufficient to overcome the presumption of bad faith as to the mortgagee of their real property.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Jose Velasco and Lilian Micaela Velasco

Chapter 13

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Movant(s):

Jose Velasco

Represented By
Daniel King

Lilian Micaela Velasco

Represented By
Daniel King
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-14135 William Meineke and Kathie Meineke

Chapter 13

#2.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: WILLIAM MEINEKE AND KATHIE MEINEKE

EH__

Docket 17

Tentative Ruling:

6/5/18

The Court is inclined to DENY the motion for improper services. The Court's self-calendaring procedures require that motions to continue the automatic stay which are set on shortened notice be served on secured creditors pursuant to FRBP 7004. Here, it does not appear that Debtors have served the primary secured creditor, Dovenmuehle Mortgage, pursuant to FRBP 7004.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Movant(s):

William Meineke

Represented By
Todd B Becker
Todd B Becker

Kathie Meineke

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT...

William Meineke and Kathie Meineke

Todd B Becker

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-13924 Sandra Lorena Parra

Chapter 13

#3.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: SANDRA LORENA PARRA

EH__

Docket 16

Tentative Ruling:

6/5/18

The Court, having considered the motion and the evidence contained therein and finding such to be sufficient to overcome the presumption of bad faith arising under 11 U.S.C. § 362(c)(3), is inclined to GRANT the motion, IMPOSING the automatic stay as to all creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sandra Lorena Parra

Represented By
Christopher J Langley

Movant(s):

Sandra Lorena Parra

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-13906 Ruby Lee Frazier

Chapter 13

#4.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1928 Sycamore Hills Dr., Riverside, CA 92508

MOVANT: RUBY LEE FRAZIER

EH__

Docket 8

Tentative Ruling:

6/5/18

The Court, having considered the motion and the evidence contained therein and finding such to be sufficient to overcome the presumption of bad faith arising under 11 U.S.C. § 362(c)(3), is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ruby Lee Frazier

Represented By
Michael R Totaro

Movant(s):

Ruby Lee Frazier

Represented By
Michael R Totaro

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-13216 Alexander Tofick David

Chapter 13

#5.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 142 W Base Line Road, Rialto, CA

MOVANT: ABBEYFIELD PROPERTIES LP

EH__

Docket 22

Tentative Ruling:

6/5/2018

Service is Proper
Opposition: None

Pursuant to the operation of 11 U.S.C. § 362(c)(3)(A), and in accordance with this Court's order entered on May 21, 2018, the automatic stay as to Movant expired on May 17, 2018, and, therefore, Movant's requests for relief is DENIED as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alexander Tofick David

Represented By
Brad Weil

Movant(s):

ABBYFIELD PROPERTIES, LP

Represented By
Helen G Long

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-13092 Mark Irwin Barule

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 49143 Eisenhower Drive, Indio, CA 92201

MOVANT: RIVERSIDE COUNTY TAX COLLECTOR

From: 5/29/18

EH__

Docket 16

Tentative Ruling:

6/5/2018

Service is Proper
Opposition: Yes

The Court is inclined to DENY the motion. Movant's only asserted basis for relief from the automatic stay is the allegation that this present case was filed in bad faith. Movant identifies two reasons why this case was filed in bad faith: (1) Debtor listed few creditors in the case commencement documents; and (2) Debtor has filed multiple bankruptcies. Regarding the latter argument, Debtor has only onw previous filing, a successful Chapter 13 case. A single previous, successful Chapter 13 case does not suggest a bad faith filing; on the contrary, the Court considers it to be evidence against the assertion that this is a bad faith filing. Additionally, the fact that Debtor does not appear to have a significant amount of creditors does not, of itself, suggest that the instant case was filed in bad faith, especially when Debtor has complied with all statutory duties and has past experience of successfully maintaining a Chapter 13 case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Irwin Barule

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Mark Irwin Barule

Chapter 13

Summer M Shaw
Jenny L Doling

Movant(s):

Riverside County Treasurer-Tax

Represented By
Ronak N Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-12774 Tatiana Noemi Alegre

Chapter 13

#7.00 Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii) 17253 Emerson Street, Victorville, CA 92394

MOVANT: FRPA TRUST

EH__

Docket 17

Tentative Ruling:

6/5/2018

Service is Proper

Opposition: Yes

Pursuant to 11 U.S.C. § 362(c)(4), the automatic stay does not go into effect in a filed case if a debtor has two or more cases pending within the previous year. Here, Debtor had two Chapter 13 cases dismissed in the previous year for failure to file information. As a result, the automatic stay did not go into effect in the instant case.

Pursuant to 11 U.S.C. § 362(j), Movant is entitled to request an order confirming that no automatic stay went into effect in the instant case. Therefore, the Court will GRANT the motion, confirming that no automatic stay went into effect in the instant case. The Court notes that the assertions contained in Debtor's opposition are entirely irrelevant to the request at issue.

The Court notes, however, that Debtor filed a motion to impose the automatic stay, which was continued until July 10, 2018. Movant should be aware that the comfort order to be issued by this Court does not preclude Debtor from later arguing that the automatic stay should or can be imposed in this case.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Tatiana Noemi Alegre

Chapter 13

Debtor(s):

Tatiana Noemi Alegre

Represented By
LeRoy Roberson

Movant(s):

FRPA TRUST, its successors and/or

Represented By
Reilly D Wilkinson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-11889 Jose Luis Rodriguez

Chapter 7

#8.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1166 Mandevilla Way, Corona, CA 92879

MOVANT: THE BANK OF NEW YORK MELLON

From: 5/8/18

EH__

Docket 14

Tentative Ruling:

05/08/2018

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001
(a)(3) stay. GRANT requests under ¶¶ 3 and 12 of the prayer for relief.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jose Luis Rodriguez

Pro Se

Movant(s):

The Bank of New York Mellon, as

Represented By
Nancy L Lee

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-11085 Hyon C. Kwon

Chapter 7

#9.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Ford Escape, VIN: 1FMCU0F72FUB62926

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 15

Tentative Ruling:

6/5/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Hyon C. Kwon

Represented By
Stephen S Smyth

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:18-10357 Isaias Solano

Chapter 13

#10.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8287 Thoroughbred St., Rancho Cucamonga, California 91701

MOVANT: PNC BANK, NATIONAL ASSOCIATION

From: 5/8/18

EH__

Docket 33

***** VACATED *** REASON: ORDER ENTERED 6/4/18**

Tentative Ruling:

05/08/2018

Service: Proper

Opposition: Yes

Debtor asserts he has made the necessary payments through the chapter 13 trustee's office. The order confirming chapter 13 plan explicitly provides for conduit payments and the Debtor has provided evidence that a cashier's check was made out to the chapter 13 trustee on April 16, 2018. Based on the Debtor's evidence, the Court is inclined to DENY the Motion.

However, the Court notes that the Case Number indicated on the Cashier's Check indicates Case No. 18-10357-WJ, where that number should end in "MH."

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Isaias Solano

Represented By
Edward T Weber

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Isaias Solano

Chapter 13

Movant(s):

PNC Bank, National Association

Represented By
Armin M Kolenovic
Jamie D Hanawalt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:17-19281 Anthony J McPike

Chapter 13

#11.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 39764 Chambray Dr Murrieta, CA 92563

MOVANT: THE BANK OF NEW YORK MELLON

From: 4/24/18

EH__

Docket 35

***** VACATED *** REASON: CASE DISMISSED 4/26/18**

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: Yes

Debtor is three payments behind. Absent APO agreement, Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT termination of the co-debtor stay. GRANT waiver of 4001(a)(3) stay. GRANT as to authority to offer loan workout options.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anthony J McPike

Represented By
Dana Travis

Movant(s):

The Bank of New York Mellon, et al

Represented By
Bonni S Mantovani
S Renee Sawyer Blume

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Anthony J McPike

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:17-17533 Kevin William Dixon and Leticia Dixon

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chrysler 200, VIN: 1C3CCCFB2GN108023

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 31

Tentative Ruling:

6/5/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Kevin William Dixon

Represented By
Paul Y Lee

Joint Debtor(s):

Leticia Dixon

Represented By
Paul Y Lee

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Kevin William Dixon and Leticia Dixon

Chapter 13

Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:17-17241 Corinthia A. Williams

Chapter 13

#13.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1995 San Gabriel St, San Bernardino, CA 92404-4859

MOVANT: WELLS FARGO BANK NA

From: 5/8/18

EH__

Docket 53

***** VACATED *** REASON: CASE DISMISSED 5/25/18**

Tentative Ruling:

05/08/2018

Service: Proper

Opposition: Yes

Parties to update Court regarding status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Jonetta A Graves
Darshana Shah
Armin M Kolenovic

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#14.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

From: 2/6/18, 3/6/18, 4/10/18, 5/8/18

EH__

Docket 31

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Jamie D Hanawalt

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:16-13715 Timothy A Kiley and Ellen Eastwood

Chapter 13

#15.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 437 Darfo Drive, Crestline, California 92325

MOVANT: U.S. NATIONAL ASSOCIATION

From: 5/8/18

EH__

Docket 38

***** VACATED *** REASON: ORDER ENTERED 6/4/18**

Tentative Ruling:

05/08/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request under ¶3. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Timothy A Kiley

Represented By
M Wayne Tucker

Joint Debtor(s):

Ellen Eastwood

Represented By
M Wayne Tucker

Movant(s):

U.S. Bank National Association, as

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Timothy A Kiley and Ellen Eastwood

Chapter 13

Megan E Lees
Armin M Kolenovic
Jamie D Hanawalt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#16.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 1330 W 30TH ST San Bernardino, CA 92405

MOVANT: WELLS FARGO BANK

EH__

Docket 66

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Valicia LaShawn Fennell

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:16-10257 Cecilia Orozco and Sergio Orozco

Chapter 13

#17.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 13330 Kyle Dr. Moreno Valley, CA 92553

MOVANT: US BANK NATIONAL ASSOCIATION

From: 5/1/18, 5/15/18

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/25/18**

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶¶ 2 and 3.
DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cecilia Orozco

Represented By
Majid Safaie

Joint Debtor(s):

Sergio Orozco

Represented By
Majid Safaie

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Cecilia Orozco and Sergio Orozco

Chapter 13

Movant(s):

U.S. BANK NATIONAL

Represented By
Andrew Kussmaul
Christina J O
Jason A Cottrill

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:15-19993 Jose R. Gonzalez and Maria S. Gonzalez

Chapter 13

#18.00 Amended Motion (related document(s): 49 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 Saturn Outlook XR SUV

MOVANT: FOREMAN FINANCIAL, INC.

EH__

Docket 51

Tentative Ruling:

6/5/2018

Service is Okay
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY request for relief from § 1301(a) stay as the motion was not served on any "co-debtor" as that termed is used in § 1301(a). DENY alternative request under ¶ 11 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose R. Gonzalez

Represented By
Juanita V Miller

Joint Debtor(s):

Maria S. Gonzalez

Represented By
Juanita V Miller

Movant(s):

Foreman Financial, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Jose R. Gonzalez and Maria S. Gonzalez

Chapter 13

Jonathan David Leventhal

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:15-16128 Delkys Hyde

Chapter 13

#19.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 35571 Sugar Maple St Murrieta, CA 92563

MOVANT: BANK OF AMERICA, N.A.

From: 4/24/18

EH__

Docket 41

***** VACATED *** REASON: CONTINUED TO 7/24/18 AT 10:00 A.M.**

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: Yes

On March 29, 2018, Debtor filed a Motion for Authority to Sell the Property. Debtor has indicated that he intends to pay off the Movant and remainder of the chapter 13 plan through escrow. The Trustee has recommended approval of the sale. The Court is inclined to CONTINUE the matter for 30 days for Debtor to finalize sale.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Delkys Hyde

Represented By
David L Nelson

Movant(s):

Bank of America, N.A.

Represented By
Bonni S Mantovani
S Renee Sawyer Blume
Alexander G Meissner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Delkys Hyde

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:14-16717 Andrea Sindy Pozgaj

Chapter 13

#20.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 8436 Limestone Dr, Riverside, CA 92504

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

From: 5/1/18

EH__

Docket 49

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT relief from § 1301(a) stay. GRANT waiver of Rule 4001(a)(3) stay.
GRANT requests under ¶¶ 2, 3 and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Andrea Sindy Pozgaj

Represented By
Joel M Feinstein

Movant(s):

Wilmington Savings Fund Society,

Represented By
Darlene C Vigil
Melissa A Vermillion

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Andrea Sindy Pozgaj

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:13-27610 Baleine LP

Chapter 7

#21.00 Motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Revere Fin. Corp. v. Roger Docket Number INC 092 308 Riverside County Superior Court

MOVANT: JERRY WANG AS RECEIVER

EH__

Docket 468

Tentative Ruling:

6/5/2018

On October 24, 2013, Baleine, LP ("Debtor") filed a Chapter 7 voluntary petition. Prior to the bankruptcy filing, on March 18, 2013, the state court had appointed Jerry Wang ("Wang") as receiver of the personal property assets of Debtor, as well as the personal property assets of Douglas Roger ("Roger") and Roger's medical corporation ("Roger Inc."). Wang now asserts that "nothing remains for [Wang] to do in terms of administering the receivership." [Dkt. No. 469, pg. 4, lines 8-9]. Wang has filed this instant motion for relief from the automatic stay in order to wind down the receivership. Both Trustee and Debtor have filed limited oppositions to the request. Trustee requests that

to the extent Movant intends to seek to be paid an administrative expense claim in the Debtor's case based on any services performed in the state court action, any orders/judgments obtained from the state court concerning Movant's fees, expenses, and costs would not excuse Movant from compliance with 11 U.S.C. § 503, such that Movant's fees, expenses, and costs would still be subject to approval of the Bankruptcy Court.

[Dkt. No. 472, pg. 2, lines 9-13]. Wang's reply indicates that he accepts the condition requested by Trustee, and, therefore, the Court considers the limited objection of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Baleine LP

Chapter 7

Trustee to be resolved.

Debtor's limited opposition, however, remains unresolved. Debtor's opposition states that Debtor

only opposes relief from stay for Movant to have the State Court determine post-petition fees, costs and any applicable interest, if any, on its claim, as this Court is better situated to make this determination, both because it is intimately familiar with the post-petition actions taken by Movant in the related bankruptcy cases all before this Court, as well as the fact that application of bankruptcy law is needed to make these post-petition determinations and allocations between the related debtors.

[Dkt. No. 474, section 3b(11)].

The Court notes that the district court has previously weighed in on similar issues in Roger's bankruptcy. *See In re Roger*, 539 B.R. 837 (C.D. Cal. 2015); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) (pending appeal). While the Court disagrees with the blanket assertion offered by Wang that "[t]he District Court held that issues relating to the receivership are complex areas of state law that the State Court should decide," [Dkt. No. 469, pg. 5, lines 4-6], the Court agrees with Wang that the district court's rationale is relevant here. Specifically, Court respects the district court's conclusion that "the State Court, which presided over years of litigation involving numerous discovery disputes and the incurrence of \$1,000,000 in attorneys' fees, is better suited to resolve the issues." 2015 WL 7566647 at *10.¹ This conclusion is specifically relevant because the primary basis of the unresolved objection of Debtor is that this Court is more familiar with the applicable law and facts. In accordance with the district court's opinion, the Court disagrees with Debtor's conclusion.

Debtor has also raised concerns regarding appropriately allocation expenses between the bankruptcy estates of Baleine, Roger, and Roger Inc. This concern, however, does

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT...

Baleine LP

Chapter 7

not appear to be of high significance at this point in time, since those concerns could be litigated in the context of either a claim objection or an application for administrative fees. As conceded by Wang, "cause exists to grant relief from stay for a state court to *first* determine the *total amount* of a creditor's claim/debtor's liability. The *effect* of that determination on a bankruptcy estate is an issue of bankruptcy law for the bankruptcy court to decide on a later date." [Dkt. No. 477, pg. 2, lines 22-25].

In accordance with the rationale set forth in in the district court opinions of *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015) and *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) and the reasons set forth in Wang's moving papers, and noting that Wang has agreed to the condition requested by Trustee, and further noting that the argument of Debtor has either been rejected by the district court or can be determined by this Court at a later time and in a more appropriate setting, the Court is inclined to GRANT the motion, lifting the automatic stay for Wang to proceed to wind down the receivership in state court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Baleine LP

Represented By
Summer M Shaw

Movant(s):

Jerry Wang, Duly-Appointed State

Represented By
Jeffrey K Garfinkle
Anthony J Napolitano

Trustee(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#22.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Revere Fin. Corp v. Roger Docket Number INC 092-308 Riverside County Superior Court

MOVANT: REVERE FINANCIAL CORPORATION

Also #23

EH__

Docket 626

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#23.00 Amended Motion (related document(s): 629 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Revere Fin Corp. v. Roger Docket Number INC 092 308 Riverside County Superior Court

MOVANT: JERRY WANG, AS RECEIVER

Also #22

EH__

Docket 634

Tentative Ruling:

6/5/2018

On October 20, 2013, Douglas J. Roger, MD, Inc. ("Debtor") filed a Chapter 7 voluntary petition. Prior to the bankruptcy filing, on March 18, 2013, the state court had appointed Jerry Wang ("Wang") as receiver of the personal property assets of Debtor, as well as the personal property assets of Douglas Roger ("Roger") and Baleine, LP ("Baleine"). Wang now asserts that "nothing remains for [Wang] to do in terms of administering the receivership." [Dkt. No. 469, pg. 4, lines 8-9]. Wang has filed this instant motion for relief from the automatic stay in order to wind down the receivership. Both Trustee and Debtor have filed limited oppositions to the request. Trustee requests that

to the extent Movant intends to seek to be paid an administrative expense claim in the Debtor's case based on any services performed in the state court action, any orders/judgments obtained from the state court concerning Movant's fees, expenses, and costs would not excuse Movant from compliance with 11 U.S.C. § 503, such that Movant's fees, expenses, and costs would still be subject to approval of the Bankruptcy Court.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

[Dkt. No. 472, pg. 2, lines 9-13]. Wang's reply indicates that he accepts the condition requested by Trustee, and, therefore, the Court considers the limited objection of Trustee to be resolved.

Debtor's limited opposition, however, remains unresolved. Debtor's opposition states that Debtor

only opposes relief from stay for Movant to have the State Court determine post-petition fees, costs and any applicable interest, if any, on its claim, as this Court is better situated to make this determination, both because it is intimately familiar with the post-petition actions taken by Movant in the related bankruptcy cases all before this Court, as well as the fact that application of bankruptcy law is needed to make these post-petition determinations and allocations between the related debtors.

[Dkt. No. 474, section 3b(11)].

The Court notes that the district court has previously weighed in on similar issues in Roger's bankruptcy. See *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) (pending appeal). While the Court disagrees with the blanket assertion offered by Wang that "[t]he District Court held that issues relating to the receivership are complex areas of state law that the State Court should decide," [Dkt. No. 469, pg. 5, lines 4-6], the Court agrees with Wang that the district court's rationale is relevant here. Specifically, Court respects the district court's conclusion that "the State Court, which presided over years of litigation involving numerous discovery disputes and the incurrence of \$1,000,000 in attorneys' fees, is better suited to resolve the issues." 2015 WL 7566647 at *10.¹ This conclusion is specifically relevant because the primary basis of the unresolved objection of Debtor is that this Court is more familiar with the applicable law and facts. In accordance with the district court's opinion, the Court disagrees with Debtor's conclusion.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Debtor has also raised concerns regarding appropriately allocation expenses between the bankruptcy estates of Debtor, Roger, and Baleine. This concern, however, does not appear to be of high significance at this point in time, since those concerns could be litigated in the context of either a claim objection or an application for administrative fees. As conceded by Wang, "cause exists to grant relief from stay for a state court to *first* determine the *total amount* of a creditor's claim/debtor's liability. The *effect* of that determination on a bankruptcy estate is an issue of bankruptcy law for the bankruptcy court to decide on a later date." [Dkt. No. 477, pg. 2, lines 22-25].

In accordance with the rationale set forth in in the district court opinions of *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015) and *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) and the reasons set forth in Wang's moving papers, and noting that Wang has agreed to the condition requested by Trustee, and further noting that the argument of Debtor has either been rejected by the district court or can be determined by this Court at a later time and in a more appropriate setting, the Court is inclined to GRANT the motion, lifting the automatic stay for Wang to proceed to wind down the receivership in state court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Jerry Wang, Duly-Appointed State

Represented By
Jeffrey K Garfinkle
Joseph M Welch
Brian T Harvey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Anthony J Napolitano

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

6:12-27192 Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

#24.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 28114 Championship Dr, Moreno Valley, CA 92555

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18, 3/6/18, 4/10/18

EH__

Docket 100

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Debtors have provided evidence that regular payments were made between May 2016 and November 1, 2017 (with the exception of the August 2016 and December 2016 payments for which Debtors are seeking evidence). Exhibit 5, which is the Movant's summary of post-petition payments reflects numerous debits for 2016 payments which appears to corroborate Debtors' assertion that refunds were made due to a mix-up in payments being made by the Trustee's office.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Achilles A. LaSalle Jr.

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Elsie LaSalle

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

10:00 AM

CONT... Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Debbie Hernandez
Rosemary Allen
Jamie D Hanawalt

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

11:00 AM

6:18-13193 Richard Garavito

Chapter 13

#24.10 Motion to vacate dismissal

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

2:00 PM

6:18-13219 Patrick Merrill and Gayle Merrill

Chapter 7

#25.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 232 Ohio St, Lake Elsinore CA 92530

MOVANT: 2ND CHANCE MORTGAGE INC

From: 5/15/18, 5/29/18

EH__

Docket 10

Tentative Ruling:

Tentative Ruling:

05/29/2017

Service is now proper.

No opposition has been filed.

GRANT as to § 362(d)(1) and § 362(d)(2). GRANT request to waive 14-day stay.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

5/15/2018

Service is Proper

Opposition: None

Pursuant to Local Rule 4001-1(c)(1)(C)(iv), service is required upon "the holder of a lien or encumbrance against the subject property that is known to the movant, scheduled by the debtor, or appears in the public record." Here, Movant is the junior lienholder on the subject property, yet has not served the senior lienholder with the instant motion. Therefore, the Court is inclined to CONTINUE the motion for service on the first mortgagee, Selection Portfolio Servicing, Inc.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

2:00 PM

CONT... Patrick Merrill and Gayle Merrill

Chapter 7

Debtor(s):

Patrick Merrill

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Gayle Merrill

Represented By
Jeremiah D Raxter

Movant(s):

2nd Chance Mortgages Inc.

Represented By
Henry D Paloci

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#26.00 Motion to Compel Assumption or Rejection of Executory Contract and Unexpired Lease and for Full Lease Payments Prior to Formal Assumption or Rejection; and for Relief from Stay in the Event of Rejection of Contract

EH__

Docket 284

Tentative Ruling:

6/5/18

BACKGROUND

On December 1, 2017, Auto Strap Transport, LLC ("Debtor") filed a Chapter 11 voluntary petition. Among the assets of Debtor's Chapter 11 estate are 2 2015 Volvo trucks (VIN # 4V5RC9EHXFN186580 and #4V5RC9EH7FN186603) and 2 2015 Cottrell car hauler trailers (VIN # 5EOAA1447FG605301 and # 5EOAJ1446FG603801) (collectively, the "Collateral"). The Collateral is currently leased from Sterling National Bank ("SNB").

On May 14, 2018, SNB filed a motion to compel assumption or rejection of executory contract and for full lease payments prior to formal assumption or rejection; and for relief from stay in the event of rejection of contract. Debtor has not filed any opposition to SNB's request.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

In a case under chapter 11, a debtor in possession may assume an unexpired lease of personal property at any time prior to confirmation of a plan. *Zions Credit Corp. v. Rebel Rents, Inc., Perris Valley Rentals, Inc. (In re Rebel Rents, Inc., Perris Valley Rentals, Inc.)* 291 B.R. 520, 529 (Bankr. C.D. Cal 2003) (citing 11 U.S.C. § 365(a) and (d)(2)). It is the policy of the Bankruptcy Code to provide the debtor with breathing space following the filing of the petition, continuing until the confirmation of a plan, in which to assume or reject an unexpired lease. See *In re Enron Corp.*, 279 B.R. 695, 702 (Bankr. S.D.N.Y. 2002). The Court, however, on request of a party to a lease, may order the debtor in possession to determine within a specified period of time whether to assume or reject. 11 U.S.C. § 365(d)(2).

Here, the Debtor, though properly served with the motion, has failed to file opposition or response. Additionally, SNB has provided evidence that Debtor is in default on payments due and owing to SNB under the terms of the agreement. Based on the evidence that Debtor is not abiding by the terms of the agreement and based also on the Debtor's failure to file any response to the motion, the Court finds that an order compelling immediate rejection of the agreement is warranted.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the motion deeming the agreement rejected as of the hearing date of June 6, 2018, based on Debtor's failure to file opposition or response. Additionally, SNB's motion sets forth sufficient cause for lifting of the automatic stay. The remaining requests for relief are DENIED as moot. SNB may pursue its state law remedies to seek turnover of the Collateral.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 05, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Movant(s):

Sterling National Bank

Represented By
Jennifer Witherell Crastz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

10:00 AM

6:18-11712 Alma Delia Saldana

Chapter 7

**#1.00 Pro se Reaffirmation Agreement Between Debtor and MECHANICS BANK re
2013 Hyundai Veloster**

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Delia Saldana

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

10:00 AM

6:18-12377 Sara Janine Pease

Chapter 7

#2.00 Reaffirmation Agreement Between Debtor and Hyundai Capital America; (2017 Kia Forte VIN# 3KPFL4A74HE109469), in the amount of \$16,868.83

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Janine Pease

Represented By
Michael E Clark

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

11:00 AM

6:11-46978 Tillis L. Samuel and Sheila Sutton-Samuel

Chapter 7

#3.00 Order to show cause why Edward Villalobos should not be (1) Sanctioned; (2) Ordered to disgorge all fees and (3) Reported to the State Bar Disciplinary Committee for failure to conform to professional rules of conduct

EH__

Docket 35

Tentative Ruling:

06/06/2018

BACKGROUND

On April 30, 2018, Itria Ventures, LLC ("Plaintiff") filed a Motion To Compel Defendants' Responses To Discovery and For Attorney Fees ("Motion"). The Motion indicates that Debtors were served with interrogatories, requests for documents and admissions ("Discovery Requests") to which the Defendants neither responded, nor requested an extension of time to respond.

Plaintiff then properly contacted counsel for the Defendants to meet and confer regarding the Discovery Requests prior to filing the Motion.

By the Motion, Plaintiff seeks an order compelling Defendants to respond to the Discovery Requests and awarding attorney fees and costs jointly and severally to be paid by Defendants and their counsel to the Chekian Law Office for preparation of the Motion in an amount of \$1,012.

In response to the Motion, the Defendants concede that they did not respond to the Plaintiff's Discovery Requests. The stated reason for the nonresponsiveness is due to communication issues arising from Defendants' counsel having health issues as well as unspecified issues related to Defendants' counsel's mother. Curiously, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

11:00 AM

CONT... Tillis L. Samuel and Sheila Sutton-Samuel Chapter 7

declaration attesting to these issues is signed by the Defendant instead of Defendants' counsel (the party with personal knowledge of the problems).

Based on Defendants' concession that the nonresponsiveness to the Discovery Requests was their fault, the vagueness around the basis for the nonresponsiveness, and the failure to address the request for fees by Plaintiff, the Court is inclined to order as follows:

1. That Attorneys' fees be awarded to Plaintiff in the full amount of \$1,012, jointly and severally to be paid by Defendants and/or Counsel for the Defendants;
2. That a deadline for responses to the Discovery Requests and/or objections thereto shall be set fourteen days from the date of entry of the order on this Motion; and
3. That failure to abide by the deadline may result in discovery sanctions, including but not limited to deeming the requests for admission as admitted.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tillis L. Samuel

Represented By
Edward A Villalobos

Joint Debtor(s):

Sheila Sutton-Samuel

Represented By
Edward A Villalobos

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#4.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17, 2/7/18, 2/28/18, 3/28/18, 5/9/18

EH__

Docket 148

*** VACATED *** REASON: CONTINUED TO 6/27/18 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr.

Pro Se

Joint Debtor(s):

Tami Jo Springer

Pro Se

Movant(s):

Hilder & Associates

Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR)

Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

11:00 AM

6:16-17888 Jay J. Goodman

Chapter 7

#5.00 Order to show cause why Christopher Hewitt should not be sanctioned for filing frivolous pleading against Delia Moya

EH__

Docket 23

***** VACATED *** REASON: CONTINUED TO 6/13/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-19042 Trending Up

Chapter 7

Adv#: 6:18-01078 Simons (TR) v. Parks et al

#6.00 Status Conference RE: [1] Adversary case 6:18-ap-01078. Complaint by Larry D Simons (TR) against Robert Parks, Barbara Parks. (Charge To Estate). Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Simons (TR), Larry)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trending Up

Represented By
Daniel King

Defendant(s):

Robert Parks

Pro Se

Barbara Parks

Pro Se

Plaintiff(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-20552 Andrew William Nieto
Adv#: 6:18-01076 Kiefner v. Nieto

Chapter 7

#7.00 Status Conference RE: [1] Adversary case 6:18-ap-01076. Complaint by Leslie Kiefner against Andrew Nieto . (d),(e)) ,(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) ,(65 (Dischargeability - other))

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 5/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew William Nieto

Represented By
Krystina T Tran

Defendant(s):

Andrew Nieto

Represented By
Krystina T Tran

Plaintiff(s):

Leslie Kiefner

Represented By
Brandon L Fieldsted

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-12748 William A. Mendez, II

Chapter 7

Adv#: 6:17-01129 Hadra et al v. Mendez et al

#8.00 CONT Status Conference Re: Complaint by Andrew C. Hadra against William A. Mendez. false pretenses, false representation, actual fraud, 67- Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 9/13/17, 12/13/17, 4/11/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Defendant(s):

William A. Mendez

Represented By
Thomas J Polis

Shawna D Mendez

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Plaintiff(s):

Andrew C. Hadra

Represented By
Peter W Lianides
Alan Droste

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... William A. Mendez, II
Vertical Partners LLC

Chapter 7

Represented By
Peter W Lianides
Alan Droste

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#9.00 Status Conference re Amended Complaint by Douglas L Mahaffey on behalf of Chienan Chen, Chun-Wu Li against Bernadette Shenouda, 3 Columnar Ladera LLC, Mike Bareh, Mark Bastorous, MB Capital Group LLC.

From: 5/9/18

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#10.00 CONT Motion for Default Judgment against Richard Earl Davis Jr.

From: 1/10/18

Also #11

EH__

Docket 19

Tentative Ruling:

06/06/2018

On May 9, 2018, Plaintiffs filed a Motion to Strike Answer and enter Default. On May 30, 2018, the Court at the hearing issued a tentative ruling which was adopted as the final ruling granting the Motion. Plaintiffs' counsel was directed to lodge an order. To date, Plaintiffs' counsel has not lodged an order. Thus, a ruling on the Motion for Default Judgment would be premature given that the Answer has yet to be formally stricken, and default entered.

Additionally, in the Court's January 10, 2018, tentative ruling, the Court required Plaintiffs to provide "the underlying state court documents (e.g. the state court complaint and judgment) which are essential to final ruling on the Complaint." Finally, the Court indicated that Counsel had not included points and authorities to indicate whether the motion was being made pursuant to collateral estoppel principles or alternatively, setting forth how the evidence provided satisfies the §523(a)(2) standard.

The Court is inclined to CONTINUE the hearing on the Motion for Default Judgment

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Earl Davis, Jr

Chapter 7

and Status Conference to July 11, 2018, at 2:00 p.m., for Plaintiffs to (1) lodge the order on the Motion to Strike; (2) file the requested State Court documents; (3) file points and authorities; and (4) provide notice of the continuance of the hearing on the Motion for Default Judgment and Status Conference, and of the Court's new deadlines.

The Plaintiffs' supplemental filings shall be due on or before June 20, 2018. Any opposition shall be due on or before June 27, 2018, and any reply shall be due on or before July 5, 2018.

APPEARANCES WAIVED.

01/10/2018

TENTATIVE RULING

At the hearing on the Plaintiff's prior Motion for Default Judgment, the Court's tentative ruling provided, in pertinent part, as follows:

Plaintiff seeks default judgment be entered against Defendant Richard Earl Davis, Jr. (the "Debtor"). Service of the Motion AND of the Summons and Complaint were all effectuated on the Debtor at "2280 Market Street #220 in Riverside, CA". However, the Debtor's bankruptcy petition indicates his place of residence as "9325 Sunridge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Earl Davis, Jr
Drive in Riverside, CA 92508".

Chapter 7

The Court's tentative ruling is to DENY the Motion without prejudice. Movant to lodge an order denying the motion and requesting that the Court issue an alias summons for Movant to serve the summons and complaint at the Debtor's residence as indicated on the bankruptcy petition. Deadlines shall be reset accordingly.

An alias summons was issued and the Plaintiff filed a proof of service indicating that the Alias Summons was executed. The instant Motion for Default Judgment was then filed on December 7, 2017. Both Proofs of Service indicate that the Debtor was now served at "9324 Sunridge Drive in Riverside, CA" Again, in a situation where the Debtor/Defendant is nonresponsive, the Plaintiff's ongoing failure to serve the Debtor at the correct address creates a due process issue which prevents this case from moving forward.

Separately, although the Debtor has disclosed the debt owed to Plaintiff in the amount of \$150,000 in his Schedule E/F pursuant to a State Court Judgment, the Court notes that the Plaintiff has failed to attach the underlying state court documents (e.g. the state court complaint and judgment) which are essential to final ruling on the Complaint. Additionally, the Plaintiff has not included points and authorities to indicate whether the motion is made under collateral estoppel principles.

The Court's tentative ruling is to DENY the Motion without prejudice. Movant to lodge an order denying the motion and requesting that the Court issue an alias summons for Movant to serve the summons and complaint at the Debtor's residence as indicated on the bankruptcy petition. Deadlines shall be reset accordingly.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Ongoing failure to correctly serve documents on the Debtor correctly may result in sanctions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

Defendant(s):

Richard Earl Davis Jr

Pro Se

Two6 Sports Management

Pro Se

Movant(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Plaintiff(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Kandis Gumbs

Represented By
Alexander B Boris

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#11.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01066. Complaint by Angelo M Gumbs , Kandis Gumbs against Richard Earl Davis Jr, Two6 Sports Management . false pretenses, false representation, actual fraud))

From: 8/30/17, 11/1/17, 1/10/18

Also #10

EH__

Docket 1

Tentative Ruling:

06/06/18

APPEARANCES WAIVED. Status Conference continued to July 11, 2018, at 2:00 p.m. See matter No. 10.

Party Information

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

Defendant(s):

Richard Earl Davis Jr

Pro Se

Two6 Sports Management

Pro Se

Plaintiff(s):

Angelo M Gumbs

Represented By
Alexander B Boris

Kandis Gumbs

Represented By
Alexander B Boris

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#12.00 Plaintiff's Motion To Compel Defendants' Responses To Discovery and For Attorney Fees

Also #13

EH__

Docket 19

Tentative Ruling:

06/06/2018

BACKGROUND

On April 30, 2018, Itria Ventures, LLC ("Plaintiff") filed a Motion To Compel Defendants' Responses To Discovery and For Attorney Fees ("Motion"). The Motion indicates that Debtors were served with interrogatories, requests for documents and admissions ("Discovery Requests") to which the Defendants neither responded, nor requested an extension of time to respond.

Plaintiff then properly contacted counsel for the Defendants to meet and confer regarding the Discovery Requests prior to filing the Motion.

By the Motion, Plaintiff seeks an order compelling Defendants to respond to the Discovery Requests and awarding attorney fees and costs jointly and severally to be paid by Defendants and their counsel to the Chekian Law Office for preparation of the Motion in an amount of \$1,012.

In response to the Motion, the Defendants concede that they did not respond to the Plaintiff's Discovery Requests. The stated reason for the nonresponsiveness is due

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif

Chapter 7

to communication issues arising from Defendants' counsel having health issues as well as unspecified issues related to Defendants' counsel's mother. Curiously, the declaration attesting to these issues is signed by the Defendant instead of Defendants' counsel (the party with personal knowledge of the problems).

Based on Defendants' concession that the nonresponsiveness to the Discovery Requests was their fault, the vagueness around the basis for the nonresponsiveness, and the failure to address the request for fees by Plaintiff, the Court is inclined to order as follows:

1. That Attorneys' fees be awarded to Plaintiff in the full amount of \$1,012, jointly and severally to be paid by Defendants and/or Counsel for the Defendants;
2. That a deadline for responses to the Discovery Requests and/or objections thereto shall be set fourteen days from the date of entry of the order on this Motion; and
3. That failure to abide by the deadline may result in discovery sanctions, including but not limited to deeming the requests for admission as admitted.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif

Chapter 7

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Movant(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

Plaintiff(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#13.00 CONT Status Conference Re: Adversary case 6:17-ap-01197. Complaint by Itria Ventures, LLC against Malik Muhammad Asif, Zobia Asif. Fee Amount \$350
Complaint Objecting To Dischargeability of Debt Nature of Suit: (62
(Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))

From: 11/15/17, 12/6/17, 1/10/18

Also #12

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Plaintiff(s):

Itria Ventures, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 6, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif

Michael F Chekian

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:16-12400 Ernestine Steppes

Chapter 13

#1.00 Application for Compensation for Mathew Alden, Debtor's Attorney, Period:
3/1/2016 to 5/4/2018, Fee: \$750

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernestine Steppes

Represented By
Mathew Alden

Movant(s):

Ernestine Steppes

Represented By
Mathew Alden

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:16-15453 Brenda Fleming Bell

Chapter 13

#2.00 Motion To Substitute Attorney Suzette C. Douglas for Attorney Thomas Watkins

EH__

Docket 35

Tentative Ruling:

6/7/18

BACKGROUND

On 6/17/16, Brenda Fleming Bell ("Debtor") filed her petition for chapter 13 relief. The Debtor's case was filed with the assistance of counsel, Thomas Watkins ("Watkins").

The Debtor alleges that throughout the entire case Watkins has been unresponsive to her numerous phone calls and office visits. On 2/13/18, Debtor wrote Watkins a letter informing him that she no longer needed his services. Watkins did not reply.

On 2/16/18, Debtor signed a retainer agreement and substitution of attorney with Suzette C. Douglas. Watkins did not reply to Douglas's numerous calls, emails, and letters after this transaction.

On 5/2/18, the Debtor filed a motion to withdraw Watkins ("Motion"), and to allow the substitution of Suzette C. Douglas. No opposition has been filed, and the deadline to file an opposition has closed, pursuant to LBR 9013-1(f) (must be filed 14 days before hearing). The Debtor filed a declaration confirming these allegations.

DISCUSSION

Rule 3-700(C)(5) of the California Rules of Professional Conduct allows withdrawal of attorney is permitted if the client knowingly and freely assents to termination of the employment. The Motion complies with LBR 2091-1, requiring leave of court for a Debtor to be represented by new counsel, and Rule 3-700(A)(1) of the CRPC, holding that if permission of withdrawal is required by local rules, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

CONT... Brenda Fleming Bell

Chapter 13

motion must be granted for withdrawal to be valid.

The Motion provides evidence that Watkins did not satisfy his obligation or responsibility as counsel to the Debtor. LBR 3015-1 requires that Debtor's counsel "must be available to respond to questions throughout the term of the plan and provide other legal services as are necessary for the administration of the case before the bankruptcy court." The Debtor alleges that her counsel's unresponsiveness has violated this requirement, and almost resulted in her case being dismissed. The Debtor further provides evidence a clear breakdown in communication and the attorney/client relationship which warrants the Court's granting of this Motion.

TENTATIVE RULING

This Court is inclined to GRANT the Motion in its entirety permitting the proposed substitution and terminating Watkins' representation of the Debtor.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Brenda Fleming Bell

Represented By
Thomas Watkins
Suzette Douglas

Movant(s):

Brenda Fleming Bell

Represented By
Thomas Watkins
Suzette Douglas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:17-19787 Gloria Hayslet

Chapter 13

#3.00 Motion to vacate dismissal

EH__

Docket 38

Tentative Ruling:

6/7/18

BACKGROUND

On November 27, 2017, Gloria Hayslet ("Debtor") filed a Chapter 13 voluntary petition. On January 18, 2018, Debtor's Chapter 13 plan was confirmed.

On March 5, 2018, Trustee filed a motion to dismiss case for delinquency. On March 21, 2018, Debtor filed her opposition. After a continuance of the motion to dismiss, Debtor filed a motion to modify plan on April 19, 2018. On April 26, 2018, Trustee filed comments indicating conditional approval of the motion to modify plan, which included the suspension of one monthly payment. Later that day, the motion to dismiss was continued for two more weeks. No order was entered on the motion to modify plan, and, on May 10, 2018, the case was dismissed.

On May 16, 2018, Debtor filed a motion to vacate dismissal. The next day, Trustee filed amended comments indicating conditional approval of the motion to modify plan, which now included the suspension of two monthly payments. Trustee also filed comments on Debtor's motion to vacate dismissal, which express the Trustee's unqualified approval of the motion.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

CONT... Gloria Hayslet

Chapter 13

TENTATIVE RULING

The Court having reviewed the motion, notice being proper and good cause appearing, and noting the absence of any opposition and the Trustee's unconditional approval of the motion, the Court is inclined to GRANT the motion and VACATE the dismissal order [Dkt. No. 36].

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Movant(s):

Gloria Hayslet

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-11489 Jeremy Mayes and Heidi Mayes

Chapter 13

#4.00 Motion for Order Determining Value of Collateral

EH__

Docket 24

Tentative Ruling:

6/07/18

BACKGROUND

On April 12, 2018, an order was granted converting the Case from Chapter 7 to Chapter 13. On April 16, 2018, Heidi and Jeremy Mayes ("Debtors") filed their petition for chapter 13 relief. Among the estate's assets is a 2014 Ford F150 Pickup 4D ("the F150"). On May 2, 2018, Debtors filed their Motion to Value the F150 ("Motion"). No opposition has been filed.

DISCUSSION

A. Service

The notice was served on 5/02/2018, more than 21 days from the hearing date of 6/7/18. It was properly served to the trustee and the US trustee by electronic filing, properly served to Debtors (individuals), the agent for service of process and the CEO of Union Pacific CAE Federal Credit Union ("Creditor") by US Mail. However, here, the Debtor has failed to provide evidence that Union Pacific CAE Federal Credit Union is the correct creditor. At a minimum a copy of the underlying agreement or certificate of title should have been filed to verify that service was effectuated on the correct party.

B. Discussion

The Debtor asserts that the F150 should be valued at \$13,109.00. Under § 506(a), the Debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

CONT... Jeremy Mayes and Heidi Mayes

Chapter 13

as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

Here, the Debtor's valuation is based on a KBB typical listing valuation for a sale to a private party. The Debtor filed a declaration in support of her motion to value, in which she details how she purchased the vehicle, and used the KBB to value her vehicle. The KBB valuation is based on a private party range between \$12,357 and \$14,336. The Debtor has selected a value relatively in the middle of the range at \$13,109. Absent opposition from the Creditor, the Court finds that the evidence of value is sufficient under the circumstances.

TENTATIVE RULING

The Court is inclined to CONTINUE the hearing on the Motion to June 28, 2018, at 11:00 a.m. for Debtor to supplement the Motion with a copy of the certificate of title or other evidence identifying the potentially impacted creditor.

APPEARANCES WAIVED. Movant to file and serve notice of the continuance and supplemental evidence in support of the Motion.

Party Information

Debtor(s):

Jeremy Mayes

Represented By
Todd L Turoci

Joint Debtor(s):

Heidi Mayes

Represented By
Todd L Turoci

Movant(s):

Jeremy Mayes

Represented By
Todd L Turoci

Heidi Mayes

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

CONT... Jeremy Mayes and Heidi Mayes

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12992 Charles Henry Sacayan and Catherine Angela McNicholas Chapter 13

#5.00 Amended Motion (related document(s): 21 Motion to Avoid JUNIOR LIEN with Trinity Financial Services, LLC

EH__

Docket 23

***** VACATED *** REASON: CONTINUED TO 6/28/18 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Movant(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-14052 Glenda Faye Price

Chapter 13

#6.00 Motion for Setting Property Value

EH__

Docket 12

Tentative Ruling:

6/7/18

BACKGROUND

On May 14, 2018, Glenda Faye Price ("Debtor") filed her petition for chapter 13 relief. Among the assets of the estate is a 2012 Ford Fusion (the "Fusion"). On May 16, 2018, the Debtor filed her Motion to Value the Fusion ("Motion"). No opposition has been filed.

DISCUSSION

A. Service

The notice was served on 5/16/18, which is over 21 days from the hearing date of 6/7/18. It was properly served to the trustee and the US trustee by electronic filing, properly served to the debtor (individual), the agent for service of process and the CEO of Drivetime ("Creditor") (corporation) by US Mail, and properly served to the court. Service of the motion is proper.

B. Motion to Value

Under § 506(a), the Debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The motion asks this Court to determine the value of the Fusion at \$6,600, and therefore determine the Creditor's secured claim as \$6,600, and the remainder as unsecured. The Debtor's valuation is based on a KBB typical listing valuation (\$5,601 - \$7,995 after mileage adjustment) and KBB private party valuation (Within

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

CONT... Glenda Faye Price

Chapter 13

the range of \$5,075-\$6,688, or specifically \$5,882). (Ex. 's 2 & 3). The Debtor filed a declaration in support of her motion to value, in which she details how she purchased the Fusion and used the KBB report to value her vehicle.

TENTATIVE RULING

The Court is inclined to GRANT the Motion. Under the circumstances, including the lack of opposition, the proposed valuation is reasonable. The Court determines the secured value of the Fusion to be \$6,600 and the unsecured claim to be \$10,058. Separately, the Court notes that after service and filing of the Motion, Bridgecrest Credit Company, LLC (successor-in-interest to Drivetime) filed a proof of claim asserting a secured claim consistent with the Debtor's valuation for \$6,600. Thus, as a secondary basis for granting of the Motion, the proposed valuation appears undisputed.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Glenda Faye Price

Represented By
Nancy Korompis

Movant(s):

Glenda Faye Price

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12473 Ignacio Salvador Aguilar and Cynthia Araujo Aguilar

Chapter 13

#7.00 CONT Motion for Setting Property Value with Declaration of Ignacio Salvador Aguilar

From: 5/24/18

Also #8

EH__

Docket 15

Tentative Ruling:

05/24/2018

BACKGROUND

On March 27, 2018, Ignacio and Cynthia Aguilar (collectively, "Debtors") filed their petition for chapter 13 relief. Among the assets of the estate is a 2014 Nissan Sentra (the "Sentra"). On April 30, 2018, the Debtors filed their Motion to Value the Sentra ("Motion"). On May 8, 2018, Capital One Auto Finance ("Capital One") filed its opposition to the Motion ("Opposition"). No reply has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the Sentra's value, and thus its secured portion, should be determined to be \$5,800, with an unsecured deficiency claim for \$5,308. The Debtors' valuation is based on a KBB value trade-in report. The Debtors have also provided evidence of estimates obtained to repair damage and normal wear and tear

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

CONT... Ignacio Salvador Aguilar and Cynthia Araujo Aguilar Chapter 13

on the Sentra. (Ex.'s 3 & 4). Capital One has responded that the value of the Sentra should be no less than \$9,975. In support, Capital One has provided evidence that the NADA Guide provides \$9,975 as the retail value for the Sentra. To the extent there is a dispute about the valuation, Capital One requests a continuance for an appraisal. The Court is inclined to grant a short continuance for Capital One to have an appraiser evaluate the Sentra's condition.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ignacio Salvador Aguilar

Represented By
Jenny L Doling

Joint Debtor(s):

Cynthia Araujo Aguilar

Represented By
Jenny L Doling

Movant(s):

Ignacio Salvador Aguilar

Represented By
Jenny L Doling
Jenny L Doling

Cynthia Araujo Aguilar

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12473 Ignacio Salvador Aguilar and Cynthia Araujo Aguilar

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

Also #7

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ignacio Salvador Aguilar

Represented By
Jenny L Doling

Joint Debtor(s):

Cynthia Araujo Aguilar

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12465 Graciela Garcia

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Graciela Garcia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12438 Marcelino Carrillo

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcelino Carrillo

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12461 Robert Townsend

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Townsend

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12549 Billy Wayne Shipman, Jr. and Andrea Shipman

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Billy Wayne Shipman Jr.

Represented By
Andrew Nguyen

Joint Debtor(s):

Andrea Shipman

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12579 Deborah Ann Pardo

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Ann Pardo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12612 Guy F Gerber

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guy F Gerber

Represented By
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12714 Frank W Haywad

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank W Haywad

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12726 Terrell Wayne Hale

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terrell Wayne Hale

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12754 Caleb Gervin and Ashley Gervin

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Caleb Gervin

Represented By
Christopher Hewitt

Joint Debtor(s):

Ashley Gervin

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12761 Henry M Gutierrez and Mitzy D Gutierrez

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry M Gutierrez

Represented By
Nima S Vokshori

Joint Debtor(s):

Mitzy D Gutierrez

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12770 Bessie Johnson Desroches

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bessie Johnson Desroches

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12774 Tatiana Noemi Alegre

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tatiana Noemi Alegre

Represented By
LeRoy Roberson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12782 Justa Nelida Guzman

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justa Nelida Guzman

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12819 Adrian Lopez and Patricia Lopez

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Lopez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Patricia Lopez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12862 Antoinette Marie Tutt

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoinette Marie Tutt

Represented By
Brian C Miles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12868 Jules A Nelson

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jules A Nelson

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12419 Donald Bollero and Jennifer Bollero

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Bollero

Represented By
Todd L Turoci

Joint Debtor(s):

Jennifer Bollero

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:00 AM

6:18-12323 Kevin E Horton and Manuel F. Dela Rosa

Chapter 13

#28.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin E Horton

Represented By
Todd L Turoci

Joint Debtor(s):

Manuel F. Dela Rosa

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:12-37244 Niculaie David and Sidonia David

Chapter 13

#29.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 2/8/18

EH__

Docket 101

***** VACATED *** REASON: CONTINUED TO 6/14/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Niculaie David

Represented By
Marjorie M Johnson

Joint Debtor(s):

Sidonia David

Represented By
Marjorie M Johnson

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:13-10122 Lesley M Castle

Chapter 13

#30.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 99

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lesley M Castle

Represented By
Michael Smith
Dale Parham - INACTIVE -
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#31.00 CONT Trustee's Motion to Dismiss Case

From: 4/12/18, 5/10/18

EH__

Docket 205

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:14-23667 Thomas F. Quinn

Chapter 13

#32.00 Trustee's Motion to Dismiss Case or in the alternative denying discharge

EH__

Docket 88

Tentative Ruling:

6/7/18

BACKGROUND

On November 6, 2014, Thomas Quinn ("Debtor") filed a Chapter 13 voluntary petition. On January 8, 2015, Debtor's Chapter 13 plan was confirmed.

On April 18, 2018, Trustee filed a notice of final cure mortgage payment pursuant to FED. R. BANKR. P. Rule 3002.1. On May 1, 2018, Bayview Loan Servicing, LLC filed its response stating that there are \$93,258.08 in postpetition arrears and that Debtors have missed the last twenty-eight mortgage payments. On May 2, 2018, Trustee filed a motion to dismiss the case.

DISCUSSION

11 U.S.C. § 1307(c)(6) states:

(c) Except as provided in subsection (f) of this section, on request of a party in interest or the United States trustee and after notice and a hearing, the court may convert a case under this chapter to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

CONT...

Thomas F. Quinn

Chapter 13

creditors and the estate, for cause, including ---

(6) material default by the debtor with respect to a term of a confirmed plan

Trustee asserts that the confirmation order provided that Debtor was to make direct mortgage payments and Trustee argues that failure to make such payments constitutes a material default with respect to the terms of a confirmed plan. As demonstrated by the case law cited by Trustee, Trustee's argument is correct. *See, e.g., In re Evans*, 543 B.R. 213 (Bankr. E.D. Va. 2016) ("All courts that have examined the question of whether payments required to be made directly to creditors under a confirmed chapter 13 plan are 'payments under the plan,' as that term is used in § 1328(a), have answered the question in the affirmative.").

The Court also deems failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-(1)(h).

TENTATIVE RULING

The Court is inclined to GRANT the motion and DISMISS the case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Thomas F. Quinn

Represented By
W. Derek May

Movant(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

CONT... Thomas F. Quinn

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:15-12404 Anthony E Turkson

Chapter 13

#33.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 118

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:15-20023 Zachary Lee Nowak

Chapter 13

#35.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18

EH__

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zachary Lee Nowak

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:15-20998 Eric Kissell

Chapter 13

#36.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Kissell

Represented By
William J Howell

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:16-20773 Idalia Temblador-Baisa

Chapter 13

#37.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Idalia Temblador-Baisa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, June 7, 2018

Hearing Room 303

11:01 AM

6:17-19589 Rodrigo Fernando Ramirez Guinea

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18

EH__

Docket 23

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/4/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodrigo Fernando Ramirez Guinea

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#1.00 CONT Motion For Order Authorizing Sale of Claims of the Estate (A) Outside the Ordinary Course of Business; (B) Subject to Overbid; and (C) for Determination of Good Faith Purchaser Under Section 363(M)
(HOLDING DATE)

From: 5/9/18

Also #2- #5

EH ____

Docket 578

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Franklin R Fraley Jr

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

#2.00 CONT Second Joint Motion and Moving Memorandum by Chapter 7 Trustee and Revere Financial Corporation for Order Approving Settlement between Chapter 7 Trustee and Revere Financial Corporation
(HOLDING DATE)

From: 2/14/18, 3/28/18, 5/9/18

Also #1- #5

EH__

Docket 521

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

#3.00 CONT Motion to Approve Compromise Under Rule 9019 between Trustee and Dr. Eric L. Freedman

From: 5/11/16, 6/8/16, 6/29/16, 8/31/16, 10/5/16, 11/9/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18, 5/16/18

Also #1- #5

EH__

Docket 322

Tentative Ruling:

05/11/2016

Based on the representations made to the Court by counsel for the Parties that negotiations are ongoing, and based on the consent of the Parties to a continuance, the Court shall CONTINUE the hearing on the Motion to June 8, 2016 at 11:00 a.m.

APPEARANCES ARE WAIVED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#4.00 Motion (Conditional) by Revere Financial Corp for a Stay Pending Appeal to the Extent The Court enters any orders requiring an Auction of Claims approving the sale/auction of any claims and making a good faith determination

Also #1- #5

EH__

Docket 637

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** **Chapter 7**
D Edward Hays
Franklin R Fraley Jr

6:13-27344 **Douglas J Roger, MD, Inc., A Professional Corporat** **Chapter 7**

#5.00 Trustee's Motion for Order Authorizing Auction of Litigation Claims Held by the Estate: (A) Outside the Ordinary Course of Business; and (B) for Determination of Good Faith Purchaser Under 11 U.S.C. §363(m)

Also #1- #4

EH__

Docket 642

Tentative Ruling:

6/11/2018

BACKGROUND

On October 20, 2013, Douglas J. Roger, MD, Inc. ("Debtor") filed a Chapter 7 voluntary petition. On October 20, 2015, six different adversary proceedings were filed by Trustee in an attempt to recover money or property pursuant to 11 U.S.C. § 547 and 548.

In April 2016, Trustee filed three different motions to approve compromise.¹ These compromise motions faced objections by Kajan Mather & Barish ("KMB") (KMB's objections were ultimately withdrawn) as well as Revere Financial Corporation ("Revere"). Revere's objection was primarily based on its assertion that it would provide a better offer for the compromised claims, and, therefore, further settlement discussions should be permitted. As a result of Revere's unresolved objection, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

hearings on the motions to approve compromises were continued multiple times.

On November 5, 2016, Debtor filed motions to enforce the compromise for the compromise motions related to adversary proceedings 6:15-ap-1307 and 6:15-ap-1309. Later in November, the Court approved stipulations continuing the motions to enforce compromises, and the original compromise motions, to February 1, 2017. On January 18, 2017, Trustee and Revere filed oppositions to the motions to enforce compromises. Revere's opposition stated that Revere and Trustee had reached a settlement in principle, and that the pending settlement would provide more benefit to the estate than the pending compromises. Among the assertions made by Revere were the following:

- "Indeed, the Third, Fifth, and Ninth Circuits all concur that the settlement of a claim that the estate owns is a sale of property of the estate, which triggers a duty to consider better offers." [Dkt. No. 420, pg. 13, lines 3-5].
- "A bankruptcy court is obliged to consider . . . whether any property of the estate that would be disposed of in connection with the settlement might draw a higher price through a competitive process and be the proper subject of a section 363 sale." (*quoting In re Mickey Thompson*, 292 B.R. 415, 421-22 (B.A.P. 9th Cir. 2003)).

The night before the hearings on February 1, 2017, Revere and Trustee filed a voluminous "global" settlement. Ultimately, this global settlement was not properly before the Court at the hearings on February 1, 2017, but being generally aware of the contents of the filings, and because Revere and Trustee alleged that the global settlement would provide more benefit for the estate, the Court continued the original compromise motions (as well as the motions to enforce compromises) to allow for the proper consideration of overbids. The Court cautioned Revere, however, that it may be difficult to successfully win an overbid if the Court was unable to discern the value being offered for a specific asset.

After multiple continuances of the compromise motions, the Court held another hearing on the matter on June 28, 2017. At the hearing, the Court essentially reiterated

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

its position from the hearing of February 1, 2017, stating that it believed an opportunity to overbid was warranted in this case, but that an overbid may not be successful it is infeasible to ascertain the value being offered for a specific asset. On July 26, 2017, Trustee filed a notice of motion for approval of bidding procedures. On August 2, 2017, the Court held an auction of the claims asserted in adversary proceedings 6:15-ap-1307 and 6:15-ap-1309, with Revere ultimately prevailing as the highest bidder on the former, and the adversary defendant ultimately prevailing as the highest bidder on the latter. As a result of sustained disputes between Revere and Debtor, the orders for the hearings of August 2, 2017, were not entered for several months.

On January 24, 2018, Revere filed a renewed global compromise motion, slightly adjusted to account for the results of the auction. Bank of Southern California, N.A. and American Express Company ("American Express") filed limited oppositions to the global compromise, while Debtor filed an opposition arguing that (1) any benefit Revere was offering was illusory; and (2) an auction should be held to allow parties to bid on any claims or interests being purchased by Revere. The Court instructed the parties that it intended to consider overbids on the global compromise.

On April 18, 2018, Trustee filed a motion for sale of property of the estate. While not completely clear, the motion appeared to contemplate that any potential overbidders must bid against the entire bid made by Revere in the global compromise. In light of the fact that potential overbidders would likely only be interested in a single asset or category of assets, and considering that Revere's global settlement contains many provisions which are only material to Revere, at a hearing on May 9, 2018, the Court instructed the parties that there needed to be some mechanism by which a claim could be severed out and purchased by a potential overbidder.

On May 21, 2018, Trustee filed a motion for order authorizing auction of litigation claims held by the estate (the "Motion"). According to the Motion, American Express offered \$40,000 for the claims related to adversary proceeding 6:15-ap-1303, Dr. Freedman offered \$14,000 for the claims related to the claims for which there is a pending compromise motion as noted in footnote 1, and Dr. Roger offered \$10,000 for various claims. Pursuant to the Motion, Trustee seeks authority to auction those claims for which he has received a bid. Of particular note is that the Motion seeks to establish a "pre-determined reserve"; if the bids at the auction do not reach an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat**
undisclosed amount, Trustee asserts that he will not sell the claims.

Chapter 7

The Motion drew oppositions from Revere and Debtor (as well as American Express, which filed a late joinder to Debtor's opposition). Revere argues that the claims should not be auctioned at all. Debtor argues that Trustee's pre-set reserve is meaningfully chilling bidding. For the reasons set forth below, the Court concludes that Revere's opposition lacks merit and while taking note of the arguments made in Debtor's opposition, concludes that those arguments do not constitute a basis for not holding an auction.

DISCUSSION

I. REVERE'S OPPOSITION

As a preliminary note, the Court finds Revere's opposition to be somewhat disingenuous and possibly precluded by principles of judicial estoppel. As noted in the background section, Revere previously vigorously argued that compromise motions should be continued to allow Revere the opportunity to negotiate with Trustee and eventually present an overbid. Revere's contention that *Mickey Thompson* is inapplicable is misleading, at best. The section of *Mickey Thompson* quoted, from Revere's previous briefing, in the background section, and incorporated into this Court's previous tentative ruling, continues on to state that: "[t]he possibility that someone else may be willing to pay a higher price triggers the prospect of an auction that could yield an even higher price." *In re Mickey Thompson*, 292 B.R. 415, 422 (B.A.P. 9th Cir. 2003)).

While Revere's assertion that *Mickey Thompson* does not *require* this Court to hold an auction in this situation is technically true, the argument misses the point. As previously noted by this Court, *Mickey Thompson*, as a Bankruptcy Appellate Panel decision, does not *require* this Court to do anything, in any situation. The principles articulated in *Mickey Thompson*, however, which this Court finds to be well-reasoned, support the implementation of a competitive bidding environment when there is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

reason to believe that doing so will produce a benefit to the bankruptcy estate. As previously argued by Revere, "[w]hen confronted with a motion to approve a settlement under Rule 9019(a), a bankruptcy court is obliged to consider, as part of the 'fair and equitable' analysis, whether any property of the estate that would be disposed of in connection with the settlement *might* draw a higher price through a competitive process and be the proper subject of a section 363 sale." *Id.* at 421-22 (emphasis added). Clearly, if a higher overbid has been presented by the hearing, then the Court would *know* that an auction process would yield a better result, and it would be prudent to hold an auction. Yet, *Mickey Thompson* simply does not stand for the proposition that the Court can only hold an auction if it knows that such an auction will yield a higher return for the estate.

The remainder of Revere's opposition argues, in one form or another, that the global compromise provides more benefit to the estate than the auction. First of all, the Court simply cannot analyze Revere's arguments until the counterbids have been determined, which will occur through an auction. Therefore, Revere's arguments are premature, since the arguments amount to the contention that Revere should win an auction that has yet to be held.

II. DEBTOR'S OPPOSITION

Debtor's opposition primarily objects to the Motion because of disagreement with the pre-determined undisclosed reserve. To the extent that Debtor's opposition argues against the merits of Revere's global settlement, the Court finds these arguments to be irrelevant for the purposes of holding the contemplated auction.

The Court has not been presented with any applicable case law addressing the appropriateness of Trustee's undisclosed pre-set reserve. If any party wishes to brief this narrow issue on a short schedule, the Court may be inclined to allow additional briefing on the appropriateness of a undisclosed reserve.

The Court notes that it does not find the establishment of a minimum bid or a pre-set

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

reserve (which are functionally the same) to be legally impermissible, setting aside the question of whether such amount is disclosed. *See, e.g., In re Wilson Freight Co.*, 30 B.R. 971, 975 (Bankr. S.D.N.Y. 1983) (*quoting* 3 COLLIER BANKRUPTCY PRACTICE GUIDE ¶ 43.02[3](1982)) ("The trustee may want to fix an upset price or, in an auction sale, to offer the property with reserve, that is with the right to reject even the highest offer on the grounds of inadequacy. . . . The trustee must exercise great care in preparing the terms of the notice which should clearly set forth the relevant information."). Trustee is simply not required to sell the assets at issue here, and it necessarily follows that Trustee retains the right to decline to sell the assets if Trustee believes the offer is unacceptable. For example, if Trustee received a \$1 offer on a claim believed to be worth \$10,000, assuming Trustee has reserved the right to decline the highest offer, it would seem the only appropriate action would be to reject the \$1 offer.

The above analysis does not consider whether the pre-set reserve has been disclosed or has remained undisclosed. The ramifications of the distinction are not completely clear because Debtor simply does not explain why the failure to disclose the amount of the pre-set reserve should result in a denial of the motion. ²

While it appears that Debtor is operating under a misinterpretation of the nature of the reserves (see footnote 2), the Court does have some concern that the reserve could result in a chilling of bidding. Notably, the Motion seems to indicate that Trustee is setting the reserves on the basis of what it believes the claims are worth to Revere, as evidenced by the global settlement agreement.³ The result of such process may functionally be that Revere is allowed to cast an unenforceable bid in secret, with Trustee retaining the right ultimate discretion over the results of the auction.

While it is true that the Motion creates a less than ideal situation which may not maximize value of the claims to be sold, it is also true that all auctions are less than perfect. A "pure" auction, netting maximum value, is a hypothetical economic concept which cannot be replicated in the confines of bankruptcy. Chapter 7 trustees are incentivized to efficiently liquidate assets to distribute to creditors. As such, a Chapter 7 trustee may sell real property for a certain amount because it is the best offer it has received after a reasonable amount of time, and after expending a reasonable amount of effort. The reasonableness of the procedures utilized in bankruptcy sales does not present a black and white analysis. Here, the effect of the inclusion of an undisclosed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat
minimum bid is less than clear.

Chapter 7

Ultimately, however, the purpose of the contemplated auction is to assist the Court and the parties in assessing the fair market value of the subject claims, and potentially selling those claims. The presence of an undisclosed reserve does not completely undermine those objectives. It is certainly possible that the bidding on a claim may be so low as to serve as compelling evidence that that claim has little to no fair market value. It is also possible that the bidding on a claim may be high enough to serve as material evidence that the bidding party is offering more value than Revere, regardless of whether such bid is accepted. Of course, it is possible that the Trustee is satisfied with the highest bid, and the claim is sold. If any of these situations were to occur, the auction would have served its purpose.

On the other hand, the highest bid may fall in that range where it is not clear whether the bidder has offered more or less value than that offered by Revere as part of the global settlement agreement. In such a case, while the auction would assist the Court in determining the fair market value of such claim, the lack of transparency in the process may decrease the weight assigned to such evidence. Ultimately, however, evidence of some weight is better than no evidence at all.

TENTATIVE RULING

The Court is inclined to GRANT the motion and hold an auction.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
George Hanover**

Chapter 7

Movant(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat
Adv#: 6:15-01308 Cisneros v. BWI CONSULTING, LLC et al**

Chapter 7

#6.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01308. Complaint by A. Cisneros against BWI CONSULTING, LLC, Black and White, Inc., BLACK AND WHITE BILLING COMPANY, BLACK AND WHITE INK, MEHRAN DEVELOPMENT CORPORATION. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 1/13/16, 3/23/16, 5/25/16, 7/27/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18, 5/16/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

BWI CONSULTING, LLC

Pro Se

Black and White, Inc.

Pro Se

BLACK AND WHITE BILLING

Pro Se

BLACK AND WHITE INK

Pro Se

MEHRAN DEVELOPMENT

Pro Se

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01303 Cisneros v. AMERICAN EXPRESS

#7.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01303. Complaint by A. Cisneros against AMERICAN EXPRESS. (Charge To Estate \$350). For Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

From: 12/30/15, 1/13/16, 3/23/16, 5/25/16, 6/29/16, 8/31/16, 11/2/16, 2/1/17,
5/3/17 9/13/17, 12/13/17, 2/14/18, 5/16/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

AMERICAN EXPRESS

Represented By
Robert S Lampl
Chad V Haes

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01319 DIAMOND v. Empire Partners, Inc., a California Corporation et

#8.00 CONT Status Conference re complaint
HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
01/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

James P Previti
Jeffrey Rosenfeld
P Sabin Willett

Larry Day
Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Neil M Miller
Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Paul Roman
Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

O'Melveny & Myers, LLP
Represented By
Howard Steinberg
P Sabin Willett

Peter T. Healy
Represented By
Howard Steinberg
P Sabin Willett

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger
Peter M Bransten
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
Cynthia M Cohen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01329 DIAMOND v. Empire Partners, Inc., a California Corporation et

**#9.00 CONT Status Conference re complaint
(Defendant - Empire Partners, Inc) HOLDING DATE**

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13, 12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18

EH__

Docket 1

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

**CONT... Empire Land, LLC
Tentative Ruling:**

Chapter 7

Party Information

Debtor(s):

Empire Land, LLC

Represented By
James Stang
Robert M Saunders
Michael I Gottfried
----- O'melveny & Myers
Dean A Ziehl
Jonathan A Loeb
P Sabin Willett
Richard K Diamond (TR)
Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld

James P Previti

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld

Previti Realty Fund, L.P.

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld

The James Previti Family Trust

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger
Michael I Gottfried

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

Aleksandra Zimonjic
Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:09-01235 DIAMOND v. Empire Partners, Inc., a California Corporation et

#10.00 CONT Status Conference re complaint

HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13, 12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

CONT... **Empire Land, LLC**
11/27/17, 3/5/18

Chapter 7

EH___

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By
James Stang
Robert M Saunders
Michael I Gottfried
----- O'melveny & Myers
Dean A Ziehl
Jonathan A Loeb
P Sabin Willett
Richard K Diamond (TR)
Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By
David Loughnot
Jonathan A Loeb
Jeffrey Rosenfeld

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

RICHARD K. DIAMOND

Represented By
Richard S Berger
Michael I Gottfried
Aleksandra Zimonjic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

1:00 PM

CONT... Empire Land, LLC

Chapter 7

Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By
Michael I Gottfried
Richard S Berger
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat
Adv#: 6:15-01303 Cisneros v. AMERICAN EXPRESS

Chapter 7

#11.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01303. Complaint by A. Cisneros against AMERICAN EXPRESS. (Charge To Estate \$350). For Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 1/13/16, 3/23/16, 5/25/16, 6/29/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17 9/13/17, 12/13/17, 2/14/18, 5/16/18

EH__

Docket 1

***** VACATED *** REASON: HEARING ADVANCED TO 6/11/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

AMERICAN EXPRESS

Represented By
Robert S Lampl
Chad V Haes

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 11, 2018

Hearing Room 303

2:00 PM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Chad V Haes**

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

6:16-19799 Jaison Vally Surace

Chapter 7

Adv#: 6:16-01295 Abbasi v. Surace et al

#1.00 CONT Status Conference Re: Complaint by Setareh Abbasi, Bruce Dannemeyer, Jaison Vally Surace against Jaison Vally Surace, Walie Qadir, Marym Qadir. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 13 - Recovery of money/property - 548 fraudulent transfer, 91 - Declaratory judgment, 02 - Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)
(HOLDING DATE)

From: 2/15/17, 5/17/17, 6/7/17, 10/25/17, 11/29/17, 3/21/18, 4/11/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Defendant(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal

Walie Qadir

Represented By
Batkhand Zoljargal

Marym Qadir

Represented By
Batkhand Zoljargal

Plaintiff(s):

Setareh Abbasi

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

Bruce Dannemeyer
Bruce Dannemeyer

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

6:17-19100 Isidro Ronquillo and Maria Carmen Olivares

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 23

Tentative Ruling:

6/13/18

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 744.75
Trustee Expenses: \$ 60.06

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Isidro Ronquillo

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Maria Carmen Olivares

Represented By
James Geoffrey Beirne

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

6:16-17888 Jay J. Goodman

Chapter 7

#3.00 Order to show cause why Christopher Hewitt should not be sanctioned for filing frivolous pleading against Delia Moya

From: 6/6/18

EH__

Docket 23

Tentative Ruling:

6/27/2018

BACKGROUND

On August 31, 2016, Jay Goodman ("Debtor") filed a Chapter 7 voluntary petition. On December 12, 2016, Debtor received a discharge.

On February 12, 2018, Debtor filed a motion for an order to show cause why Delia Moya ("Moya"), Debtor's ex-spouse, should not be held in civil contempt. The Court issued a corresponding order to show cause on February 27, 2018 (the "1st OSC"). On March 14, 2018, Moya filed a response to the 1st OSC. After issuing a tentative ruling, the Court, at a hearing on March 28, 2018, orally vacated the 1st OSC. On May 4, 2018, the Court issued an order vacating the 1st OSC and issuing an order to show cause why Debtor's attorney, Christopher Hewitt ("Hewitt") should not be sanctioned for filing a frivolous pleading (the "2nd OSC").

On May 21, 2018, the hearing on the 2nd OSC was continued for one week by stipulation of the parties. On May 23, 2018, Hewitt filed his opposition to the 2nd OSC. On May 30, 2018, Moya filed a reply, requesting \$6,850 for responding to the 1st OSC and \$2,000 for filing the reply in connection with the 2nd OSC.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... Jay J. Goodman

Chapter 7

On May 31, 2018, Moya filed a motion for attorney fees (the "Motion"). Moya's Motion primarily requests that Debtor reimburse Moya for \$8,350 in attorney's fees (\$6,850 for responding to the 1st OSC and \$1,500 for the Motion). The Motion was set for hearing on June 27, 2018.

TENTATIVE RULING

For the reasons set forth in the 2nd OSC and the reply, the Court believes that monetary sanctions are appropriate. Hewitt to address any ethical concerns arising from a possible conflict of interest presented by the instant situation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

6:18-14532 William J Colvin and Becky L Colvin

Chapter 7

#4.00 Motion for Order Excusing Co-Debtor Becky L. Colvin from Pre-Filing Counseling Based Upon Co-Debtor's Mental Incapacity and Physical Disability [11 USC §109(h)(4)]

EH__

Docket 5

Tentative Ruling:

6/13/18

BACKGROUND

On May 29, 2018, William & Becky Colvin (collectively "Debtors"; individually, "William" and "Becky") filed a Chapter 7 voluntary petition. That same day, Debtors filed two motions: (1) a "motion for exemption from credit counseling due to mental incapacity and physical disability"; and (2) a "motion that William J. Colvin be appointed as "next friend" *nunc pro tunc* for co-debtor Becky L. Colvin." Both motions were set for hearing on June 13, 2018. The Court notes that, pursuant to the Local Rules, the form notice used by Debtors, and the contents of the motions, any party wishing to oppose the motions must file opposition at least fourteen days prior to the hearing. Debtors scheduled the instant hearings on shortened notice without Court permission, however, and, as a result, the opposition deadline was a day after the service deadline.

The factual background is the same for both requests. Debtors assert that Becky was kicked in the head by a horse and has spent the last twelve years in an at-home hospital bed with the exception of health care appointments. Debtors assert that Becky is unable to talk or effectively communicate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

DISCUSSION

I. Waiver of Credit Counseling Requirement

11 U.S.C. § 109(h)(4), which identifies an exception to the prepetition credit counseling requirement, states:

The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in person, telephone, or Internet briefing required under paragraph (1).

The Court finds that William's declaration sets forth sufficient evidence to establish Becky's disability for purposes of § 109(h)(4). Due to the improper notice of the motion for a waiver of the credit counseling requirement, however, the Court is inclined to CONTINUE this motion for two weeks, at which time the Court intends to GRANT the motion if no opposition has been filed.

II. Next Friend

FED. R. BANKR. P. Rule 1004.1 allows "a representative, including a general guardian, committee, conservator, or similar fiduciary," to file a voluntary petition on behalf of an incompetent person.

The rule further provides that:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

[a]n infant or incompetent person who does not have a duly appointed representative may file a voluntary petition by next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.

Rule 1004.1 is patterned after FED.R.CIV.P. Rule 17(c), which applies to adversary proceedings pursuant to FED. R. BANKR. P. Rule 7017. That rule provides that an incompetent person may sue "by a next friend or by a guardian ad litem" if the incompetent person does not have a duly appointed representative, and provides that "[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action."

Cases interpreting Rule 17(c) look to the law of the state in which the subject is domiciled and follow the state's incompetency laws." *In re Burchell*, 2014 WL 1304635, at *1 (Bankr. N.D. Ohio 2014)(internal citations omitted). This court shall thus look to the California Probate Code's § 811 which outlines the possible bases for a determination that a person is of unsound mind or lacks capacity to make a decision or do a certain act, including for example, incapacity to contract or to execute wills or trusts.

In support of the Motion, the Debtors have attached the Declaration of William in which he details the extensive limitation that Becky experiences due to the injury suffered by a horse. Notwithstanding these diagnosis, § 811(d) provides that "the mere diagnosis of a mental or physical disorder shall not be sufficient in and of itself to support a determination that a person is of unsound mind or lacks the capacity to do a certain act." Instead, California law requires evidence of specific deficits and a link between the identified deficits and the acts that the allegedly incompetent person would otherwise have capacity to perform. The types of deficiencies are outlined in § 811 as follows:

- (1) Alertness and attention, including, but not limited to, the following:
 - (A) Level of arousal or consciousness.
 - (B) Orientation to time, place, person, and situation.
 - (C) Ability to attend and concentrate.
- (2) Information processing, including, but not limited to, the following:
 - (A) Short- and long-term memory, including immediate recall.
 - (B) Ability to understand or communicate with others, either verbally or otherwise.
 - (C) Recognition of familiar objects and familiar persons.
 - (D) Ability to understand and appreciate quantities.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT...

William J Colvin and Becky L Colvin

Chapter 7

- (E) Ability to reason using abstract concepts.
- (F) Ability to plan, organize, and carry out actions in one's own rational self-interest.
- (G) Ability to reason logically.
- (3) Thought processes. Deficits in these functions may be demonstrated by the presence of the following:
 - (A) Severely disorganized thinking.
 - (B) Hallucinations.
 - (C) Delusions.
 - (D) Uncontrollable, repetitive, or intrusive thoughts.
- (4) Ability to modulate mood and affect. Deficits in this ability may be demonstrated by the presence of a pervasive and persistent or recurrent state of euphoria, anger, anxiety, fear, panic, depression, hopelessness or despair, helplessness, apathy or indifference, that is inappropriate in degree to the individual's circumstances.

While William's declaration presents evidence of Becky's inability to communicate, the Court will require supplemental evidence as to Becky's state of mind and ability to communicate (for example, a written medical diagnosis).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William J Colvin

Represented By
Ronald L Brownson

Joint Debtor(s):

Becky L Colvin

Represented By
Ronald L Brownson

Movant(s):

William J Colvin

Represented By
Ronald L Brownson
Ronald L Brownson
Ronald L Brownson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

Becky L Colvin

Represented By
Ronald L Brownson

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

6:18-14532 William J Colvin and Becky L Colvin

Chapter 7

#5.00 Motion That William J. Colvin be Appointed As "Next Friend" Nunc Pro Tunc for Co-Debtor Becky L. Colvin Pursuant to BR 1004.1 [11 USC §109(h)(4)]

EH__

Docket 7

Tentative Ruling:

6/13/18

BACKGROUND

On May 29, 2018, William & Becky Colvin (collectively "Debtors"; individually, "William" and "Becky") filed a Chapter 7 voluntary petition. That same day, Debtors filed two motions: (1) a "motion for exemption from credit counseling due to mental incapacity and physical disability"; and (2) a "motion that William J. Colvin be appointed as "next friend" *nunc pro tunc* for co-debtor Becky L. Colvin." Both motions were set for hearing on June 13, 2018. The Court notes that, pursuant to the Local Rules, the form notice used by Debtors, and the contents of the motions, any party wishing to oppose the motions must file opposition at least fourteen days prior to the hearing. Debtors scheduled the instant hearings on shortened notice without Court permission, however, and, as a result, the opposition deadline was a day after the service deadline.

The factual background is the same for both requests. Debtors assert that Becky was kicked in the head by a horse and has spent the last twelve years in an at-home hospital bed with the exception of health care appointments. Debtors assert that Becky is unable to talk or effectively communicate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

DISCUSSION

I. Waiver of Credit Counseling Requirement

11 U.S.C. § 109(h)(4), which identifies an exception to the prepetition credit counseling requirement, states:

The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in person, telephone, or Internet briefing required under paragraph (1).

The Court finds that William's declaration sets forth sufficient evidence to establish Becky's disability for purposes of § 109(h)(4). Due to the improper notice of the motion for a waiver of the credit counseling requirement, however, the Court is inclined to CONTINUE this motion for two weeks, at which time the Court intends to GRANT the motion if no opposition has been filed.

II. Next Friend

FED. R. BANKR. P. Rule 1004.1 allows "a representative, including a general guardian, committee, conservator, or similar fiduciary," to file a voluntary petition on behalf of an incompetent person.

The rule further provides that:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

[a]n infant or incompetent person who does not have a duly appointed representative may file a voluntary petition by next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.

Rule 1004.1 is patterned after FED.R.CIV.P. Rule 17(c), which applies to adversary proceedings pursuant to FED. R. BANKR. P. Rule 7017. That rule provides that an incompetent person may sue "by a next friend or by a guardian ad litem" if the incompetent person does not have a duly appointed representative, and provides that "[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action."

Cases interpreting Rule 17(c) look to the law of the state in which the subject is domiciled and follow the state's incompetency laws." *In re Burchell*, 2014 WL 1304635, at *1 (Bankr. N.D. Ohio 2014)(internal citations omitted). This court shall thus look to the California Probate Code's § 811 which outlines the possible bases for a determination that a person is of unsound mind or lacks capacity to make a decision or do a certain act, including for example, incapacity to contract or to execute wills or trusts.

In support of the Motion, the Debtors have attached the Declaration of William in which he details the extensive limitation that Becky experiences due to the injury suffered by a horse. Notwithstanding these diagnosis, § 811(d) provides that "the mere diagnosis of a mental or physical disorder shall not be sufficient in and of itself to support a determination that a person is of unsound mind or lacks the capacity to do a certain act." Instead, California law requires evidence of specific deficits and a link between the identified deficits and the acts that the allegedly incompetent person would otherwise have capacity to perform. The types of deficiencies are outlined in § 811 as follows:

- (1) Alertness and attention, including, but not limited to, the following:
 - (A) Level of arousal or consciousness.
 - (B) Orientation to time, place, person, and situation.
 - (C) Ability to attend and concentrate.
- (2) Information processing, including, but not limited to, the following:
 - (A) Short- and long-term memory, including immediate recall.
 - (B) Ability to understand or communicate with others, either verbally or otherwise.
 - (C) Recognition of familiar objects and familiar persons.
 - (D) Ability to understand and appreciate quantities.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT...

William J Colvin and Becky L Colvin

Chapter 7

- (E) Ability to reason using abstract concepts.
- (F) Ability to plan, organize, and carry out actions in one's own rational self-interest.
- (G) Ability to reason logically.
- (3) Thought processes. Deficits in these functions may be demonstrated by the presence of the following:
 - (A) Severely disorganized thinking.
 - (B) Hallucinations.
 - (C) Delusions.
 - (D) Uncontrollable, repetitive, or intrusive thoughts.
- (4) Ability to modulate mood and affect. Deficits in this ability may be demonstrated by the presence of a pervasive and persistent or recurrent state of euphoria, anger, anxiety, fear, panic, depression, hopelessness or despair, helplessness, apathy or indifference, that is inappropriate in degree to the individual's circumstances.

While William's declaration presents evidence of Becky's inability to communicate, the Court will require supplemental evidence as to Becky's state of mind and ability to communicate (for example, a written medical diagnosis).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William J Colvin

Represented By
Ronald L Brownson

Joint Debtor(s):

Becky L Colvin

Represented By
Ronald L Brownson

Movant(s):

William J Colvin

Represented By
Ronald L Brownson
Ronald L Brownson
Ronald L Brownson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

Becky L Colvin

Represented By
Ronald L Brownson

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#6.00 Status Conference RE: Amended Complaint (First) by Revere Financial Corporation and Jerry Wang, as State-Court Appointed Receiver by Franklin R Fraley Jr on behalf of Revere Financial Corporation, a California corporation against Revere Financial Corporation, a California corporation. (Attachments: # 1 Exhibit 1-8)

From: 4/25/18

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By

Laurel R Zaeske

Arjun Sivakumar

Carmela Pagay

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#7.00 Motion of Plaintiffs For Order to Compel Defendants Initial Disclosures Under Rule 26(a); and for Sanctions

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Movant(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

CONT... Issa M Musharbash

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#8.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18, 3/21/18, 4/11/18

EH__

Docket 29

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01035 Sonnenfeld v. Richardson

#9.00 CONT Status Conference re Notice of Removal RE: [1] Adversary case 6:18-ap-01035. Complaint by Cleo Sonnenfeld against Joshua C Richardson. Case No. RIC 1700456]; Attachments: # 1 Notice of Status Conference re Removal of Action Nature of Suit: 01 - Determination of removed claim or cause

From: 3/28/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua C Richardson

Pro Se

Plaintiff(s):

Cleo Sonnenfeld

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#10.00 Motion to Dismiss Adversary Proceeding First Amended Complaint

EH__

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 13, 2018

Hearing Room 303

2:00 PM

CONT... **Mark Bastorous**
Bernadette Shenouda

Represented By
Thomas F Nowland

Chapter 7

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:12-37244 Niculaie David and Sidonia David

Chapter 13

#1.00 CONT Trustee's Motion to Dismiss Case failure to complete the plan within its terms

From: 2/8/18, 6/7/18

EH__

Docket 101

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Niculaie David

Represented By
Marjorie M Johnson

Joint Debtor(s):

Sidonia David

Represented By
Marjorie M Johnson

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-14135 William Meineke and Kathie Meineke

Chapter 13

#2.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: WILLIAM MEINEKE AND KATHIE MEINEKE

From: 6/5/18

EH__

Docket 17

Tentative Ruling:

6/5/18

The Court is inclined to DENY the motion for improper services. The Court's self-calendaring procedures require that motions to continue the automatic stay which are set on shortened notice be served on secured creditors pursuant to FRBP 7004. Here, it does not appear that Debtors have served the primary secured creditor, Dovenmuehle Mortgage, pursuant to FRBP 7004.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Movant(s):

William Meineke

Represented By
Todd B Becker

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

CONT... William Meineke and Kathie Meineke

Chapter 13

Todd B Becker

Kathie Meineke

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-10978 Veronica Hernandez

Chapter 13

#3.00 CONT Confirmation of Chapter 13 Plan

From: 4/19/18, 4/26/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Hernandez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-11489 Jeremy Mayes and Heidi Mayes

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremy Mayes

Represented By
Todd L Turoci

Joint Debtor(s):

Heidi Mayes

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#5.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12754 Caleb Gervin and Ashley Gervin

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 6/7/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Caleb Gervin

Represented By
Christopher Hewitt

Joint Debtor(s):

Ashley Gervin

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12897 Louis Thomas

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Thomas

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12899 Heather Ann Pessoa Bond

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heather Ann Pessoa Bond

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12902 Sally N. Harris

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sally N. Harris

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12921 Diana Carol Robbins

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana Carol Robbins

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12932 Eddie Fitz

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eddie Fitz

Represented By
Brian C Andrews

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12935 John Scott Hawkins

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Scott Hawkins

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12949 Lenton Hutton

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton Hutton

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12958 Noemi Patricia Nuno

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Noemi Patricia Nuno

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12970 Lorena Valadez

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lorena Valadez

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12986 James Owen Hall, Jr and Jodie Beryl Hall

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Owen Hall Jr

Represented By
Dana Travis

Joint Debtor(s):

Jodie Beryl Hall

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-12992 Charles Henry Sacayan and Catherine Angela McNicholas

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13014 Elizabeth Dean

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Dean

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13015 Jason Allen Colleasure and Julia Ann Colleasure

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Allen Colleasure

Represented By
Dana Travis

Joint Debtor(s):

Julia Ann Colleasure

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13016 Shari L. De Andrade

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shari L. De Andrade

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13022 Guirguis Yacoub

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guirguis Yacoub

Represented By
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13061 Leslie M. Wolfrom

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leslie M. Wolfrom

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13067 Rudy Correa and Mary Correa

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy Correa

Represented By
Christopher Hewitt

Joint Debtor(s):

Mary Correa

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13092 Mark Irwin Barule

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Irwin Barule

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13102 Luis Felipe Tejada and Veronica Esther Tejada

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Felipe Tejada

Represented By
Dana Travis

Joint Debtor(s):

Veronica Esther Tejada

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13111 Eusebia Rios

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eusebia Rios

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13114 Linda Blakely and Calvin Blakely

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Blakely

Represented By
Suzette Douglas

Joint Debtor(s):

Calvin Blakely

Represented By
Suzette Douglas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13122 Charles Williams, III

Chapter 13

#28.00 Motion For Sanctions/Disgorgement Notice of Motion and Motion for Order Compelling Attorney To File Disclosure Of Compensation Pursuant To 11 U.S.C. 329 and Federal Rule Of Bankruptcy Procedure 2016

Also #29

EH__

Docket 15

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Williams III

Represented By
Stephen L Burton

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13122 Charles Williams, III

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

Also #28

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Williams III

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13139 Maria E Rivas

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria E Rivas

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13163 Michael D Hayden, II and Joanna Queen Hayden

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael D Hayden II

Represented By
Sunita N Sood

Joint Debtor(s):

Joanna Queen Hayden

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13193 Richard Garavito

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13207 Bryan Gira

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan Gira

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13208 Robert Justice Morse, Jr. and Helen Julia Morse

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Justice Morse Jr.

Represented By
Robert W Ripley

Joint Debtor(s):

Helen Julia Morse

Represented By
Robert W Ripley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13216 Alexander Tofick David

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander Tofick David

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13268 Oscar Franco and Edubijes Franco

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Franco

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Edubijes Franco

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13292 Bernice Hernandez Antunez

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernice Hernandez Antunez

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13302 Janelle A. Kline

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janelle A. Kline

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:17-20318 Lynette Kathryn Beaver

Chapter 13

#40.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynette Kathryn Beaver

Represented By
Anerio V Altman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:17-11261 Ernie Macias

Chapter 13

#41.00 CONT Order to show cause why Alon Darvish should not be held in contempt of court pursuant to 11 U.S.C. Sect 105 and Federal Rule of Bankruptcy Procedure 9020

CASE DISMISSED 3/13/17

From: 11/30/17, 1/25/18, 4/12/18

EH__

Docket 30

*** VACATED *** REASON: CONTINUED TO 8/23/18 AT 11:00AM

Tentative Ruling:

11/30/17

BACKGROUND

On February 21, 2017, Ernie Macias ("Debtor") filed his petition for chapter 13 relief. The Debtor's case was filed by Alon Darvish ("Darvish"). On March 13, 2017, the Debtor's case was dismissed for failure to file information.

On March 24, 2017, the Office of the United States Trustee ("UST") filed a Motion to Disgorge Attorney's Fees ("Disgorgement Motion"). On June 13, 2017, the Court granted in part and denied in part the UST's Disgorgement Motion (the "Disgorgement Order"). The Disgorgement Order required Darvish to file his disclosure of compensation, and to disgorge fees received from the Debtor back to him.

On September 20, 2017, the UST filed its Motion For An Order To Show Cause Why Alon Darvish Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020 (the "Motion for OSC"). The Motion for OSC specifically asserted that Darvish had failed to comply with any part of the Disgorgement Order. The UST's Motion for OSC further asserted that Darvish had repeatedly failed to disclose compensation and had been sanctioned for such conduct under similar circumstances in at least 6 other cases. (Motion for OSC at 9).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

CONT...

Ernie Macias

Chapter 13

On October 20, 2017, the Court granted the Motion for OSC and ordered Darvish to show cause why he should not be held in contempt (the "OSC"). Darvish filed his response to the OSC on November 16, 2017 ("Response"). On November 21, 2017, the UST replied to the Response.

DISCUSSION

In his Response, Darvish indicated that his practice includes the filing of skeletal petitions for chapter 13 debtors for the purpose of stopping foreclosures. He indicated that when such skeletal petitions are filed, his software does not file the Disclosure of Compensation. Darvish asserts that he is a solo practitioner who is overwhelmed and understaffed and who is trying to rectify the issues in his practice. In Reply, the UST objects particularly to Darvish's failure to outline specific steps he intends to take to remedy the issues at his firm. The UST is also concerned that Darvish has essentially admitted that his practice includes the filing of abusive petitions intended solely to avoid foreclosures. The UST requests that the Court continue the matter for Darvish to set forth specific remedial actions as ordered. The UST also requests that the Court separately consider whether a separate order to show cause is justified based on Darvish's inherently abusive prevention practice.

TENTATIVE RULING

The Court agrees with the UST that Darvish's explanation is insufficient. Darvish's Response indicates clearly the reason for the failure to file disclosure of compensation forms. Despite this fact, he does not explain the ongoing failure to file these forms, particularly where he has previously been sanctioned for failing to disclose his compensation. The ongoing failure to file required documents, despite having already been sanctioned, supports the UST's request for a specific plan of remediation. Absent such plan, Darvish may simply continue to rely on his thus far unreliable bankruptcy filing software.

Separately, the UST's concern regarding Darvish's practice of filing skeletal petitions is well-taken. In particular, if Darvish is advising his clients to file abusive petitions to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

delay foreclosure, such conduct may warrant further sanctions/discipline.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ernie Macias

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

6:18-14336 Peter Najim

Chapter 13

#42.00 Motion to Dismiss Debtor due to Ineligibility

EH__

Docket 10

Tentative Ruling:

06/14/2018

On May 22, 2018 ("Petition Date"), Peter Najim ("Debtor") filed his petition for chapter 13 relief. Creditor Cardenas Three, LLC ("Cardenas") moves this Court for dismissal of the Debtor's case on the grounds of ineligibility ("Motion"). Specifically, Cardenas asserts that the Debtor did not receive his credit counseling certificate prior to the filing of the petition as required pursuant to §109(h)(1).

The Docket reflects that on May 23, 2018, the Debtor filed his Certificate of Counseling. The Certificate of Counseling specifically indicated that the Debtor received the counseling required under §109 on May 23, 2018, postpetition.

On June 11, 2018, the Debtor late-filed his opposition to the Cardenas Motion. The Debtor does not dispute the grounds for dismissal. His response is that he did in fact take the credit counseling class on the day the petition was filed. However, a certificate with the 5/23 date was issued in error. The Debtor's declaration is signed under penalty of perjury.

However, the new certificate indicates the Debtor completed his counseling session at 7:24 p.m on May 22, 2018, and the Court's docket reflects that the petition was filed at 6:03 p.m. on May 22. The plain language of the §109 appears to contemplate that the counseling session must have been completed on a "date" preceding the Petition Date. As such, even if the Debtor completed the counseling session on May 22, this would have been too late. However, even assuming, *arguendo*, that a counseling session taken and completed the day of the petition filing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:00 AM

CONT... Peter Najim

Chapter 13

is acceptable, the Debtor completed his session after the petition had already been filed.

TENTATIVE RULING

Cardenas has correctly pointed out that the Debtor was ineligible to file his petition on May 22, 2018, and the Debtor has provided no authority indicating he fits into any exception for this deficiency. As such, the Court is inclined to GRANT the Motion and dismiss the case without a bar to refileing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Movant(s):

Cardenas Three, LLC

Represented By
Coby Halavais

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:01 AM

6:15-11188 Claudie Gene West

Chapter 13

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudie Gene West

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:01 AM

6:16-13388 James Leonard Blow, Jr. and Amanda Joyce Atkinson-Blow

Chapter 13

#44.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Leonard Blow Jr.

Represented By
Jonathan D Doan

Joint Debtor(s):

Amanda Joyce Atkinson-Blow

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:01 AM

6:16-19783 Melanie Lourdes Davis

Chapter 13

#45.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Lourdes Davis

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:01 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#46.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 5/24/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

11:01 AM

6:17-18531 Victor Manuel Rosales

Chapter 13

#47.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Rosales

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

12:00 PM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#48.00 CONT Motion to Dismiss Adversary Proceeding

From: 4/26/18, 5/10/18

Also #49

EH__

Docket 3

Tentative Ruling:

5/10/18

BACKGROUND

On December 13, 2017, Sean Coy ("Debtor") filed a Chapter 13 voluntary petition. On February 2, 2018, Debtor filed a motion to avoid the lien of Deutsche Bank National Trust Company ("Deutsche"). On February 15, 2018, Deutsche filed its opposition to the motion to avoid lien. In its opposition, Deutsche argued that a portion of the originally senior lien¹, held by FMJM RWL III Trust 2015-1 ("FMJM") is actually subordinate to the originally junior lien² of Deutsche, due to the execution, after the recordation of Deutsche's lien, of a mortgage modification without the consent of Deutsche which Deutsche argues materially prejudices its junior lien. Deutsche argued that because of this subordination, its lien was not wholly unsecured, and therefore could not be avoided.

On February 27, 2018, Deutsche filed a complaint against FMJM seeking declaratory relief. On March 30, 2018, FMJM filed a motion to dismiss for failure to state a claim. On April 12, 2018, Deutsche filed its opposition. By stipulation of the parties, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

12:00 PM

CONT... Sean Phillip Coy

Chapter 13

instant hearing has been previously continued for two weeks.

DISCUSSION

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Id.* at 464. The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.* at 678.

II. DECLARATORY JUDGMENT

FED. R. BANKR. P. Rule 7001(2) & (9) state the following:

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, other than a proceeding under Rule 4003(d);

(9) a proceeding to obtain a declaratory judgment relating to any of the foregoing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

12:00 PM

CONT... Sean Phillip Coy

Chapter 13

Here, Deutsche seeks a judgment declaring that its lien is entitled to higher priority than a portion of FMJM's lien.

The starting point for priority of liens under California law is "first in time, first in right." *See generally* CAL. CIV. CODE § 2897. Deutsche points to *Gluskin v. Atlantic Sav. & Loan Ass'n*, 32 Cal. App. 3d 307 (Cal. Ct. App. 1973) and *Lennar Ne. Partners v. Buice*, 49 Cal. App. 4th 1576 (Cal. Ct. App. 1996) as standing for the proposition that if a senior lienholder executed a modification which prejudices the junior lienholder, the senior lienholder may lose priority to the extent of the modification. *See also* MILLER & STARR CAL. REAL ESTATE § 10:102 (4th ed. 2017) ("If modifications in the senior lien have a material adverse effect on the junior lien either by increasing the risk of default or making protection of the junior lienor's position potentially more burdensome, then the senior lien may lose priority to the junior lien."). FMJM argues that the cases cited above contain unique factual situations not applicable here and that the California Court of Appeals has constrained the holding of *Gluskin* and *Lennar* to specific factual situations. *See Friery v. Sutter Buttes Sav. Bank*, 61 Cal. App. 4th 869 (Cal. Ct. App. 1998); *see also* MILLER & STARR CAL. REAL ESTATE § 10:102 (4th ed. 2017) ("The possible argument from these earlier cases, that all junior lienors, not solely subordinating sellers, should be able to gain priority over modifications to the senior lien made without their consent, has been rejected.").

Recently, citing all three of the above cases, the California Court of Appeals synthesized the existing case law with the following succinct statement:

Subsequent cases have made clear that a material modification of a senior lien, such as an increase in the principal or interest rate, does not result in loss of priority absent contractual subordination. Where a seller agrees to subordinate to construction loans, a material modification of those loans may result in their total loss of priority. However, in the case of a subordinating junior lender, only the modification of the senior lien loses priority.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

12:00 PM

CONT... Sean Phillip Coy

Chapter 13

Bank of New York Mellon v. Citibank, N.A., 8 Cal. App. 5th 935, 954 (Cal. Ct. App. 2017) (citations omitted).

FMJM implicitly, and to some degree explicitly, asserts that this case is closer to the situation in *Friery* than the situation in *Lennar*. This Court disagrees. Here, the notes now held by FMJM and Deutsche were executed simultaneously, as first and second mortgage, with the intention that the security interest evidenced by the second mortgage be subordinated to the security interest evidenced by the first mortgage. In *Friery*, however, there was originally only a single lien on the property – the original borrowers then sold the property to a third party, who encumbered the property with additional liens. That is not the situation here. Here, the two mortgages were executed simultaneously, similar to the situation in *Lennar*, and, as a result, the subordination principles outlined by *Bank of New York Mellon*, *Lennar*, and *Gluskin* are applicable.

In distinguishing *Lennar* from the instant situation, FMJM argues that, unlike the case in *Lennar*, here the modification did not materially prejudice the junior lienholder, Deutsche. The Court need not reach this argument at the motion to dismiss standard because such an argument is usually factual in nature. *See* MILLER & STARR CAL. REAL ESTATE § 10:102 (4th ed. 2017) ("Usually, whether a modification has a material adverse impact on a junior lienor is a question of act, but when reasonable minds cannot differ, the conclusion that the modification resulted in a material adverse effect can be decided as a matter of law."). While FMJM has provided arguments as to why the Deutsche is not prejudiced by the modification, the complaint of Deutsche alleges sufficient factual matter to plausibly allege that material prejudice could plausibly have occurred. FMJM's assertions on this point are not appropriate at the motion to dismiss stage.

TENTATIVE RULING

The Court is inclined to DENY the motion to dismiss.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

12:00 PM

CONT... Sean Phillip Coy

Chapter 13

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Movant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 14, 2018

Hearing Room 303

12:00 PM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#49.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01050. Complaint by Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1 against FMJM RWL III Trust 2015-1. Kristin)

From: 4/26/18, 5/10/18

Also #48

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 19, 2018

Hearing Room 303

9:30 AM

6:14-14377 Hilary D Hill

Chapter 7

Adv#: 6:15-01206 Speier v. Simmons et al

#1.00 CONT Trial RE: [1] Adversary case 6:15-ap-01206. Complaint by Steven M Speier against Angela Simmons, David Schanhals, Hilary D Hill. (Charge To Estate) Robert)

From: 5/22/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6/6/18**

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Defendant(s):

Angela Simmons

Represented By
David Brian Lally

David Schanhals

Represented By
David Brian Lally

Hilary D Hill

Represented By
David Brian Lally

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Donald Reid

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 19, 2018

Hearing Room 303

9:30 AM

CONT...

Hilary D Hill

Elizabeth A LaRocque

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 20, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#1.00 CONT Status Conference RE: Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha . willful and malicious injury
HOLDING DATE

From: 7/8/15, 11/4/15, 3/2/16, 12/14/16, 12/13/17, 4/5/17, 6/7/17, 7/12/17, 8/2/17, 9/27/17, 10/4/17, 11/1/17, 12/6/17, 12/20/17, 2/28/18, 3/21/18

EH__

Docket 1

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Plaintiff(s):

Charles Edward Schrader

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 25, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#1.00 CONT Status Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

From: 11/2/16, 1/4/17, 3/1/17, 3/8/17, 6/7/17, 7/26/17, 9/13/17, 1/24/18, 3/7/18, 5/9/18, 5/30/18

EH__

Docket 1

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, June 25, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

6:18-14337 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#1.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1931 Hemmingway Pl, San Jacinto CA 92583

MOVANT: JOSE & LILIAN VELASCO

From: 6/5/18

EH__

Docket 9

Tentative Ruling:

6/5/2018

The Court is inclined to DENY the motion. While Debtors have provided sufficient evidence to overcome the presumption of bad faith as to their most recent Chapter 13 case, Debtors have not provided clear and convincing evidence to overcome the presumption of bad faith as their second most recent Chapter 13 case, which was pending within the previous year. Furthermore, Wells Fargo Bank, N.A., the holder of the note secured by Debtors' real property during the second most recent Chapter 13 case, had a relief from stay motion pending at the time of the case's dismissal. The Court takes judicial notice of the contents of docket number 72 in case 6:12-bk-35097-MH, which appears to state that Debtors were 29 months behind on their mortgage payments on October 5, 2017. 11 U.S.C. § 362(c)(3)(C)(ii) provides for a presumption of bad faith as to a creditor if a motion from relief from stay is granted or pending at dismissal in a case during the previous year. Here, Debtors' unsupported statement that their income has increased is insufficient to overcome the presumption of bad faith as to the mortgagee of their real property.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Velasco

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Jose Velasco and Lilian Micaela Velasco Chapter 13
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco Represented By
Daniel King

Movant(s):

Jose Velasco Represented By
Daniel King

Lilian Micaela Velasco Represented By
Daniel King
Daniel King

Trustee(s):

Rod Danielson (TR) Pro Se

6:18-14079 Stephan D. Clark Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 Chevrolet Cobalt, VIN: 1G1AL58F987293488

MOVANT: CREDIT ACCEPTANCE CORPORATION

EH__

Docket 13

***** VACATED *** REASON: CASE DISMISSED 6/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephan D. Clark Represented By
Patricia M Ashcraft

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Stephan D. Clark

Chapter 13

Movant(s):

Credit Acceptance Corporation

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

6:18-14038 Christopher Michael Hafer

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Dodge Charger, VIN 2C3CDXCT6HH541372

MOVANT: TD AUTO FINANCE LLC

EH__

Docket 8

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Christopher Michael Hafer

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Christopher Michael Hafer

Joel M Feinstein

Chapter 7

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

Trustee(s):

Karl T Anderson (TR)

Pro Se

6:18-13394 William Edward Wall, Jr.

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1410 W. Johnston Ave., Hemet, California 92546

MOVANT: COUNTY OF RIVERSIDE

EH__

Docket 14

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: Yes

Debtor had a single case pending with the previous year. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(A), the automatic stay in this case expired on May 26, 2018, before the filing of the motion under consideration. Therefore, to the extent that the motion requests relief which is not *in rem* relief, the motion is DENIED as moot.

Movant also requests relief pursuant to § 362(d)(4)(B), noting that this is the second bankruptcy case filed by Debtor affecting the property. Debtor's opposition acknowledges that his financial situation is somewhat unstable due to health issues.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... William Edward Wall, Jr.

Chapter 13

Debtor asserts that the two bankruptcy filings are not in bad faith.

The Court declines to conclude that bad faith is present in the situation simply as a result of a single previous bankruptcy filing. Because of the operation of § 362(c), there is no automatic stay in the instant case, and, as such, Movant may proceed with their tax sale. In the absence of clearer facts which support a finding of bad faith, the Court concludes that the statutory provisions limiting the presence of the automatic stay for repeat filers are adequate to prevent abuse.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Edward Wall Jr.

Represented By
Ronald W Ask

Movant(s):

Ronak N Patel

Represented By
Ronak N Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

6:18-12935 John Scott Hawkins

Chapter 13

#5.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Audi A5

MOVANT VW CREDIT INC SERV AGENT FOR VW CREDIT LEASING LTD

EH__

Docket 27

Tentative Ruling:

6/26/2018

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... John Scott Hawkins

Chapter 13

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

John Scott Hawkins

Represented By
Michael Jay Berger

Movant(s):

VW Credit, Inc., servicing agent for

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

6:18-12774 Tatiana Noemi Alegre

Chapter 13

#6.00 CONT Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii) 17253 Emerson Street, Victorville, CA 92394

MOVANT: FRPA TRUST

From: 6/5/18

EH__

Docket 17

***** VACATED *** REASON: ORDER ENTERED 6/7/18**

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Tatiana Noemi Alegre

Chapter 13

Tentative Ruling:

6/5/2018

Service is Proper
Opposition: Yes

Pursuant to 11 U.S.C. § 362(c)(4), the automatic stay does not go into effect in a filed case if a debtor has two or more cases pending within the previous year. Here, Debtor had two Chapter 13 cases dismissed in the previous year for failure to file information. As a result, the automatic stay did not go into effect in the instant case.

Pursuant to 11 U.S.C. § 362(j), Movant is entitled to request an order confirming that no automatic stay went into effect in the instant case. Therefore, the Court will GRANT the motion, confirming that no automatic stay went into effect in the instant case. The Court notes that the assertions contained in Debtor's opposition are entirely irrelevant to the request at issue.

The Court notes, however, that Debtor filed a motion to impose the automatic stay, which was continued until July 10, 2018. Movant should be aware that the comfort order to be issued by this Court does not preclude Debtor from later arguing that the automatic stay should or can be imposed in this case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tatiana Noemi Alegre

Represented By
LeRoy Roberson

Movant(s):

FRPA TRUST, its successors and/or

Represented By
Reilly D Wilkinson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

6:18-12565 Tyler Murdoch and Jennifer Murdoch

Chapter 7

#7.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2008 Honda Accord-V6, VIN
1HGCP36888A082462

MOVANT: WELLS FARGO BANK NA dba WELLS FARGO DEALER SERV

EH__

Docket 10

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) because there is equity in the property. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Tyler Murdoch

Represented By
Kevin M Cortright

Joint Debtor(s):

Jennifer Murdoch

Represented By
Kevin M Cortright

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Tyler Murdoch and Jennifer Murdoch

Chapter 7

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Sheryl K Ith

Trustee(s):

Robert Whitmore (TR)

Pro Se

6:18-12206 Pedro Norlito Ibanez and Celia Singca Ibanez

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota RAV4

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 16

***** VACATED *** REASON: CASE DISMISSED 5/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Norlito Ibanez

Represented By
Alon Darvish

Joint Debtor(s):

Celia Singca Ibanez

Represented By
Alon Darvish

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Pedro Norlito Ibanez and Celia Singca Ibanez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

6:18-10355 Heeyoung Lee Rhee

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43928 Brookhaven Court, Temecula Area, CA 92592

MOVANT: BANK OF NEW YORK MELLON

EH__

Docket 20

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: Yes

Pursuant to § 541, Debtor's interest in her real property became property of the estate upon the commencement of the bankruptcy proceeding notwithstanding Debtor's indication on her statement of intention that she intended to surrender the property. Pursuant to Trustee's opposition, Trustee believes that there is sufficient equity in the property for it to be administered and Trustee has begun taking steps to do so. As such, the Court is inclined to CONTINUE the hearing for Trustee to market the property.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Heeyoung Lee Rhee

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Heeyoung Lee Rhee

Chapter 7

Movant(s):

Bayview Loan Servicing, LLC, as

Represented By
Nancy L Lee

Trustee(s):

Larry D Simons (TR)

Pro Se

6:18-10249 Derick Jones

Chapter 7

#10.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 2816 Echo Springs Dr, Unit 20, Corona, CA 92883

MOVANT: BAYVIEW LOAN SERVICING LLC

EH__

Docket 29

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: Yes

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT request for relief from stay pursuant to § 362(d)(4) although the Court does not make a finding that Debtor was involved in the scheme. GRANT waiver of Rule 4001 stay. GRANT request under ¶ 2. DENY request to retain jurisdiction under ¶ 14 as moot.

Debtor's response to the instant motion asserts that he was not aware of or not involved in any bad faith scheme. Movant in its motion, however, does not allege that Debtor was involved in the scheme, and Debtor's involvement in the scheme is not necessary for relief under § 362(d)(4). Debtor also requests that any lockout be postponed until at least July 1, 2018. Pursuant to this Court's practice of holding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Derick Jones Chapter 7

opposed orders for at least seven days after the order is lodged (Local Rule 9021-(1)(b)(1)(C)), it is probable that the instant order will not be entered until at least July 5, 2018.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Derick Jones Pro Se

Movant(s):

BAYVIEW LOAN SERVICING, Represented By
Edward G Schloss

Trustee(s):

Karl T Anderson (TR) Pro Se

6:18-10039 Shelley R. Long Chapter 13

#11.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2008 Chrysler Aspen; VIN: 1A8HX58238F125674

MOVANT: WHEELS FINANCIAL GROUP LLC

Also #12

EH__

Docket 38

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Shelley R. Long

Chapter 13

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shelley R. Long

Represented By
James D. Hornbuckle

Movant(s):

Wheels Financial Group, LLC, dba

Represented By
Sheryl D Noel

Trustee(s):

Rod Danielson (TR)

Pro Se

6:18-10039 Shelley R. Long

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1130 Pinewood Ln, Unit 17, Ontario, CA 91762

MOVANT: AJAX E MASTER TRUST I

Also #11

EH__

Docket 40

Tentative Ruling:

6/26/2018

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Shelley R. Long

Chapter 13

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2). GRANT waiver of Rule 4001(a) (3) stay. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shelley R. Long

Represented By
James D. Hornbuckle

Movant(s):

Ajax E Master Trust I, a Delaware

Represented By
James F Lewin
Renee M Parker

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-19614 Alfredo Manzo Arrieta and Mayte Hernandez- Arrieta

Chapter 13

#13.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: Timeshare interest, 133 Vacation Points

MOVANT: DPM ACQUISITION LLC

EH__

Docket 46

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Alfredo Manzo Arrieta and Mayte Hernandez- Arrieta

Chapter 13

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Alfredo Manzo Arrieta

Represented By
Andy C Warshaw

Joint Debtor(s):

Mayte Hernandez- Arrieta

Represented By
Andy C Warshaw

Movant(s):

DPM Acquisition, LLC

Represented By
Thomas R Mulally

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-18106 Hugo Sanchez Cruz

Chapter 13

#14.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40943 Diana Lane Lake Elsinore, CA 92532

MOVANT: BANK OF AMERICA

EH__

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Hugo Sanchez Cruz

Chapter 13

Docket 23

***** VACATED *** REASON: ORDER ENTERED 6/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hugo Sanchez Cruz

Represented By
James Geoffrey Beirne

Movant(s):

BANK OF AMERICA, N.A.

Represented By
Alexander G Meissner
Bonni S Mantovani

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-16751 Gary Ramirez and Christina Faith Ramirez

Chapter 13

#15.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 27977 Owen Drive, Moreno Valley, CA 92555

MOVANT: LAKEVIEW LOAN SERVICING LLC

From: 5/29/18

EH__

Docket 33

***** VACATED *** REASON: ORDER ENTERED 6/21/18**

Tentative Ruling:

05/29/2018

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Gary Ramirez and Christina Faith Ramirez

Chapter 13

Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT as to ¶3 of prayer for relief. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Gary Ramirez

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Christina Faith Ramirez

Represented By
Ethan Kiwhan Chin

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Mark S Krause
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-16164 William Richard Newborg and Serina Rae Newborg

Chapter 13

#16.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 4784 Pinnacle Street, Riverside, CA 92509

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 38

***** VACATED *** REASON: ORDER ENTERED 6/25/18**

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... William Richard Newborg and Serina Rae Newborg

Chapter 13

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of APO discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Richard Newborg

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Serina Rae Newborg

Represented By
Ramiro Flores Munoz

Movant(s):

US Bank National Association

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-15245 Romeo C. Torres

Chapter 13

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11888 Dellvale Pl., Riverside, CA 92505

MOVANT: WELLS FARGO BANK N.A.

EH__

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Romeo C. Torres

Chapter 13

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request for relief from § 1301(a) stay. GRANT waiver of Rule 4001(a) (3) stay. GRANT requests under ¶¶ 2, 3 and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Romeo C. Torres

Represented By
Ryan A. Stubbe

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-15102 Gwendolyn Washington

Chapter 13

#18.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 977 Allegre Drive, Corona CA 92879

MOVANT: WELLS FARGO BANK

From: 3/20/18, 4/24/18, 5/29/18

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Gwendolyn Washington

Chapter 13

EH__

Docket 54

Tentative Ruling:

3/20/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Movant(s):

Wells Fargo Bank, National

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

6:17-13923 Suzanne Berry

Chapter 13

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11242 Sweetwater Dr. Riverside, California 92505

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Suzanne Berry

Chapter 13

MOVANT: CHAMPION MORTGAGE COMPANY (NATIONSTAR MORTGAGE LLC, DBA)

EH__

Docket 26

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Suzanne Berry

Represented By
Christopher Hewitt

Movant(s):

Champion Mortgage Company

Represented By
Ashlee Fogle
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

6:16-14868 Richard M. Orellano, II and Tiffany Orellano

Chapter 13

#20.00 CONT Notice of motion and motion for relief from the automatic stay with

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... **Richard M. Orellano, II and Tifany Orellano** **Chapter 13**
supporting declarations REAL PROPERTY RE: 40748 Pocona Place, Murrieta,
California 92562

MOVANT: SPECIALIZED LOAN SERVICING LLC

From: 5/1/18, 5/29/18

EH__

Docket 55

***** VACATED *** REASON: ORDER ENTERED 6/11/18**

Tentative Ruling:

5/1/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Richard M. Orellano II

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Tifany Orellano

Represented By
Patricia M Ashcraft

Movant(s):

Specialized Loan Servicing LLC

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Richard M. Orellano, II and Tifany Orellano Chapter 13
Trustee(s):

Rod Danielson (TR) Pro Se

6:16-10048 Margaret Crain Chapter 13

#21.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3300 Mary Ellen Dr, Riverside, California 92509-0816

MOVANT: WELLS FARGO BANK, N.A.

From: 5/15/18

EH__

Docket 66

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Yes

Parties to apprise Court regarding extent of arrears and status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Margaret Crain

Represented By
Yelena Gurevich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Margaret Crain

Chapter 13

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt
Jessica L Carter

Trustee(s):

Rod Danielson (TR)

Pro Se

6:14-16994 Yolanda Llamas

Chapter 13

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1345 West F Street, Ontario, CA 91762

MOVANT: WELLS FARGO BANK

EH__

Docket 38

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Yolanda Llamas

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Yolanda Llamas

Chapter 13

Rebecca Tomilowitz

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt

Trustee(s):

Rod Danielson (TR)

Pro Se

6:14-16717 Andrea Sindy Pozgaj

Chapter 13

#23.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 8436 Limestone Dr, Riverside, CA 92504

MOVANT: WILMINGTON SAVINGS FUND SOCIETY FSB

From: 5/1/18, 6/5/18

EH__

Docket 49

Tentative Ruling:

5/1/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT relief from § 1301(a) stay. GRANT waiver of Rule 4001(a)(3) stay.
GRANT requests under ¶¶ 2, 3 and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Andrea Sindy Pozgaj

Chapter 13

Debtor(s):

Andrea Sindy Pozgaj

Represented By
Joel M Feinstein

Movant(s):

Wilmington Savings Fund Society,

Represented By
Darlene C Vigil
Melissa A Vermillion

Trustee(s):

Rod Danielson (TR)

Pro Se

6:14-10322 Marianne Bowers

Chapter 13

#24.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1065 Ehu Road, Makawao, HI 96768

MOVANT: WELLS FARGO BANK, N.A.

From: 5/29/18

EH__

Docket 41

***** VACATED *** REASON: ORDER ENTERED 6/5/18**

Tentative Ruling:

05/29/2018
Service: Proper
Opposition: Yes

Parties to provide status of cure and settlement discussions.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Marianne Bowers

Chapter 13

Debtor(s):

Marianne Bowers

Represented By
Thomas B Ure

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

6:18-14591 Uman Bracote

Chapter 7

#24.10 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: Real Property 28347 Crestwood St, Romoland

MOVANT: TING QIN

CASE DISMISSED 6/20/18

EH__

Docket 8

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

Debtor's bankruptcy case was dismissed on June 20, 2018. As such the automatic stay has expired pursuant to § 362(c). Therefore, the Court will DENY as moot the requests under ¶¶ 1 and 2. Based on the skeletal bankruptcy filing, the Court is inclined to GRANT the *in rem* request under ¶ 9 upon recording of a copy of this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

10:00 AM

CONT... Uman Bracote

Chapter 7

order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Uman Bracote

Pro Se

Movant(s):

Ting Qin

Represented By
William E Windham

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

11:00 AM

6:18-13216 Alexander Tofick David

Chapter 13

#24.20 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate re Business Equipment, Records and Other Items located at 142 W Baseline Rd Rialto CA 92376

MOVANT: ALEXANDER TOFICK DAVID

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander Tofick David

Represented By
Brad Weil

Movant(s):

Alexander Tofick David

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 11

Adv#: 6:18-01100 Zamucen & Curren LLP v. Johnson

#25.00 Motion To Dismiss Adversary Proceeding Pursuant To Federal Rule Of Civil Procedure 12(b)(6)

EH__

Docket 4

Tentative Ruling:

6/26/18

BACKGROUND

On February 7, 2018, Vance Johnson ("Debtor") filed a Chapter 11 voluntary petition.

On May 1, 2018, Zamucen & Current LLP ("Plaintiff") filed a complaint against Debtor for non-dischargeability pursuant to § 523(a)(5) and (15). On May 31, 2018, Debtor filed a motion to dismiss for failure to state a claim pursuant to FED. R. CIV. P. Rule 12(b)(6). On June 12, 2018, Plaintiff filed its opposition.

Plaintiff served as a CAL. EVID. CODE § 730 expert during Debtor's dissolution proceedings, and evaluated Debtor and Joana Johnson's ("Joana") financial situation. According to Plaintiff:

[A]s a form of support, the Court ordered Vance Zachary Johnson to pay all of Zamucen & Curren, LLP's fees and costs, to be paid directly to Zamucen & Curren, LLP. These funds were to reimburse Defendant's spouse, Joana

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Vance Zachary Johnson

Chapter 11

Johnson, for fees, costs and other expenses incurred in this dissolution of marriage action due to Defendant's intransigence in that divorce case regarding discovery and on Ms. Johnson's Order to Show Cause for modification of spousal support and child support and for attorney fees and costs.

[Dkt. No. 1, pg. 2, 15-24].

Debtor argues that Plaintiff's characterization its fees and costs as in the nature of support is a legal conclusion not supported by the record, and, alternatively, that the debt does not constitute a domestic support obligation under § 523(a)(5), nor is it owed to Debtor's spouse, former spouse, or child pursuant to § 523(a)(15).

DISCUSSION

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

II. NON-DISCHARGEABILITY

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

11 U.S.C. § 523(a)(5) and (15) state:

(a) A discharge under section 727, 1141, 1228(a), or 1328(b) of this title does not discharge an individual debtor from any debt –

(5) for domestic support obligation;

(15) to a spouse, former spouse, or child of the debtor and not of the kind described in paragraph (5) that is incurred by the debtor in the course of a divorce or separation or in connection with a separation agreement, divorce decree or other order of a court of record, or a determination made in accordance with State or territorial law by a governmental unit;

As a preliminary matter, the Court notes that the BAPCPA revisions to the operation of § 523(a)(15) render the determination of whether Plaintiff's claim is in the nature of support irrelevant in the instant case. *See, e.g.*, 4 COLLIER'S ON BANKRUPTCY ¶ 523.23 (16th ed. 2009) ("Thus, in individual cases under chapters 7 and 11 and in cases under chapter 12, all of which base dischargeability on the subsections of section 523(a), the distinction between a domestic support obligation and other types of obligations arising out of a marital relationship is of no practical consequence in determining the dischargeability of the debt."). The operative question is whether Plaintiff, as a matter of law, has the ability to bring a non-dischargeability action despite not being the "spouse, former spouse, or child of the debtor."

Despite the fact that the plain language of the statute appears to impose a requirement that the underlying debt be owed to a "spouse, former spouse, or child of the debtor," there is extensive case law permitting third-party professionals (primarily attorneys) to whom a debtor was ordered to make payment to bring a non-dischargeability complaint under either § 523(a)(5) or § 523(a)(15). *See, e.g., In re Williams*, 703 F.2d 1055, 1056-57 (8th Cir. 1983); *In re Catlow*, 663 F.2d 960, 62-63 (9th Cir. 1981). As noted by the Ninth Circuit, pre-BAPCPA, in the context of § 523(a)(5):

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Fees paid to third parties on behalf of a child or former spouse can be as much for . . . support as payments made directly to the former spouse or child. We hold in the instant case that the identity of the payee is less important than the nature of the debt. . . .

Every circuit to consider this precise issue has held likewise.

In re Chang, 163 F.3d 1138, 1141 (9th Cir. 1998).

Debtor has acknowledged this fact and attempted to distinguish between attorneys' fees and experts' fees by arguing that "[t]he benefit of the award of attorney's fees, even when paid directly to an attorney who was hired by a party in family law proceeding, is more easily traceable to an ex-spouse's reimbursement and benefit than a § 730 expert appointed directly by the court." [Dkt. No. 8, pg. 3, lines 21-24]. The Court is unconvinced that paying, on behalf of an ex-spouse, a sum of "X" dollars is more beneficial when the recipient is an attorney rather than an expert. In both circumstances, the ex-spouse has benefitted, and been reimbursed, in the amount of "X" dollars.

The Bankruptcy Appellate Panel recently summarized the case law extending standing to professionals involved in family proceedings, and concluded that:

One thing is clear from all of these cases. Even when the debt was not directly payable or owed to the spouse, former spouse or child of the debtor, the bounty of that debt had flowed to one of those family members explicitly covered by the statute, or the discharge of the debt would have adversely impacted the finances of one of those explicitly-covered family members.

In re Gunness, 505 B.R. 1, 6 (B.A.P. 9th Cir. 2014) (collecting cases). Here, Joana and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Debtor executed a retainer agreement, contractually binding them to pay the fees and costs of Plaintiff. Either the state court's order that Debtor pay the entirety of the fees released Joana from contractual liability on the retainer agreement, in which case that award clearly flowed to the benefit of a spouse/former spouse, or Plaintiff is still entitled to collect fees directly from Joana (who may then have a right of contribution from Debtor), in which case the discharge of the debt would adversely impact the finances of a spouse/former spouse. In either case, this situation falls under the well-established case law standard which permits third party professionals to bring non-dischargeability proceedings under §§ 523(a)(5) and (15).

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

Movant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Plaintiff(s):

Zamucen & Curren LLP

Represented By
Patricia J Grace

6:18-10939 Vance Zachary Johnson

Chapter 11

#26.00 Motion to Convert Case From Chapter 11 to 7 Under 11 U.S.C. §§706(a) or 112(a)

Also #27 & #28

EH__

Docket 74

Tentative Ruling:

6/26/18

BACKGROUND

On February 7, 2018, Vance Johnson ("Debtor") filed a Chapter 11 voluntary petition. Debtor has not yet proposed a Chapter 11 plan.

On May 24, 2018, Debtor's ex-wife, Joana Johnson ("Joana"), filed a motion to dismiss for failure to pay post-petition domestic support obligations under 11 U.S.C. § 1112(b)(1) and (b)(4)(P) ("Dismissal Motion"). On June 5, 2018, Debtor filed a motion to convert case to Chapter 7 ("Conversion Motion"). On June 12, 2018, Debtor filed opposition to Joana's motion to dismiss, and Joana filed opposition to Debtor's motion to convert.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

DISCUSSION

The first determination the Court must make is whether the Dismissal Motion or Conversion Motion should be considered in a certain order. Clearly, if the Dismissal Motion is granted, the Conversion Motion becomes moot. Additionally, if the Conversion Motion is granted, the Dismissal Motion becomes moot because it is a motion to dismiss a Chapter 11 case and is based on a statutory provision (§ 1112(b)) applicable only to Chapter 11 cases.

11 U.S.C. § 1112(a) states:

- (a) The debtor may convert a case under this chapter to a case under chapter 7 of this title unless –
 - (1) the debtor is not a debtor in possession;
 - (2) the case was originally commenced as an involuntary case under this chapter; or
 - (3) the case was converted to a case under this chapter other than on the debtor's request.

Joana argues that: "When a motion to dismiss pursuant to § 1112(b) and motion to convert pursuant to § 1112(a) are pending, courts read subsections (a) and (b) together, requiring the court to engage in the two-step analysis required by § 1112(b), first determining whether cause exists to dismiss or convert and then determining whether dismissing or converting is in the best interest of creditors. [Dkt. No. 77, pg.4, 18-21]. The Court notes that the analysis suggested by Joana does not constitute reading subsections (a) and (b) together, but, rather, it constitutes ignoring § 1112(a) and simply applying § 1112(b).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Joana primarily cites *In re Adler*, 329 B.R. 406, (Bankr. S.D. N.Y. 2005) in support of her argument. The bankruptcy court declined to allow the debtor to convert to Chapter 7 on the basis of bad faith, found cause to dismiss under § 1112(b), and, ultimately, dismissed the case.

The Court notes that bankruptcy courts have commonly referred to an "absolute" right of conversion when such right is not truly absolute. *See generally* 7 COLLIER ON BANKRUPTCY ¶ 1112.02 (16th ed. 2017) ("Section 1112(a) appears to give the debtor an absolute right to convert a chapter 11 case to a case under chapter 7, provided that none of three limited exceptions apply."); GINSBERG & MARTIN § 13.17 (5th ed. 2018) (absolute right if eligible and exceptions inapplicable). Post-*Marrama*, it is more accurate to say a Debtor has an absolute right to convert to Chapter 7 *if* the statutory exceptions are inapplicable and if the debtor is eligible to be a Chapter 7 debtor. Specifically, *Marrama* stated the following:

There are at least two possible reasons why *Marrama* may not qualify as such a debtor, one arising under § 109(e) of the Code, and the other turning on the construction of the word "cause" in § 1307(c). The former provision imposes a limit on the amount of indebtedness that an individual may have in order to qualify for Chapter 13 relief. More pertinently, the latter provision, § 1307(c), provides that a Chapter 13 proceeding may be either dismissed or converted to a Chapter 7 proceeding "for cause" and includes a nonexclusive list of 10 causes justifying that relief. . . . In practical effect, a ruling that an individual's Chapter 13 case should be dismissed or converted to Chapter 7 because of prepetition bad-faith conduct, including fraudulent acts committed in an earlier Chapter 7 proceeding, is tantamount to a ruling that the individual does not qualify as a debtor under Chapter 13. That individual, in other words, is not a member of the class of "honest but unfortunate debtor[s]" that the bankruptcy laws were enacted to protect. The text of § 706(d) therefore provides adequate authority of the denial of his motion to convert.

Marrama v. Citizens Bank of Mass., 549 U.S. 365, 373-74 (2007). While *Marrama* considered a Chapter 7 case, in which § 706(d) provides the applicable eligibility provision, § 1112(f) contains the same eligibility restriction in the context of a Chapter 11 case. 11 U.S.C. § 1112(f) ("Notwithstanding any other provision of this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

section, a case may not be converted to a case under another chapter of this title unless the debtor may be a debtor under such chapter."). Importantly, the Supreme Court in *Marrama* made clear that if there is cause for immediate re-conversion (or dismissal) of the converted case, then the debtor should not be considered to be eligible for that chapter. *Marrama*, 549 U.S. at 375 ("On the contrary, the broad authority granted to bankruptcy judges to take any action that is necessary or appropriate 'to prevent an abuse of process' described in § 105(a) of the Code, is surely adequate to authorize an immediate denial of a motion to convert filed under § 706 in lieu of a conversion order that merely postpones the allowance of equivalent relief and may provide a debtor with an opportunity to take action prejudicial to creditors.").

Therefore, as outlined above, the Court is authorized, but not required, to utilize § 105(a) and § 1112(f) to deny conversion if there is cause for dismissal (or reconversion) of the case under § 707. *See generally, In re Kimrow, Inc.*, 534 B.R. 219, 225-26 (Bankr. M.D. Ga. 2015). Joana argues that Debtor's failure to pay postpetition domestic obligations constitutes bad faith. First of all, the Court notes that there previously was a circuit split concerning whether bad faith was grounds to dismiss a Chapter 7 petition. *See In re Zick*, 931 F.2d 1124 (6th Cir. 1991) and *In re Tamecki*, 229 F.3d 205 (3rd Cir. 2000) (bad faith constitutes grounds for dismissal). *But see In re Huckfeldt*, 39 F.3d 829 (8th Cir. 1994) and *In re Padilla*, 222 F.3d 1184 (9th Cir. 2000) (bad faith not separate grounds for dismissal). Eventually, Congress amended § 707(b)(3)(A) which instructs the Court to consider bad faith in certain circumstances. Those circumstances, however, are not presently before the Court in the form of a properly briefed motion to dismiss pursuant to § 707(b).

Furthermore, the Court declines to conclude that Joana has demonstrated "cause" for dismissal of a Chapter 7 petition pursuant to § 707(a). Joana has not pointed to any case law or legal rationale supporting the conclusion that failure to pay postpetition domestic support obligations is cause for dismissal of a Chapter 7 petition. While the reorganization chapters contain express provisions which provide for dismissal upon the failure to pay postpetition domestic support obligations, Chapter 7 does not contain such a provision. *See* 11 U.S.C. § 1112(b)(4)(P) and 11 U.S.C. § 1307(c)(11).

Finally, the Court is cognizant of the fact that Joana may wish to argue why there is cause for dismissal pursuant to § 707(a) or (b). Given that this issue was not raised in the pleadings before the Court, the Court will not consider such new arguments at this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson
time.

Chapter 11

TENTATIVE RULING

Debtor, having filed a motion pursuant to § 1112(a), none of the statutory exceptions to conversion being applicable, and no party having demonstrated that Debtor is ineligible to be a debtor under Chapter 7 pursuant to § 1112(f) and § 707, the Court is inclined to CONVERT the case to Chapter 7.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Movant(s):

Vance Zachary Johnson

Represented By
Robert P Goe

6:18-10939 Vance Zachary Johnson

Chapter 11

#27.00 Non-Debtor Spouses Motion To Dismiss Chapter 11 Case For Failure To Pay Post-Petition Domestic Support Obligations Under 11 U.S.C. § 1112(b)(1) & (b)(4)(P)

Also #26 & #28

EH__

Docket 70

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

**CONT... Vance Zachary Johnson
Tentative Ruling:**

Chapter 11

6/26/18

BACKGROUND

On February 7, 2018, Vance Johnson ("Debtor") filed a Chapter 11 voluntary petition. Debtor has not yet proposed a Chapter 11 plan.

On May 24, 2018, Debtor's ex-wife, Joana Johnson ("Joana"), filed a motion to dismiss for failure to pay post-petition domestic support obligations under 11 U.S.C. § 1112(b)(1) and (b)(4)(P) ("Dismissal Motion"). On June 5, 2018, Debtor filed a motion to convert case to Chapter 7 ("Conversion Motion"). On June 12, 2018, Debtor filed opposition to Joana's motion to dismiss, and Joana filed opposition to Debtor's motion to convert.

DISCUSSION

The first determination the Court must make is whether the Dismissal Motion or Conversion Motion should be considered in a certain order. Clearly, if the Dismissal Motion is granted, the Conversion Motion becomes moot. Additionally, if the Conversion Motion is granted, the Dismissal Motion becomes moot because it is a motion to dismiss a Chapter 11 case and is based on a statutory provision (§ 1112(b)) applicable only to Chapter 11 cases.

11 U.S.C. § 1112(a) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Vance Zachary Johnson

Chapter 11

- (a) The debtor may convert a case under this chapter to a case under chapter 7 of this title unless –
- (1) the debtor is not a debtor in possession;
 - (2) the case was originally commenced as an involuntary case under this chapter; or
 - (3) the case was converted to a case under this chapter other than on the debtor's request.

Joana argues that: "When a motion to dismiss pursuant to § 1112(b) and motion to convert pursuant to § 1112(a) are pending, courts read subsections (a) and (b) together, requiring the court to engage in the two-step analysis required by § 1112(b), first determining whether cause exists to dismiss or convert and then determining whether dismissing or converting is in the best interest of creditors. [Dkt. No. 77, pg.4, 18-21]. The Court notes that the analysis suggested by Joana does not constitute reading subsections (a) and (b) together, but, rather, it constitutes ignoring § 1112(a) and simply applying § 1112(b).

Joana primarily cites *In re Adler*, 329 B.R. 406, (Bankr. S.D. N.Y. 2005) in support of her argument. The bankruptcy court declined to allow the debtor to convert to Chapter 7 on the basis of bad faith, found cause to dismiss under § 1112(b), and, ultimately, dismissed the case.

The Court notes that bankruptcy courts have commonly referred to an "absolute" right of conversion when such right is not truly absolute. *See generally* 7 COLLIER ON BANKRUPTCY ¶ 1112.02 (16th ed. 2017) ("Section 1112(a) appears to give the debtor an absolute right to convert a chapter 11 case to a case under chapter 7, provided that none of three limited exceptions apply."); GINSBERG & MARTIN § 13.17 (5th ed. 2018) (absolute right if eligible and exceptions inapplicable). Post-*Marrama*, it is more accurate to say a Debtor has an absolute right to convert to Chapter 7 *if* the statutory exceptions are inapplicable and if the debtor is eligible to be a Chapter 7 debtor. Specifically, *Marrama* stated the following:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

There are at least two possible reasons why *Marrama* may not qualify as such a debtor, one arising under § 109(e) of the Code, and the other turning on the construction of the word "cause" in § 1307(c). The former provision imposes a limit on the amount of indebtedness that an individual may have in order to qualify for Chapter 13 relief. More pertinently, the latter provision, § 1307(c), provides that a Chapter 13 proceeding may be either dismissed or converted to a Chapter 7 proceeding "for cause" and includes a nonexclusive list of 10 causes justifying that relief. . . . In practical effect, a ruling that an individual's Chapter 13 case should be dismissed or converted to Chapter 7 because of prepetition bad-faith conduct, including fraudulent acts committed in an earlier Chapter 7 proceeding, is tantamount to a ruling that the individual does not qualify as a debtor under Chapter 13. That individual, in other words, is not a member of the class of "honest but unfortunate debtor[s]" that the bankruptcy laws were enacted to protect. The text of § 706(d) therefore provides adequate authority of the denial of his motion to convert.

Marrama v. Citizens Bank of Mass., 549 U.S. 365, 373-74 (2007). While *Marrama* considered a Chapter 7 case, in which § 706(d) provides the applicable eligibility provision, § 1112(f) contains the same eligibility restriction in the context of a Chapter 11 case. 11 U.S.C. § 1112(f) ("Notwithstanding any other provision of this section, a case may not be converted to a case under another chapter of this title unless the debtor may be a debtor under such chapter."). Importantly, the Supreme Court in *Marrama* made clear that if there is cause for immediate re-conversion (or dismissal) of the converted case, then the debtor should not be considered to be eligible for that chapter. *Marrama*, 549 U.S. at 375 ("On the contrary, the broad authority granted to bankruptcy judges to take any action that is necessary or appropriate 'to prevent an abuse of process' described in § 105(a) of the Code, is surely adequate to authorize an immediate denial of a motion to convert filed under § 706 in lieu of a conversion order that merely postpones the allowance of equivalent relief and may provide a debtor with an opportunity to take action prejudicial to creditors.").

Therefore, as outlined above, the Court is authorized, but not required, to utilize § 105(a) and § 1112(f) to deny conversion if there is cause for dismissal (or reconversion) of the case under § 707. *See generally, In re Kimrow, Inc.*, 534 B.R. 219, 225-26 (Bankr. M.D. Ga. 2015). Joana argues that Debtor's failure to pay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

postpetition domestic obligations constitutes bad faith. First of all, the Court notes that there previously was a circuit split concerning whether bad faith was grounds to dismiss a Chapter 7 petition. *See In re Zick*, 931 F.2d 1124 (6th Cir. 1991) and *In re Tamecki*, 229 F.3d 205 (3rd Cir. 2000) (bad faith constitutes grounds for dismissal). *But see In re Huckfeldt*, 39 F.3d 829 (8th Cir. 1994) and *In re Padilla*, 222 F.3d 1184 (9th Cir. 2000) (bad faith not separate grounds for dismissal). Eventually, Congress amended § 707(b)(3)(A) which instructs the Court to consider bad faith in certain circumstances. Those circumstances, however, are not presently before the Court in the form of a properly briefed motion to dismiss pursuant to § 707(b).

Furthermore, the Court declines to conclude that Joana has demonstrated "cause" for dismissal of a Chapter 7 petition pursuant to § 707(a). Joana has not pointed to any case law or legal rationale supporting the conclusion that failure to pay postpetition domestic support obligations is cause for dismissal of a Chapter 7 petition. While the reorganization chapters contain express provisions which provide for dismissal upon the failure to pay postpetition domestic support obligations, Chapter 7 does not contain such a provision. *See* 11 U.S.C. § 1112(b)(4)(P) and 11 U.S.C. § 1307(c)(11).

Finally, the Court is cognizant of the fact that Joana may wish to argue why there is cause for dismissal pursuant to § 707(a) or (b). Given that this issue was not raised in the pleadings before the Court, the Court will not consider such new arguments at this time.

TENTATIVE RULING

Debtor, having filed a motion pursuant to § 1112(a), none of the statutory exceptions to conversion being applicable, and no party having demonstrated that Debtor is ineligible to be a debtor under Chapter 7 pursuant to § 1112(f) and § 707, the Court is inclined to CONVERT the case to Chapter 7.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 11

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Movant(s):

Joana Johnson

Represented By
Scott Talkov

6:18-10939 Vance Zachary Johnson

Chapter 11

#28.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/6/18, 4/24/18

Also #26 & #27

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

6:18-10628 Markus Anthony Boyd
Adv#: 6:18-01094 Boyd v. U.S. BANK et al

Chapter 11

#29.00 Motion to Dismiss Adversary Proceeding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

**CONT... Markus Anthony Boyd
Also #30**

Chapter 11

EH__

Docket 4

***** VACATED *** REASON: AMENDED COMPLAINT FILED 6/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Movant(s):

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

6:18-10628 Markus Anthony Boyd
Adv#: 6:18-01094 Boyd v. U.S. BANK et al

Chapter 11

#30.00 Status Conference RE: [1] Adversary case 6:18-ap-01094. Complaint by Markus

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

Anthony Boyd against U.S. BANK, SPECIALIZED LOAN SERVICING LLC, Series 2007-FFC First Franklin Mortgage Loan Trust. (Charge To Estate). (Attachments: # 1 Exhibit Exhibits to Complaint # 2 Exhibit Exhibits to Complaint # 3 Exhibit Exhibits to Complaint # 4 Exhibit Exhibits to Complaint # 5 Exhibit Exhibits to Complaint # 6 Exhibit Exhibits to Complaint # 7 Exhibit Exhibits to Complaint) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment)) (Gebelt, Nicholas)

Also #29

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#31.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#32.00 CONT Status Conference Re: Complaint by Cambridge Medical Funding Group II, LLC against Allied Injury Management, Inc., John C. Larson. 02 - Other e.g. other actions that would have been brought in state court if unrelated to bankruptcy

HOLDING DATE

From: 11/1/16, 12/6/16, 1/31/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 10/3/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Defendant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

John C. Larson

Pro Se

Plaintiff(s):

Cambridge Medical Funding Group

Represented By
Kenneth Hennesay

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#33.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17,4/4/17, 4/25/17, 6/27/17, 7/11/17,
9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18

Also #34

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#34.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17,
3/28/17, 5/30/17, 8/29/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18

Also #33

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#35.00 Motion to Appoint Chapter 11 Trustee

Also #36 & #37

EH__

Docket 173

*** VACATED *** REASON: CONTINUED TO 7/24/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#36.00 Confirmation Hearing Re: Debtor's First Amended Chapter 11 Plan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Integrated Wealth Management Inc

Chapter 11

Also #35 & #37

EH__

Docket 228

Tentative Ruling:

I. BACKGROUND

Integrated Wealth Management, Inc. ("Debtor"), is a non-operating advisory and wealth management firm. The case was filed via involuntary petition on July 12, 2017. On January 10, 2018, the Court entered its order directing entry of the Order for Relief retroactive to January 4, 2018. On January 5, 2018, the case was converted to a case under chapter 11. St. Jude Heritage Medical Group is the Debtor's largest creditor, asserting a disputed general unsecured claim against the Debtor in the amount of 12.5 million. The Debtor estimates that Allowed General Unsecured Claims will receive an estimated 25.2% to 100% distribution.

On April 30, 2018, the Court approved the Debtor's Second Amended Disclosure Statement, finding that it provided adequate information. Since that date, the Debtor has filed a Motion to Approve Non-Material Modifications to the Second Amended Plan which this Court has approved. The Debtor now moves this Court for confirmation of its Third Amended Plan. Service of the Plan Documents was proper and no objection to confirmation has been filed.

II. DISCUSSION

The debtor carries the burden of proving that a Chapter 11 plan complies with the statutory requirements for confirmation under §§ 1129(a) & (b). In re Arnold and Baker Farms, 177 B.R. 648 (9th Cir. BAP (Ariz.) 1994). The debtor must show that the plan is confirmable by a preponderance of the evidence. See id. at 654; see also In re Monarch Beach Venture, Ltd., 166 B.R. 428 (C.D.Cal.1993).

1. Ballot Results:

The Debtors timely transmitted the Plan and Disclosure Statement to all known Persons who hold Claims and Interests that are impaired under the Plan and who are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Integrated Wealth Management Inc

Chapter 11

therefore entitled to vote on the Plan. The Debtors received (3) three timely ballots. The votes were tallied as follows:

- a. Class 1 Allowed Secured Claims: N/A - unimpaired
- b. Class 2 Allowed Priority Non-Tax Claims: N/A - unimpaired
- c. Class 3 Allowed General Unsecured Claims: 100% voted in favor of the plan and constituted 100% of claims filed.
- d. Class 4: Allowed Subordinated Claims – No ballots received.
- e. Class 5: Interest Holders: 100% voted in favor of the plan

A court can confirm a plan without resort to cram down if all impaired classes accept the plan. Here, all impaired classes have accepted the plan. Thus, cramdown is not required.

2. Confirmation Requirements under 11 U.S.C. §1129(a)

The Plan addresses the requirements of Bankruptcy Code 1129(a) as follows:

1. 11 U.S.C. § 1129(a)(1): The Plan complies with all of the applicable provisions of the Bankruptcy Code, including sections 1122 and 1123.
2. 11 U.S.C. § 1129(a)(2): The Debtor has complied with all of the Bankruptcy Code's applicable provisions.
3. 11 U.S.C. § 1129(a)(3): Good faith in proposing a plan of reorganization is assessed by the bankruptcy judge and viewed under the totality of the circumstances. In re Jorgensen, 66 B.R. 104, 108-109 (9th Cir. BAP 1986). Good faith requires that a plan will achieve a result consistent with the objectives and purposes of the Code. Jorgensen, 66 B.R. at 109. It also requires a fundamental fairness in dealing with one's creditors. Id. The bankruptcy judge is in the best position to assess the good faith of the parties. Id. Here, the terms of the plan, the conduct of the debtor and debtor's counsel in attempting to negotiate a loan modification and to negotiate with creditors throughout the Bankruptcy proceedings evidences that the plan is being proposed in good faith. See In re Madison Hotel Associates, 749 F.2d 410, 425 (7th Cir. 1984). Here, having received no objections to confirmation, the Court finds that the Third Amended Plan has been proposed in good faith pursuant to FRBP 3020(b)(2).
4. 11 U.S.C. § 1129(a)(4): The Plan provides that the reorganized Debtors may only

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Integrated Wealth Management Inc

Chapter 11

pay Professional Fees upon application and approval by the Bankruptcy Court. (Section 3.1). This provision satisfies the Bankruptcy Code's requirement that payments for services or for costs and expenses in or in connection with a case, or in connection with a plan and incident to a case, must be approved by, or subject to the approval of, the Court as reasonable.

5. 11 U.S.C. § 1129(a)(5): The compensation and terms of retention of Mr. Issa as Plan Agent, including his specific duties, have been fully disclosed. This requirement is satisfied.

6. 11 U.S.C. § 1129(a)(6): does not apply to the instant case.

7. 11 U.S.C. § 1129(a)(7): Each Person who holds a Claim or Interest in a Class that is impaired under the Plan either: (a) has accepted the Plan; or (b) will receive or retain under the Plan property of a value, as of the Effective Date, that is not less than that Person would receive or retain if the Debtor were liquidated under chapter 7 of the Bankruptcy Code. The Debtor has demonstrated that all impaired interest holders have both accepted the plan, and will likely receive or retain under the Plan value that is not less than they would receive under a chapter 7 liquidation.

8. 11 U.S.C. § 1129(a)(8): Section 1129(a)(8) requires unanimity of all classes to consensually confirm a plan. That is, each impaired class must have affirmatively accepted the plan. The Ballot Tally above indicates that this requirement is satisfied because all impaired classes have affirmatively accepted the plan.

9. 11 U.S.C. § 1129(a)(9): Section 1129(a)(9)(A) requires that holders of administrative claims and gap claims be paid "cash equal to the allowed amount of such claim" on the "effective date of the plan," unless the holder of a particular claim agrees to different treatment. Here, Section 3.1 regarding Administrative Claims, Section 3.2 regarding Priority Tax Claims, and Section 5.2 regarding Allowed Priority Non-Tax Claims satisfy this requirement.

10. 11 U.S.C. § 1129(a)(10): This provision requires at least one class of claims that is impaired accept the plan. Class 3 has voted to accept the plan. Thus, this requirement is satisfied.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Integrated Wealth Management Inc Chapter 11

11. 11 U.S.C. § 1129(a)(11): Plan confirmation is not likely to be followed by either the liquidation or the further financial reorganization of the Reorganized Debtors or any successor to the Reorganized Debtors. The Issa Declaration at ¶¶ 28-32 provides sufficient evidence that the Debtor will have sufficient funds on the Effective Date to pay Administrative Claims, US Trustee Fees, Allowed Gap Claims, Allowed Priority Tax Claims, and Class 4 Non-Tax Claims. As the business is no longer operating, payment of Class 3 claims will depend on objections to claims, and any potential recovery from prosecution of causes of action. As such, the Court finds this requirement is satisfied.

12. 11 U.S.C. § 1129(a)(12): The treatment of Administrative Claims under the Plan satisfies the requirement of Bankruptcy Code section 1129(a)(12).

13. 11 U.S.C. § 1129(a)(13): does not apply to the instant case.

14. 11 U.S.C. § 1129(a)(14): does not apply to the instant case.

15. 11 U.S.C. § 1129(a)(15): does not apply to the instant case.

16. 11 U.S.C. § 1129(a)(16): does not apply to the instant case.

III. TENTATIVE RULING

As set forth above, the Debtor's Third Amended Plan complies with the requirements of section 1129. The Court is inclined to order confirmation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

6:17-15816 Integrated Wealth Management Inc

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... **Integrated Wealth Management Inc** **Chapter 11**
#37.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 2/6/18, 2/13/18, 3/6/18, 3/20/18, 4/24/18

Also #35 & #36

EH__

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

6:17-19936 **Auto Strap Transport, LLC** **Chapter 11**

#38.00 Motion By United States Trustee To Dismiss Or Convert Chapter 11 Case

Also #39 - #41

EH__

Docket 287

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#39.00 Motion for Order Authorizing Continued Use of Cash Collateral

Also #38 - #41

EH__

Docket 302

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#40.00 Motion to Extend the Deadline to File a Chapter 11 Plan

Also #38 - #41

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

EH__

Docket 299

Tentative Ruling:

6/26/18

BACKGROUND:

On December 1, 2017, Auto Strap Transport, LLC ("Debtor") filed a voluntary chapter 11 petition. At the Status Conference on January 9, 2018, the Court set a deadline of March 26, 2018 for the Debtor to file the Chapter 11 plan and disclosure statement. On March 8, 2018, the Court extended this deadline to June 30, 2018.

The appointment of Stephen Douglass, the Chief Restructuring Officer ("CRO"), has created significant progress towards stabilization, as the company has reduced employees, consolidated financial records, updated recordkeeping and downsizing truck fleet. Debtor is also exploring options for sale of assets to escape from Chapter 11. However, the Debtor is not yet in position to file a confirmable Chapter 11 plan by the June 30, 2018 deadline.

This motion ("Motion") asks the court to extend the deadline to August 31, 2018, alleging that the CRO will be able to solve cash flow and business stabilization issues by this date.

DISCUSSION:

11 U.S.C. § 1121(d)(1) allows for the court to reduce or increase the 120-day period for filing a plan or the 180-day period for a plan to be accepted if there is sufficient cause for an extension. Section 1121(2)(a) disallows the 120-day period to be extended after 18 months from the order of relief, while (2)(b) disallows the 180-day period to be extended after 20 months from the order of relief.

When determining if sufficient cause has been found for extending a Chapter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

11 deadline, a Court weighs numerous factors:

- (1) the size of debtor
- (2) the needs of the creditors
- (3) good faith towards reorganization
- (4) existence of unresolved contingency
- (5) debtor's payment of bills
- (6) previous extensions
- (7) breakdowns in negotiations
- (8) debtor's failure to resolve reorganization matters
- (9) any gross mismanagement of the debtor

In re Hoffinger Industries, Inc., 292 B.R. 639 (8th Cir. BAP 2003).

"Good faith is lacking only when the debtor's actions are a clear abuse of the bankruptcy process." *In re Arnold*, 806 F.2d 937, 939 (9th Cir. 1986). There is no abuse of the bankruptcy process when debtors are using assets productively to repay creditors while the stay is in place. *Id.*

Here, the record reflects that Debtor has previously sought approval to extend the deadline once and is currently seeking a second extension of the deadline to allow the CRO to resolve cash flow issues and stabilize the Debtor's business. The extension is proper pursuant to the requirements under Section 1121(2). The other remaining factors do not adequately compel the court to deny the motion.

Further, failure to file an opposition may be deemed consent to the relief requested. LBR 9013-1(h).

TENTATIVE RULING

Based on the foregoing, the Court's tentative ruling is to GRANT the Motion to the extent that the deadline to file a disclosure statement and plan will be extended to August 31, 2018.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#41.00 Motion to Approve Interim Fee Application of The Turoci Firm; Declaration of Todd Turoci in Support Thereof and Exhibits 1 - 3 with Proof of Service for Todd L Turoci, Debtor's Attorney, Period: 12/1/2017 to 3/21/2018, Fee: \$103747.50, Expenses: \$703.79.

Also #38 - #40

EH__

Docket 293

Tentative Ruling:

6/26/2018

Application: \$104,451.29

Analysis: Pursuant to 11 U.S.C. § 330(a)(1), the court may award reasonable compensation for actual, necessary services. The court has an independent duty to review the fee application in the absence of objections. 11 U.S.C. § 330(a)(2) (2005). The court "will not indulge in extensive labor and guesswork to justify a fee for an attorney who has not done so himself." *In re Taylor*, 66 B.R. 390 (Bankr. W.D. Pa. 1986).

11 U.S.C. § 330(a)(3) provides factors to be considered in determining the reasonableness of requested compensation. These factors include time spent, rates

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

charged, necessity of the service, reasonableness of the service, expertise of attorney, and comparable market rates.

The Applicant's terms of billing hold that he will be compensated based on an hourly basis, subject to Court approval. The Applicant requests allowance and payment of \$103,747.50, consisting of 420 hours of billed time. The Applicant requests an additional \$703.79 for advanced costs, and therefore requests a total of \$104,451.29.

Counsel requests fees for the following:

- 1) Meeting of Creditors – 2.6 hours - \$400.00 (\$154 per hour)
- 2) Case Administration – 119.8 hours - \$26,155.00 (\$218 per hour)
- 3) Relief from Stay/Adequate Protection – 80.3 hours - \$25,060.00 (\$312 per hour)
- 4) Employment/Fee Applications – 13.6 hours - \$2,567.50 (\$189 per hour)
- 5) Business Operations – 65.5 hours - \$18,435.00 (\$281 per hour)
- 6) Financing – 59.4 hours - \$18,387.50 (\$310 per hour)
- 7) Claims Administration & Objections – 10.6 hours - \$1,655.00 (\$156 per hour)
- 8) Plan and Disclosure Statements – 10.3 hours – \$1,952.50 (\$190 per hour)
- 9) Cash Collateral Motion – 57.9 hours - \$9,135.00 (\$158 per hour)

The Court notes that there are numerous entries that appear to be excessive under the circumstances, are vague, are unnecessary, or are simply implausible. The Court notes the following representative list of problematic entries:

1. Vague:

- a. **Case Administration 12/11/17 (Ex. 1 at 3)** - "Communication with debtor re case and other issues" (1 hour, \$500.00)

This is vague as to what was actually communicated for an hour. "Case and other issues" could mean anything remotely related to the case. Further, an hour of communication for \$500 seems excessive.

- b. **Case Administration 12/12/17 (Ex. 1 at 4)** - "Communication with

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Auto Strap Transport, LLC

Chapter 11

debtor re insurance and other issues" (1 hour, \$500.00)

Similar to the entry above, "insurance and other issues" is vague and applies to any subject marginally relevant to the case. Further, a conversation about insurance for an hour seems excessive, as does a \$500 charge for an hour-long conversation.

- c. **Business Operations 2/26/18 (Ex. 1 at 27)** – "Review of multiple emails and versions of motion to appoint CRO; begin revisions to joint motion" (2.1 hours, \$840.00)

It is unclear what the Applicant means when reviewing multiple emails and versions of a motion to appoint a CRO. Further, reviewing emails and versions of a motion for 2.1 hours is arguably excessive, as well as the \$840 charge. This also appears to be lumping; the revisions to the motion and the review of emails are separate tasks.

- d. **Claims Administration and Objections 12/18/18 (Ex. 1 at 31)** – "Communications with Jaguar and Rich re Stip to offset of claims (1 hour, \$500.00)

It is unclear what "communications" were made regarding the Stip to offset claims. More context would help to determine whether one hour at \$500.00 is appropriate for "communications".

- e. **Case Administration 12/28/17 (Ex. 1 at 5)** - "Review and revise list of trucks and trailers provided by client" (1.4 hours, \$560.00)

It is unclear what reviewing and revising a list of truck and trailers would entail, especially when the list is provided by the client. The charge of \$560 for 1.4 hours of reviewing and revising appears excessive.

- f. **Relief from Stay/Adequate Protection Proceedings 12/14/17 (Ex. 1 at 16)** – "Further emails to and from client; telephone call with client re certain leases; review of Daimler stipulation; emails with opposing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Auto Strap Transport, LLC

Chapter 11

counsel re adequate protection" (2.6 hours, \$1,040.00)

This appears to be lumping, and it is unclear what specific work was done here. Emails, a phone call, and a stipulation review for 2.6 hours seems excessive.

- g. **Relief from Stay/Adequate Protection Proceedings 12/18/17 (Ex. 1 at 17)** – "Multiple emails re adequate protection payments with multiple creditors and client" (0.9 hours, \$360.00)

"Multiple emails" with "multiple creditors" about adequate protection payments is vague.

- h. **Relief from Stay/Adequate Protection Proceedings 1/18/2018 (Ex. 1 at 18)** – "Additional work on various APOs requested by creditors" (1 hour, \$400.00)

"Additional work" is not specific on what exactly was performed here. Further, the Applicant does not list the various creditors or the work specifically done (such as reviewing, drafting, sending, communicating, etc.).

- i. **Financing/Cash Collections 2/15/18 (Ex. 1 at 28)** – "Further work on financing motion Phone calls with court, Nations, client and insurance agent" (6.6 hours, \$2,640.00)

"Further work" is similarly not specific to what was actually done on the financing motion. Also, the time entries are lumped. The 6.6 hours and \$2,640 charged for "further work" is excessive in this context.

- j. **Financing/Cash Collections 2/22/18, 2/23/18 (Ex. 1 at 29)** – "Review draft 'agreed order' re DIP financing; review motion and related docs re appointment of CRO. Telephone call with Todd and client re condition of DIP 02/22/2018 financing and appointment of CRO" (1.9 hours, \$760.00) and "Discuss with Todd the status of DIP Financing and CRO motion negotiations. Review multiple emails from Nations

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Auto Strap Transport, LLC

Chapter 11

Counsel" (1.9 hours, \$760.00) (total: 3.8 hours, \$1,520.00)

This appears to be lumping as well as unclear. Reviewing the draft and the motions should be separate from making calls and reviewing emails. Further, the communication with Todd about the DIP financing appears repetitive and excessive.

2. Excessive:

- a. **Case Administration 12/4/17, 12/5/17, 12/6/17 (Ex. 1 at 2) -** "Additional revisions to balance of schedules" (3 hours, \$525.00) and "review and revise schedules, including detailed email to client re info for tomorrow" (2.4 hours, \$960.00) and "more revisions to balance of schedules (3 hours, \$525.00) (total: 8.4 hours, \$2010.00)

Over 8 hours and \$2,010 to make revisions to the balance of schedules appears excessive.

- b. **Relief from Stay/Adequate Protection Proceedings 1/29/18, 1/30/18, 2/1/18 (Ex. 1 at 19-20) –** "Prepare AP stips for several secured creditors. Emails to creditors or counsel for review" (4.5 hours, \$1,800.00) and "Emails to and from various creditors re AP stips; emails to & from client re vehicles retaining or surrendering; review of loan documents" (1.8 hours, \$720.00) and "Emails and phone calls with multiple creditors re AP stips and payments" (0.9 hours, \$360.00) (total: 7.2 hours, \$2,880.00)

While there is lumping with the first entry, Applicant spent over 7 hours and almost \$3,000 emailing and calling creditors.

- c. **Business Operations 2/28/18 (Ex. 1 at 27) –** "Further work and revisions on both motions and application for order shortening time" (6 hours, \$2,400.00)

Spending 6 hours in one day on ambiguous "revisions" to a motion, and charging \$2,400, appears excessive

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Auto Strap Transport, LLC

Chapter 11

- d. **Business Operations 3/15/18, 3/16/18, 3/18/18 and 3/20/18 (Ex. 1 at 28)** – "Begin review and revisions to January MOR" (3 hours, \$1,200) and "Revisions to December and January MORs" (5.3 hours, \$2,120.00) and "Finish revising December and January MORs" (1.6 hours, \$640.00) and "Further review and revision to MORs" (0.7 hours, \$280.00) (total: 10.6 hours, \$4,240.00)

These four tasks seem to say the same thing: the MORs were reviewed and revised. Considering this, 10.6 hours for such a task and over \$4,200 billed appears excessive.

- e. **Financing/Cash Collections 2/10/18 2/15/18 2/19/19 (Ex. 1 at 28-29)** – "Draft motion to incur financing for insurance premiums, including review of proposals, and last year's contract" (2.8 hours, \$1,120.00) and "Further work on financial motion Phone calls with court, Nations, client & insurance agent" (4.3 hours, \$1,720.00) and "Significant revisions to motion to incur debt including changing to add motion for authority to make case collateral expenditure for the down payment. Includes conference call with Mike and Richard re current terms. Email to Mike and Rich re details and declarations; revisions to budget with client approval; emails with Nations NY attorneys. Also include significant revisions to application for order shortening time" (6.6 hours, \$2,640.00) (total: 13.7 hours, \$5,440.00)

These entries suffer from significant lumping, as phone calls with the relevant parties and the Court are billed with drafting and revising the motion. 14 hours on the motion and almost \$5,500 appears excessive.

- f. **Financing/Cash Collections 2/26/18 and 2/27/18 (Ex. 1 at 29)** – "Revisions to stipulation for DIP financing including conference call with Todd and Pat Collins, conference call with Todd And client; review of terms with Todd, development of counter-proposal, and detailed email to Pat Collins" (4.9 hours, \$1960.00) and "Further revisions to stipulation, motion and proposed order for DIP financing.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT...

Auto Strap Transport, LLC

Chapter 11

Email to all parties for review" (2.9 hours, \$1,160.00) (total: 7.8 hours, \$3,120.00)

Lumping and 5 hours at almost \$2,000 to revise a stipulation and make conference calls and send emails appears excessive. There were even more revisions and emails sent out after the first entry, which total up to \$3,100 and almost 8 hours.

3. Lumping

- a. **Cash Collateral Motion 12/11/17 (Ex. 1 at 34)** – "Revisions to cash collateral docs, draft supplement to motion; multiple phone calls and email with client; multiple emails with nations' counsel; review POS list and addresses for accuracy" (5.3 hours, \$2,120.00)

While this item is a good example of lumping, there were many lumping examples scattered throughout the records. Here, it is hard to tell how much time was dedicated to each task, and grouping higher paying uses of time with lower ones creates ambiguity.

- b. **Financing Cash Collections 3/6/18 (Ex. 1 at 30)** – "Prepare for and appear at hearings on DIP Financing and CRO including pre-hearing meetings with Nations' counsel and Stephen Douglass (5.4 hours, \$2,160.00)

Lumping.

The total of all listed items is \$31,270.00. The above entries do not constitute an exhaustive list of the problematic entries.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, June 26, 2018

Hearing Room 303

2:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#42.00 Motion to Approve the Second Amendment to Stipulation Regarding DIP Financing and Modification of Cash Collateral Stipulation Between Auto Strap Transport, LLC and Nations Fund I, LLC

EH__

Docket 303

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:17-11670 AMANDO MORALES and ALICIA MALDONADO

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 107

Tentative Ruling:

06/27/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 14,667.33
Trustee Expenses: \$ 422.75

Attorney Fees: \$16,925.39 (per Stipulation with the UST)
Attorney Costs: \$861.45

Accountant Fees: \$1,668
Accountant Costs: \$251.50

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

AMANDO MORALES

Represented By
William D Gurney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... AMANDO MORALES and ALICIA MALDONADO

Chapter 7

Joint Debtor(s):

ALICIA MALDONADO JIMENEZ

Represented By
William D Gurney

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:18-14300 Hector Comparan Sarabia

Chapter 7

#2.00 Motion to Extend Deadline to File Schedules or Provide Required Information, and/or Plan (Case Opening Documents) (Schedules)

EH__

Docket 10

Tentative Ruling:

6/27/18

I. BACKGROUND

On May 22, 2018, Hector Comparan Sarabia ("Debtor" or "Defendant") filed for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee").

The Trustee alleges that on or around May 24, 2018, he was notified by Wells Fargo that there was an account under Debtor's name with approximately \$64,313.33 on that date.

The 341(a) meeting was scheduled for June 26, 2018, but Trustee, not Debtor, filed this motion to extend time to file case opening documents ("Motion") on June 6, 2018. The Trustee is requesting an extension to July 10, 2018, in order to determine whether there are non-exempt assets to pay creditors. Trustee asserts that an extension would be in the creditors' best interests.

As of June 21, 2018, there has been no objection to this Motion by the Debtor.

II. DISCUSSION

The court has broad discretion in supervising litigation. *Irving v. Cty. of Sacramento*, 231 F. App'x 584, 585 (9th Cir. 2007). The bankruptcy judge has the authority to grant an extension, and may do so when it is within their equitable discretion. *See In re Davies*, 96 F.Supp. 416, 419-420 (W.D. Va. 1949).

Pursuant to LBR 1007-1(b)(1), the requirements for a motion for an extension of time to file schedules, statements, and other documents is that it must (A) identify the date petition was filed and date of proposed new deadline, (B) be supported by a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... **Hector Comparan Sarabia**

Chapter 7

declaration establishing a sufficient explanation for the requested extension of time, and (C) contain a proof of service upon the case trustee (if any) and all creditors. The motion may be ruled upon without a hearing pursuant to LBR 9013-1(p).

FRBP 1007(c) holds that any extension of time to file schedules, statements, and other documents required under this rule may be granted only on motion for cause shown and on notice to the relevant parties. If a list, schedule, or statement is not prepared and filed as required.

FRCP 6(b)(1) contains a similar cause requirement, as it holds "a court may, for good cause, extend the time" for an act that must be done within a specific time. Fed. R. Civ. P. 6(b)(1). It would arguably be a higher standard than FRBP 1007, as the civil procedure rule requires "good cause", while the bankruptcy rule only requires "cause". FRCP 6(b)(1) good cause requires the party seeking an enlargement of time simply to "demonstrate some justification for the issuance of the order" and will "normally be granted in the absence of bad faith or prejudice to the adverse party." *Bryant v. Smith*, 165 B.R. 176, 182 (W.D. Va. 1994).

FRBP 1007(k) allows the court to order the trustee, a petitioning creditor, committee, or other party to prepare and file any of these papers within a time fixed by the court. Here, while Trustee has not established cause for *Debtor* to have additional time to file the required information, the Court is inclined to allow Trustee until July 10, 2018, to file schedules pursuant to FRBP 1007(k).

TENTATIVE RULING

Based on the foregoing, the Court's tentative ruling is to GRANT the Motion and allow Trustee until July 10, 2018, to file any of the deficient information.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Hector Comparan Sarabia

Pro Se

Movant(s):

Robert Whitmore (TR)

Represented By
Cathy Ta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Hector Comparan Sarabia

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Represented By
Cathy Ta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:18-14532 William J Colvin and Becky L Colvin

Chapter 7

#3.00 CONT Motion for Order Excusing Co-Debtor Becky L. Colvin from Pre-Filing Counseling Based Upon Co-Debtor's Mental Incapacity and Physical Disability [11 USC §109(h)(4)]

From: 6/13/18

Also #4

EH__

Docket 5

Tentative Ruling:

6/13/18

BACKGROUND

On May 29, 2018, William & Becky Colvin (collectively "Debtors"; individually, "William" and "Becky") filed a Chapter 7 voluntary petition. That same day, Debtors filed two motions: (1) a "motion for exemption from credit counseling due to mental incapacity and physical disability"; and (2) a "motion that William J. Colvin be appointed as "next friend" *nunc pro tunc* for co-debtor Becky L. Colvin." Both motions were set for hearing on June 13, 2018. The Court notes that, pursuant to the Local Rules, the form notice used by Debtors, and the contents of the motions, any party wishing to oppose the motions must file opposition at least fourteen days prior to the hearing. Debtors scheduled the instant hearings on shortened notice without Court permission, however, and, as a result, the opposition deadline was a day after the service deadline.

The factual background is the same for both requests. Debtors assert that Becky was kicked in the head by a horse and has spent the last twelve years in an at-home

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin Chapter 7

hospital bed with the exception of health care appointments. Debtors assert that Becky is unable to talk or effectively communicate.

DISCUSSION

I. Waiver of Credit Counseling Requirement

11 U.S.C. § 109(h)(4), which identifies an exception to the prepetition credit counseling requirement, states:

The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in person, telephone, or Internet briefing required under paragraph (1).

The Court finds that William's declaration sets forth sufficient evidence to establish Becky's disability for purposes of § 109(h)(4). Due to the improper notice of the motion for a waiver of the credit counseling requirement, however, the Court is inclined to CONTINUE this motion for two weeks, at which time the Court intends to GRANT the motion if no opposition has been filed.

II. Next Friend

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

FED. R. BANKR. P. Rule 1004.1 allows "a representative, including a general guardian, committee, conservator, or similar fiduciary," to file a voluntary petition on behalf of an incompetent person.

The rule further provides that:

[a]n infant or incompetent person who does not have a duly appointed representative may file a voluntary petition by next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.

Rule 1004.1 is patterned after FED.R.CIV.P. Rule 17(c), which applies to adversary proceedings pursuant to FED. R. BANKR. P. Rule 7017. That rule provides that an incompetent person may sue "by a next friend or by a guardian ad litem" if the incompetent person does not have a duly appointed representative, and provides that "[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action."

Cases interpreting Rule 17(c) look to the law of the state in which the subject is domiciled and follow the state's incompetency laws." *In re Burchell*, 2014 WL 1304635, at *1 (Bankr. N.D. Ohio 2014)(internal citations omitted). This court shall thus look to the California Probate Code's § 811 which outlines the possible bases for a determination that a person is of unsound mind or lacks capacity to make a decision or do a certain act, including for example, incapacity to contract or to execute wills or trusts.

In support of the Motion, the Debtors have attached the Declaration of William in which he details the extensive limitation that Becky experiences due to the injury suffered by a horse. Notwithstanding these diagnosis, § 811(d) provides that "the mere diagnosis of a mental or physical disorder shall not be sufficient in and of itself to support a determination that a person is of unsound mind or lacks the capacity to do a certain act." Instead, California law requires evidence of specific deficits and a link between the identified deficits and the acts that the allegedly incompetent person would otherwise have capacity to perform. The types of deficiencies are outlined in § 811 as follows:

- (1) Alertness and attention, including, but not limited to, the following:
 - (A) Level of arousal or consciousness.
 - (B) Orientation to time, place, person, and situation.
 - (C) Ability to attend and concentrate.
- (2) Information processing, including, but not limited to, the following:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT...

William J Colvin and Becky L Colvin

Chapter 7

- (A) Short- and long-term memory, including immediate recall.
 - (B) Ability to understand or communicate with others, either verbally or otherwise.
 - (C) Recognition of familiar objects and familiar persons.
 - (D) Ability to understand and appreciate quantities.
 - (E) Ability to reason using abstract concepts.
 - (F) Ability to plan, organize, and carry out actions in one's own rational self-interest.
 - (G) Ability to reason logically.
- (3) Thought processes. Deficits in these functions may be demonstrated by the presence of the following:
- (A) Severely disorganized thinking.
 - (B) Hallucinations.
 - (C) Delusions.
 - (D) Uncontrollable, repetitive, or intrusive thoughts.
- (4) Ability to modulate mood and affect. Deficits in this ability may be demonstrated by the presence of a pervasive and persistent or recurrent state of euphoria, anger, anxiety, fear, panic, depression, hopelessness or despair, helplessness, apathy or indifference, that is inappropriate in degree to the individual's circumstances.

While William's declaration presents evidence of Becky's inability to communicate, the Court will require supplemental evidence as to Becky's state of mind and ability to communicate (for example, a written medical diagnosis).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William J Colvin

Represented By
Ronald L Brownson

Joint Debtor(s):

Becky L Colvin

Represented By
Ronald L Brownson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

Movant(s):

William J Colvin

Represented By
Ronald L Brownson
Ronald L Brownson
Ronald L Brownson

Becky L Colvin

Represented By
Ronald L Brownson

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:18-14532 William J Colvin and Becky L Colvin

Chapter 7

#4.00 CONT Motion That William J. Colvin be Appointed As "Next Friend" Nunc Pro Tunc for Co-Debtor Becky L. Colvin Pursuant to BR 1004.1 [11 USC §109(h)(4)]

From: 6/13/18

Also #3

EH__

Docket 7

Tentative Ruling:

6/13/18

BACKGROUND

On May 29, 2018, William & Becky Colvin (collectively "Debtors"; individually, "William" and "Becky") filed a Chapter 7 voluntary petition. That same day, Debtors filed two motions: (1) a "motion for exemption from credit counseling due to mental incapacity and physical disability"; and (2) a "motion that William J. Colvin be appointed as "next friend" *nunc pro tunc* for co-debtor Becky L. Colvin." Both motions were set for hearing on June 13, 2018. The Court notes that, pursuant to the Local Rules, the form notice used by Debtors, and the contents of the motions, any party wishing to oppose the motions must file opposition at least fourteen days prior to the hearing. Debtors scheduled the instant hearings on shortened notice without Court permission, however, and, as a result, the opposition deadline was a day after the service deadline.

The factual background is the same for both requests. Debtors assert that Becky was kicked in the head by a horse and has spent the last twelve years in an at-home hospital bed with the exception of health care appointments. Debtors assert that Becky

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... **William J Colvin and Becky L Colvin**
is unable to talk or effectively communicate.

Chapter 7

DISCUSSION

I. Waiver of Credit Counseling Requirement

11 U.S.C. § 109(h)(4), which identifies an exception to the prepetition credit counseling requirement, states:

The requirements of paragraph (1) shall not apply with respect to a debtor whom the court determines, after notice and hearing, is unable to complete those requirements because of incapacity, disability, or active military duty in a military combat zone. For the purposes of this paragraph, incapacity means that the debtor is impaired by reason of mental illness or mental deficiency so that he is incapable of realizing and making rational decisions with respect to his financial responsibilities; and "disability" means that the debtor is so physically impaired as to be unable, after reasonable effort, to participate in person, telephone, or Internet briefing required under paragraph (1).

The Court finds that William's declaration sets forth sufficient evidence to establish Becky's disability for purposes of § 109(h)(4). Due to the improper notice of the motion for a waiver of the credit counseling requirement, however, the Court is inclined to CONTINUE this motion for two weeks, at which time the Court intends to GRANT the motion if no opposition has been filed.

II. Next Friend

FED. R. BANKR. P. Rule 1004.1 allows "a representative, including a general guardian,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

committee, conservator, or similar fiduciary," to file a voluntary petition on behalf of an incompetent person.

The rule further provides that:

[a]n infant or incompetent person who does not have a duly appointed representative may file a voluntary petition by next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.

Rule 1004.1 is patterned after FED.R.CIV.P. Rule 17(c), which applies to adversary proceedings pursuant to FED. R. BANKR. P. Rule 7017. That rule provides that an incompetent person may sue "by a next friend or by a guardian ad litem" if the incompetent person does not have a duly appointed representative, and provides that "[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action."

Cases interpreting Rule 17(c) look to the law of the state in which the subject is domiciled and follow the state's incompetency laws." *In re Burchell*, 2014 WL 1304635, at *1 (Bankr. N.D. Ohio 2014)(internal citations omitted). This court shall thus look to the California Probate Code's § 811 which outlines the possible bases for a determination that a person is of unsound mind or lacks capacity to make a decision or do a certain act, including for example, incapacity to contract or to execute wills or trusts.

In support of the Motion, the Debtors have attached the Declaration of William in which he details the extensive limitation that Becky experiences due to the injury suffered by a horse. Notwithstanding these diagnosis, § 811(d) provides that "the mere diagnosis of a mental or physical disorder shall not be sufficient in and of itself to support a determination that a person is of unsound mind or lacks the capacity to do a certain act." Instead, California law requires evidence of specific deficits and a link between the identified deficits and the acts that the allegedly incompetent person would otherwise have capacity to perform. The types of deficiencies are outlined in § 811 as follows:

- (1) Alertness and attention, including, but not limited to, the following:
 - (A) Level of arousal or consciousness.
 - (B) Orientation to time, place, person, and situation.
 - (C) Ability to attend and concentrate.
- (2) Information processing, including, but not limited to, the following:
 - (A) Short- and long-term memory, including immediate recall.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT...

William J Colvin and Becky L Colvin

Chapter 7

- (B) Ability to understand or communicate with others, either verbally or otherwise.
- (C) Recognition of familiar objects and familiar persons.
- (D) Ability to understand and appreciate quantities.
- (E) Ability to reason using abstract concepts.
- (F) Ability to plan, organize, and carry out actions in one's own rational self-interest.
- (G) Ability to reason logically.
- (3) Thought processes. Deficits in these functions may be demonstrated by the presence of the following:
 - (A) Severely disorganized thinking.
 - (B) Hallucinations.
 - (C) Delusions.
 - (D) Uncontrollable, repetitive, or intrusive thoughts.
- (4) Ability to modulate mood and affect. Deficits in this ability may be demonstrated by the presence of a pervasive and persistent or recurrent state of euphoria, anger, anxiety, fear, panic, depression, hopelessness or despair, helplessness, apathy or indifference, that is inappropriate in degree to the individual's circumstances.

While William's declaration presents evidence of Becky's inability to communicate, the Court will require supplemental evidence as to Becky's state of mind and ability to communicate (for example, a written medical diagnosis).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William J Colvin

Represented By
Ronald L Brownson

Joint Debtor(s):

Becky L Colvin

Represented By
Ronald L Brownson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... William J Colvin and Becky L Colvin

Chapter 7

Movant(s):

William J Colvin

Represented By
Ronald L Brownson
Ronald L Brownson
Ronald L Brownson

Becky L Colvin

Represented By
Ronald L Brownson

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:18-13758 Timothy Rice

Chapter 7

#5.00 Motion to vacate dismissal order and reinstate chapter 7 case pursuant to F.R.C.P. 9023 and 11 U.S.C. §105

EH__

Docket 17

Tentative Ruling:

6/27/18

I. BACKGROUND

On May 3, 2018, Timothy Rice ("Debtor") filed a Chapter 7 voluntary petition.

The Debtor took his online credit counseling course in October 2017, but the certificate of credit counseling ("Certificate") expired. Debtor retook the course on May 3, 2018. Debtor's attorney inadvertently used the expired Certificate for Debtor's bankruptcy case. A deficiency notice was issued, yet the renewed certificate was still not uploaded. The case was dismissed on May 23, 2018.

On May 24, 2018, Debtor filed a motion to vacate dismissal ("Motion") and to reinstate the case.

II. LEGAL DISCUSSION

Under FRCP 60, a court may relieve a party from a final judgment or order for "mistake" or "any other reason justifying relief from the operation of the judgment".

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Timothy Rice

Chapter 7

Fed. R. Civ. P. 60(b)(1)-(6). "Unless justice requires otherwise ... no error or defect in any ruling or order ... is ground for granting a new trial or for setting aside a verdict, or for vacating ... unless refusal to take action appears to the court inconsistent with substantial justice" Fed. R. Civ. P. 61. The court must "disregard any error or defect in the proceeding, which does not affect the substantial right of the parties". Fed. R. Civ. P. 61.

The Bankruptcy Code also holds "no provision ... shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules". 11 U.S.C. § 105(a).

Here, there was an admitted mistake by the Debtor's attorney in inadvertently filing the expired Certificate. The Debtor's attorney asks the court to not penalize the Debtor with another bankruptcy filing on his public record. Granting this motion is consistent with substantial justice, as Debtor's attorney rightly asserts that the Debtor should not be penalized by another filing on his record due to the attorney's mistake. The substantial rights of the parties are not affected by granting this motion, and equitable justice is advanced by granting this motion.

TENTATIVE RULING

Based on the foregoing, the Court's tentative ruling is to GRANT the Motion to vacate the dismissal and reinstate the case.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Timothy Rice

Represented By
Paul Y Lee

Movant(s):

Timothy Rice

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Timothy Rice

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:13-27610 Baleine LP

Chapter 7

#6.00 Motion to Leave Certain Asset of the Estate Unadministered

EH__

Docket 466

Tentative Ruling:

6/27/18

I. BACKGROUND

On October 24, 2013, Baleine LP ("Debtor" or "Defendant") filed for chapter 7 relief. On October 25, 2013, Douglas Roger, a general partner of the Debtor, filed his own bankruptcy case (6:13-27611 - "Roger Case"). Larry Simons ("Trustee") was appointed the chapter 7 trustee on both cases. On November 27, 2013, Helen Frazer was appointed as the successor chapter 7 Trustee for the Roger Case.

The Debtor owned property in New York, which was sold by the Trustee. On February 21, 2014, the Baleine Trustee filed a Proof of Claim in the Roger Case ("Claim"). As of May 4, 2018, the Baleine Trustee will have liquidated or abandoned all known assets except for the Claim. The Trustee's funds total \$404,999.04. There is uncertainty as to when the Roger Case will close.

On May 4, 2018, the Debtor filed this motion ("Motion") to close the current case and leave the Claim unadministered. The Debtor leaves open the possibility that the Court may administer the Claim later if Trustee receives a distribution from the Roger Estate. The Debtor also asks that the Claim be deemed not abandoned upon closure of this case. No opposition to the Motion has been filed.

II. DISCUSSION

"After an estate is fully administered and the court has discharged the trustee, the court shall close the case." 11 U.S.C. § 350(a). Any property under § 521(1) not otherwise administered at the time of the closing of a case is abandoned to the Debtor and deemed administered *unless* the court orders otherwise. 11 U.S.C. § 554(c) (emphasis added). A court may expressly order that a scheduled asset will not be abandoned to the debtor when a case is closed. *See In re Prospero*, 107 B.R. 732, 735 (Bankr. C.D. Cal. 1989).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Baleine LP

Chapter 7

Here, granting the Motion in the creditors' best interests. Any distribution on the Claim is dependent on the administration of the Roger Case. Since it is uncertain when the Roger Case will close, this case should be closed so creditors may receive funds currently held in the estate, rather than keeping the case open for an indefinite period. Granting this motion would allow for the prompt closure of this case, the distribution of funds currently on hand, and would preserve the Claim if funds are to be received for distribution in the future. The Court is further inclined to deem the Claim as not abandoned, as it would preserve the Claim for future administration.

TENTATIVE RULING

Based on the foregoing, the Court's tentative ruling is to GRANT the motion in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Baleine LP

Represented By
Summer M Shaw

Movant(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

Trustee(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:13-27611 Douglas Jay Roger

Chapter 7

**#7.00 CONT Objection to Claim #17 by Revere Financial Corporation
(Holding date)**

From: 10/1/14, 11/5/14, 12/3/14, 12/15/14, 1/28/15, 4/15/15, 7/22/15, 9/23/15,
10/21/15, 11/18/15, 12/16/15, 1/13/16, 3/2/16, 5/4/16, 6/1/16, 9/28/16, 11/16/16,
2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 9/20/17, 3/21/18

EH__

Docket 333

***** VACATED *** REASON: CONTINUED TO 12/19/18 AT 11:00 AM**

Tentative Ruling:

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:16-17888 Jay J. Goodman

Chapter 7

#8.00 Motion for Attorney Fees in Connection with Order to Show or, in the Alternative, for an Order to Show Cause why Jay Goodman Should not be Sanctioned

Also #9

EH__

Docket 32

Tentative Ruling:

6/27/18

I. BACKGROUND

On August 31, 2016, Jay Goodman ("Debtor" or "Defendant") filed for chapter 7 relief. Arturo Cisneros is the duly appointed chapter 7 trustee ("Trustee").

The Debtor and creditor Delia Moya ("Moya") were involved in a previous family law matter (Case Number IND1302108 – "Family Law Case"). The Debtor and Moya entered into a marriage settlement agreement ("MSA") on May 10, 2016.

Moya alleges the Debtor began threatening her with a Contempt Motion as early as August 11, 2017. The Debtor filed the Contempt Motion on February 12, 2018, and the Court issued the Order to Show Cause ("OSC") on February 27, 2018.

Subsequently, Moya hired counsel who believed that the Contempt Motion and OSC were frivolous and requested that the Debtor withdraw the motion before seeking sanctions. The Debtor did not withdraw the OSC and continued to litigate the issue.

On May 31, 2018, Moya filed this motion for attorney fees ("Motion") to require the Debtor to pay her attorney's fees and costs associated with opposing the Contempt Motion and OSC. Moya asks for \$8,350.00 in attorney's fees: \$6,850 to respond to the Contempt Motion and OSC, and \$1,500 for bringing this Motion to enforce the MSA. In the alternative, Moya asks for an Order to Show Cause as to why Debtor should not be sanctioned. Concurrently, with this Motion, the Court is considering whether the Debtor's counsel should be sanctioned for his role in the filing of the Contempt Motion.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Jay J. Goodman

Chapter 7

The Debtor filed an objection ("Objection") to this Motion on June 7, 2018. The Creditor filed a reply ("Reply") to the Objection on June 20, 2018.

II. DISCUSSION

Section 523(a)(5) and § 523(a)(15) ("Section 523") except from discharge debts for domestic support obligations or in connection with a separation agreement, respectively.

Moya asserts she is entitled to attorney's fees under the MSA. (Motion at Ex. 5, MSA, ¶ 14.2). The Amended EAO of the MSA requires that Moya be paid no less than \$485.00 per month for spousal support arrears and agreed arrears. The MSA requires that "nothing herein shall preclude a court awarding need-based or conduct-based fees in any action or proceeding to enforce any of the provisions of this Agreement".

This Motion argues that the Debtor's Contempt Motion and OSC were frivolously filed to preclude the enforcement of the MSA and Debtor's payment responsibilities. Section 523(a)(5) and § 523(a)(15) excepts from discharge domestic support obligation or debts in connection with a separation agreement. Moya asserts she could not afford an attorney to defend herself from the Contempt Motion and OSC, yet was required to litigate to enforce the MSA. After Moya's failed *pro se* attempt, she received an \$8,350 loan for attorney fees from her friend, Dana Mcquown.

The Debtor's Objection asserts that Moya's motion is unintelligible and inconsistent with prior agreements. The Debtor is unsure whether Moya is filing a motion for attorney's fees or a motion for an order to show cause, or both. These actions have different time limits for replies, and thus the distinction is significant. The Debtor argues that a March 28 OSC Contempt Hearing resulted in an agreement for a hearing on sanctions to proceed, and that Moya's filing for sanctions is frivolous under these circumstances.

Moya's Reply responds that filing this Motion was not frivolous, as this Motion asks for attorney's fees, while the prior agreement sought sanctions. Moya further clarifies that this is a motion for attorney's fees, with a request for an OSC as an alternative. Separately, the Court notes that the OSC issued after the March 28 hearing specifically regarded sanctions against the Debtor's Counsel where the instant Motion seeks sanctions as against the Debtor.

As to the Debtor's request for fees pursuant to the MSA, Moya has not

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Jay J. Goodman

Chapter 7

provided sufficient legal authority to support the proposition that this Court has jurisdiction to award fees under the MSA or sufficient authority that the filing of an opposition to the Contempt Motion (i.e. a defensive act), would constitute an "act to enforce" the provisions of the MSA as contemplated by ¶ 14.2 of the MSA. In sum, Moya has failed to demonstrate that this Court has the legal authority to enforce the MSA.

As an alternative to granting fees pursuant to the MSA, Moya argues that §105 of the Bankruptcy Code ("Section 105") justifies sanctions against the Debtor and requests that this Court issue a new order to show cause for contempt against the Debtor, personally, for the fees incurred by Moya in defending against the Contempt Motion and OSC. The Court has already found that the filing of the Contempt Motion was itself improper and unsupported by law. Based on the record of the March 28, 2018, and June 13, 2018, hearings, the record reflects that the issuance of an OSC against the Debtor for his conduct in the filing of the Contempt Motion is justified.

TENTATIVE RULING

Based on the foregoing, the Court's tentative ruling is to GRANT the motion in part for issuance of the OSC and DENY the motion in part regarding the enforcement of the MSA.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Movant(s):

Delia Moya

Represented By
Summer M Shaw

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:16-17888 Jay J. Goodman

Chapter 7

#9.00 CONT Order to show cause why Christopher Hewitt should not be sanctioned for filing frivolous pleading against Delia Moya

From: 6/6/18, 6/13/18

Also #8

EH__

Docket 23

Tentative Ruling:

6/27/2018

BACKGROUND

On August 31, 2016, Jay Goodman ("Debtor") filed a Chapter 7 voluntary petition. On December 12, 2016, Debtor received a discharge.

On February 12, 2018, Debtor filed a motion for an order to show cause why Delia Moya ("Moya"), Debtor's ex-spouse, should not be held in civil contempt. The Court issued a corresponding order to show cause on February 27, 2018 (the "1st OSC"). On March 14, 2018, Moya filed a response to the 1st OSC. After issuing a tentative ruling, the Court, at a hearing on March 28, 2018, orally vacated the 1st OSC. On May 4, 2018, the Court issued an order vacating the 1st OSC and issuing an order to show cause why Debtor's attorney, Christopher Hewitt ("Hewitt") should not be sanctioned for filing a frivolous pleading (the "2nd OSC").

On May 21, 2018, the hearing on the 2nd OSC was continued for one week by stipulation of the parties. On May 23, 2018, Hewitt filed his opposition to the 2nd OSC. On May 30, 2018, Moya filed a reply, requesting \$6,850 for responding to the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

CONT... Jay J. Goodman

Chapter 7

1st OSC and \$2,000 for filing the reply in connection with the 2nd OSC.

On May 31, 2018, Moya filed a motion for attorney fees (the "Motion"). Moya's Motion primarily requests that Debtor reimburse Moya for \$8,350 in attorney's fees (\$6,850 for responding to the 1st OSC and \$1,500 for the Motion). The Motion was set for hearing on June 27, 2018.

TENTATIVE RULING

For the reasons set forth in the 2nd OSC and the reply, the Court believes that monetary sanctions are appropriate. Hewitt to address any ethical concerns arising from a possible conflict of interest presented by the instant situation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#10.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17, 2/7/18, 2/28/18, 3/28/18, 5/9/18,
6/6/18

EH__

Docket 148

*** VACATED *** REASON: CONTINUED TO 7/25/18 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr. Pro Se

Joint Debtor(s):

Tami Jo Springer Pro Se

Movant(s):

Hilder & Associates Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR) Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

6:18-10546 Rick Allen Skans

Chapter 7

Adv#: 6:18-01099 LBS Financial Credit Union, a California Corporati v. Skans

#11.00 Status Conference Re: Adversary case 6:18-ap-01099. Complaint by LBS Financial CU, a California Corporation against Rick Allen Skans. Willful and malicious injury

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6/28/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick Allen Skans

Represented By
Neil R Hedtke

Defendant(s):

Rick Allen Skans

Pro Se

Plaintiff(s):

LBS Financial Credit Union, a

Represented By
Karel G Rocha

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

6:17-19010 Sara Durham

Chapter 7

Adv#: 6:18-01020 SCE Federal Credit Union v. Durham

#12.00 CONT Status Conference Re: Complaint by SCE Federal Credit Union against Sara Durham. (14),(14A) priority tax claims)), 62 - Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud

From: 3/21/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Durham

Represented By
Edgar P Lombera

Defendant(s):

Sara Durham

Pro Se

Plaintiff(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

6:17-15043 Sandra Lou Harter

Chapter 7

Adv#: 6:18-01040 Cisneros v. Harter et al

#13.00 CONT Status Conference Re: Complaint by A. Cisneros against Joseph Harter, Connie Flach, John Rose, Tammy Rose, Brennan Rose, KayLynne Rose. (Charge To Estate - \$350.00) .- Complaint for: 1) Declaratory Relief; 2) Turnover of Property; and 3) Sale of Interest of Co-Owner in Property of the Estate [11 U.S.C. §§ 363 and 542] - Nature of Suit: 91 - Declaratory judgment, 11 Recovery of money/property - 542 turnover of property, 31 - Approval of sale of property of estate and of a co-owner - 363(h)
(Defendant Connie Flach Dismissed 6/5/18)
(Defendant John Rose Dismissed 6/20/18)
(Defendant Tammy Rose Dismissed 6/20/18)
(Defendant Brennan Rose Dismissed 6/20/18)
(Defendant KayLynne Rose Dismissed 6/20/18)

From: 4/25/18

EH__

Docket 1

Tentative Ruling:

06/27/2018

The Status Conference is CONTINUED to August 22, 2018, 2:00 p.m. per the Plaintiff's request for time to finalize a settlement.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Sandra Lou Harter

Represented By
Carey C Pickford

Defendant(s):

Joseph Harter

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

CONT...

Sandra Lou Harter

Chapter 7

Todd L Turoci

John Rose

Represented By
Dina Farhat

Tammy Rose

Represented By
Dina Farhat

Brennan Rose

Represented By
Dina Farhat

KayLynne Rose

Represented By
Dina Farhat

Plaintiff(s):

A. Cisneros

Represented By
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:18-01096 Pringle v. Bank of the West

#14.00 Status Conference RE: [1] Adversary case 6:18-ap-01096. Complaint by John Pringle against Bank of the West. (Charge To Estate). Complaint for: (1) Avoidance of Transfers Pursuant to 11 U.S.C. §§ 544(b)(and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05; (2) Avoidance of Transfers Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Bank of the West

Pro Se

Plaintiff(s):

John Pringle

Represented By
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:17-01085 PRINGLE v. Winn et al

#15.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01085. Complaint by JOHN P PRINGLE against Ralph Winn. (Charge To Estate - \$350.00). and other Defendants including DOES 1-25 Nature of Suit: 12 - Recovery of money/property - 547 preference, 13-Recovery of money/property - 548 fraudulent transfer, 21-Validity, priority or extent of lien or other interest in property, 14 - Recovery of money/property - other, 91- Declaratory judgment)

From: 7/12/17, 8/23/17, 10/25/17, 5/16/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/26/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Ralph Winn

Represented By
Douglas A Plazak

Sterling Security Service, Inc.

Represented By
Seth W Wiener

Natalia V Knoch

Represented By
Seth W Wiener

Steven B Knoch

Represented By
Seth W Wiener

Stacy Winn

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

CONT... Home Security Stores, Inc.

Chapter 7

Douglas A Plazak

Plaintiff(s):

JOHN P PRINGLE

Represented By
Charity J Manee
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

6:13-30625 John Martin Mata

Chapter 7

Adv#: 6:18-01089 Mata et al v. National Collegiate Student Loan Trust 2006-1 et a

#16.00 Status Conference RE: [1] Adversary case 6:18-ap-01089. Complaint by John Martin Mata, Livier Mata against National Collegiate Student Loan Trust 2006-1, NATIONAL COLLEGIATE STUDENT LOAN TRUST 2006-4, National Collegiate Student Loan Trust 2007-1. (Charge To Estate) - Filing Fee Not Required. Determination of Discharge Under 11 U.S.C. Sect 523(a)(8) Nature of Suit: 63 - Dischargeability - 523(a)(8), student loan, 91 - Declaratory judgment.

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 PM.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Martin Mata

Represented By
Michael E Clark

Defendant(s):

National Collegiate Student Loan

Represented By
Damian P Richard

NATIONAL COLLEGIATE

Represented By
Damian P Richard

National Collegiate Student Loan

Represented By
Damian P Richard

Joint Debtor(s):

Livier Mata

Represented By
Michael E Clark

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

2:00 PM

CONT... John Martin Mata

Chapter 7

Plaintiff(s):

John Martin Mata

Represented By
Michael E Clark

Livier Mata

Represented By
Michael E Clark

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

6:13-27610 Baleine LP

Chapter 7

#17.00 CONT Motion for relief from automatic stay with supporting declarations
ACTION IN NON-BANKRUPTCY FORUM RE: Revere Fin. Corp. v. Roger
Docket Number INC 092 308 Riverside County Superior Court

MOVANT: JERRY WANG AS RECEIVER

From: 6/5/18

EH__

Docket 468

Tentative Ruling:

06/27/2018

Debtors and Dr. Roger (the "Roger Parties") oppose relief from stay only as to determination of postpetition fees/costs by the State Court.

Postpetition, as to Motion for Allowance of Administrative Expense Claim, the Roger Parties assert that this Court already determined the value of the Receiver's postpetition services in connection with the Receiver Fee Motion and that the Receiver disagreed with this Court's ruling. The Roger Parties couch the Receiver's request for relief from stay as forum shopping. The Roger Parties' also argue that the District Court opinions are not binding because the time lapse between the time when the District Court issued its opinions, and the numerous issues that have been litigated in the Bankruptcy Court in the interim, militate in favor of a bankruptcy court determination of postpetition fees.

As a threshold matter, the Court's ruling on the Receiver Fee Motion is incorrectly characterized by the Roger Parties as a determination on the value of the Receiver's claim for postpetition fees, where the Court's decision instead clearly indicated was without prejudice and detailed deficiencies in the form of the Motion and the standard argued by the Receiver, but left open the possibility of the Receiver revising and bringing its motion again at a later date. The Court now considers the remaining arguments of the Roger Parties in light of the Curtis Factors.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT... Baleine LP

Chapter 7

Partial or Complete Resolution of Issues

First, the Roger Parties' arguments amount to an assertion that there are bankruptcy issues such as priority of claims and benefit to the estates that are within the exclusive jurisdiction of the bankruptcy court which cannot be resolved by a state action. On this point, the Movants do not dispute that bankruptcy issues will remain after the State Court has determined the total amount of all fees and costs, including postpetition amounts. However, the Movants underscore that the State Court is in the best position to determine, as a matter of state law, the total amount and allocation of Receiver/RFC's fees/expenses and costs. The Court concurs with the Movants that relief from stay is likely to result in at least partial resolution of issues regarding the total amount of fees/expenses and costs RFC and Receiver are owed. Following such determinations, the parties can and will likely come before this Court for decisions regarding the allowance and priority of such claims. On the whole, the Court considers this factor neutral.

Whether there is lack of any connection with or interference with administration of the bankruptcy case

Movants do not argue that the calculation of fees lacks connection with the bankruptcy case, they simply argue that the State Court is the appropriate forum for calculation of such fees and costs. The Court agrees that the State Court is the appropriate forum for determination of the total amount of costs and fees and does not find that the Roger Parties have provided any argument indicating that such determination by the State Court would interfere with the bankruptcy cases. To the contrary, the Court finds that determination, in the first instance, by the State Court of the total amount of fees and costs awardable under state law is proper and that the interests of judicial economy favor such determination by the State Court prior to determination by this Court regarding the priority of such claims and other potential bankruptcy-related disputes over fees and costs. This factor weighs in favor of granting relief from stay.

Prejudice to Interests of Other Creditors and Other Interested Parties/ Balance of Hurt

The only prejudice asserted by the Roger Parties, is prejudice to Dr. Roger.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT... Baleine LP

Chapter 7

Specifically, the Roger Parties argue that Dr. Roger will be harmed by having to litigate the issue of postpetition fees and costs in the State Court before the issue of his entitlement to a discharge has been resolved. The corollary argument is that if Dr. Roger obtains a discharge at least some of the fees/costs will not need to be paid by Dr. Roger. The Roger Parties opine that the delay in determination of the discharge issue has been the result of a strategy by the Movants. However, this Court has already determined with respect to the Dischargeability Action that Dr. Roger's consent to numerous continuances of the Dischargeability Action preclude him from arguing that the Movants are at fault for the time delay in reaching resolution of that case. Based on the foregoing, the Court finds that as Dr. Roger would likely need to litigate the issue of postpetition fees/costs in either the State Court or in this Court, that the arguments regarding harm are inapposite and may need to determine fees as against Ebarb. This factor weighs in favor of granting relief from stay.

Third Parties

The Court further notes that the presence of Ebarb in the State Court Action complicates the ability of the Court to make a determination regarding fees/costs of the Movants where issues related directly to a non-debtor party may be implicated. This factor weighs in favor of granting relief.

Judicial Economy

Based on the Roger Parties' nonopposition to the State Court's determination of prepetition fees/costs, the issue of fees and costs will already move forward before the State Court. Additionally, as set forth above, the State Court is in the best position to determine the total award of fees and costs pursuant to state law and such determination is in the interests of judicial economy because it will limit this Court's review to narrow bankruptcy related issues. For these reasons, judicial economy weighs in favor of granting relief from stay.

The Court finds that the remaining Curtis factors are inapplicable to the case at bar and that the remaining legal arguments of the Roger Parties are not relevant to a determination of whether the Curtis Factors support granting or denial of relief from stay.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT... Baleine LP

Chapter 7

The Court is inclined to GRANT relief from stay to Movants.

APPEARANCES REQUIRED.

6/5/2018

On October 24, 2013, Baleine, LP ("Debtor") filed a Chapter 7 voluntary petition. Prior to the bankruptcy filing, on March 18, 2013, the state court had appointed Jerry Wang ("Wang") as receiver of the personal property assets of Debtor, as well as the personal property assets of Douglas Roger ("Roger") and Roger's medical corporation ("Roger Inc."). Wang now asserts that "nothing remains for [Wang] to do in terms of administering the receivership." [Dkt. No. 469, pg. 4, lines 8-9]. Wang has filed this instant motion for relief from the automatic stay in order to wind down the receivership. Both Trustee and Debtor have filed limited oppositions to the request. Trustee requests that

to the extent Movant intends to seek to be paid an administrative expense claim in the Debtor's case based on any services performed in the state court action, any orders/judgments obtained from the state court concerning Movant's fees, expenses, and costs would not excuse Movant from compliance with 11 U.S.C. § 503, such that Movant's fees, expenses, and costs would still be subject to approval of the Bankruptcy Court.

[Dkt. No. 472, pg. 2, lines 9-13]. Wang's reply indicates that he accepts the condition requested by Trustee, and, therefore, the Court considers the limited objection of Trustee to be resolved.

Debtor's limited opposition, however, remains unresolved. Debtor's opposition states that Debtor

only opposes relief from stay for Movant to have the State Court determine post-petition fees, costs and any applicable interest, if any, on its claim, as this Court is better situated to make this determination, both because it is intimately familiar with the post-petition actions taken by Movant in the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT...

Baleine LP

Chapter 7

related bankruptcy cases all before this Court, as well as the fact that application of bankruptcy law is needed to make these post-petition determinations and allocations between the related debtors.

[Dkt. No. 474, section 3b(11)].

The Court notes that the district court has previously weighed in on similar issues in Roger's bankruptcy. See *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) (pending appeal). While the Court disagrees with the blanket assertion offered by Wang that "[t]he District Court held that issues relating to the receivership are complex areas of state law that the State Court should decide," [Dkt. No. 469, pg. 5, lines 4-6], the Court agrees with Wang that the district court's rationale is relevant here. Specifically, Court respects the district court's conclusion that "the State Court, which presided over years of litigation involving numerous discovery disputes and the incurrence of \$1,000,000 in attorneys' fees, is better suited to resolve the issues." 2015 WL 7566647 at *10.¹ This conclusion is specifically relevant because the primary basis of the unresolved objection of Debtor is that this Court is more familiar with the applicable law and facts. In accordance with the district court's opinion, the Court disagrees with Debtor's conclusion.

Debtor has also raised concerns regarding appropriately allocation expenses between the bankruptcy estates of Baleine, Roger, and Roger Inc. This concern, however, does not appear to be of high significance at this point in time, since those concerns could be litigated in the context of either a claim objection or an application for administrative fees. As conceded by Wang, "cause exists to grant relief from stay for a state court to **first** determine the **total amount** of a creditor's claim/debtor's liability. The **effect** of that determination on a bankruptcy estate is an issue of bankruptcy law for the bankruptcy court to decide on a later date." [Dkt. No. 477, pg. 2, lines 22-25].

In accordance with the rationale set forth in in the district court opinions of *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015) and *In re Roger*, 2015 WL 7566647 (C.D. Cal.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT...

Baleine LP

Chapter 7

2015) and the reasons set forth in Wang's moving papers, and noting that Wang has agreed to the condition requested by Trustee, and further noting that the argument of Debtor has either been rejected by the district court or can be determined by this Court at a later time and in a more appropriate setting, the Court is inclined to GRANT the motion, lifting the automatic stay for Wang to proceed to wind down the receivership in state court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Baleine LP

Represented By
Summer M Shaw

Movant(s):

Jerry Wang, Duly-Appointed State

Represented By
Jeffrey K Garfinkle
Anthony J Napolitano

Trustee(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#18.00 CONT Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Revere Fin. Corp v. Roger Docket Number INC 092-308 Riverside County Superior Court

MOVANT: REVERE FINANCIAL CORPORATION

From: 6/5/18

Also #19

EH__

Docket 626

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#19.00 CONT Amended Motion (related document(s): 629 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Revere Fin Corp. v. Roger Docket Number INC 092 308 Riverside County Superior Court

MOVANT: JERRY WANG, AS RECEIVER

From: 6/5/18

Also #18

EH__

Docket 634

Tentative Ruling:

6/5/2018

On October 20, 2013, Douglas J. Roger, MD, Inc. ("Debtor") filed a Chapter 7 voluntary petition. Prior to the bankruptcy filing, on March 18, 2013, the state court had appointed Jerry Wang ("Wang") as receiver of the personal property assets of Debtor, as well as the personal property assets of Douglas Roger ("Roger") and Baleine, LP ("Baleine"). Wang now asserts that "nothing remains for [Wang] to do in terms of administering the receivership." [Dkt. No. 469, pg. 4, lines 8-9]. Wang has filed this instant motion for relief from the automatic stay in order to wind down the receivership. Both Trustee and Debtor have filed limited oppositions to the request. Trustee requests that

to the extent Movant intends to seek to be paid an administrative expense claim in the Debtor's case based on any services performed in the state court action, any orders/judgments obtained from the state court concerning Movant's fees, expenses, and costs would not excuse Movant from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT...

Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

compliance with 11 U.S.C. § 503, such that Movant's fees, expenses, and costs would still be subject to approval of the Bankruptcy Court.

[Dkt. No. 472, pg. 2, lines 9-13]. Wang's reply indicates that he accepts the condition requested by Trustee, and, therefore, the Court considers the limited objection of Trustee to be resolved.

Debtor's limited opposition, however, remains unresolved. Debtor's opposition states that Debtor

only opposes relief from stay for Movant to have the State Court determine post-petition fees, costs and any applicable interest, if any, on its claim, as this Court is better situated to make this determination, both because it is intimately familiar with the post-petition actions taken by Movant in the related bankruptcy cases all before this Court, as well as the fact that application of bankruptcy law is needed to make these post-petition determinations and allocations between the related debtors.

[Dkt. No. 474, section 3b(11)].

The Court notes that the district court has previously weighed in on similar issues in Roger's bankruptcy. See *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015); *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) (pending appeal). While the Court disagrees with the blanket assertion offered by Wang that "[t]he District Court held that issues relating to the receivership are complex areas of state law that the State Court should decide," [Dkt. No. 469, pg. 5, lines 4-6], the Court agrees with Wang that the district court's rationale is relevant here. Specifically, Court respects the district court's conclusion that "the State Court, which presided over years of litigation involving numerous discovery disputes and the incurrence of \$1,000,000 in attorneys' fees, is better suited to resolve the issues." 2015 WL 7566647 at *10.¹ This conclusion is specifically relevant because the primary basis of the unresolved objection of Debtor is that this Court is more familiar with the applicable law and facts. In accordance with the district court's opinion, the Court disagrees with Debtor's conclusion.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Debtor has also raised concerns regarding appropriately allocation expenses between the bankruptcy estates of Debtor, Roger, and Baleine. This concern, however, does not appear to be of high significance at this point in time, since those concerns could be litigated in the context of either a claim objection or an application for administrative fees. As conceded by Wang, "cause exists to grant relief from stay for a state court to *first* determine the *total amount* of a creditor's claim/debtor's liability. The *effect* of that determination on a bankruptcy estate is an issue of bankruptcy law for the bankruptcy court to decide on a later date." [Dkt. No. 477, pg. 2, lines 22-25].

In accordance with the rationale set forth in in the district court opinions of *In re Roger*, 539 B.R. 837 (C.D. Cal. 2015) and *In re Roger*, 2015 WL 7566647 (C.D. Cal. 2015) and the reasons set forth in Wang's moving papers, and noting that Wang has agreed to the condition requested by Trustee, and further noting that the argument of Debtor has either been rejected by the district court or can be determined by this Court at a later time and in a more appropriate setting, the Court is inclined to GRANT the motion, lifting the automatic stay for Wang to proceed to wind down the receivership in state court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Jerry Wang, Duly-Appointed State

Represented By
Jeffrey K Garfinkle

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 27, 2018

Hearing Room 303

3:00 PM

CONT...

Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Joseph M Welch

Brian T Harvey

Anthony J Napolitano

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:17-18792 Roman Negrete Manriquez

Chapter 13

Adv#: 6:18-01093 Negrete Manriquez v. BEAR STEARNS RESIDENTIAL MORTGAGE

#1.00 Status Conference Re: Complaint by Roman Negrete Manriquez against BEAR STEARNS RESIDENTIAL MORTGAGE CORPORATION, its assignees and/or successors, JP Morgan Chase Bank, SPS Select Portfolio Servicing, Inc.. (Fee Not Required). (Attachments: # 1 COMPLAINT - EXHIBIT 1 # 2 COMPLAINT - EXHIBIT 2 (part 1) # 3 COMPLAINT - EXHIBIT 2 (part 2) # 4 COMPLAINT - EXHIBIT 2 (part 3) # 5 COMPLAINT - EXHIBIT 3) Nature of Suit: 72 - Injunctive relief - other, 91 - Declaratory judgment

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/30/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Defendant(s):

BEAR STEARNS RESIDENTIAL

Pro Se

JP Morgan Chase Bank

Pro Se

SPS Select Portfolio Servicing, Inc.

Represented By
Nancy L Lee

Plaintiff(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles
Timothy D Murphy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Roman Negrete Manriquez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:14-10322 Marianne Bowers

Chapter 13

#2.00 Motion for Authority to Sell or Refinance Real Property under LBR 3015-1 (Ch 13)-No Fee Notice of Opportunity To Request A Hearing on Motion [LBR 9013-1(o)]

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marianne Bowers

Represented By
Thomas B Ure

Movant(s):

Marianne Bowers

Represented By
Thomas B Ure

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:14-18449 Juan Alba and Maria Alba

Chapter 13

#3.00 Motion RE: Objection to Claim Number 2 by Claimant LVNV Funding, LLC Its Successors and Assigns as Assignee of CVF Consumer Acquisition Company Its Successors and Assigns as Assignee and Subsequent Transferees

Also #4

EH__

Docket 56

Tentative Ruling:

6/28/18

BACKGROUND:

On June 30, 2014, Juan & Maria Alba ("Debtors") filed a Chapter 13 voluntary petition. On July 31, 2014, LVNV Funding, LLC ("Creditor") filed an unsecured claim in the amount of \$7,598.47("Claim 2"). That same day, Creditor also filed an additional unsecured claim in the amount of \$836.99 ("Claim 3"). On August 11, 2014, Debtor's Chapter 13 plan was confirmed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Juan Alba and Maria Alba

Chapter 13

F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b)(1) (2005) states:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT...

Juan Alba and Maria Alba

Chapter 13

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured;

CAL. CODE CIV. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

Claim 2 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identifies a last transaction date of October 30, 2000. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 2 is unenforceable.

Claim 3 is based on "retail" debt. The claim's supporting documentation suggests that the claim fits within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of December 15, 2000. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 3 is unenforceable. Furthermore, the Court deems failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-(1)(h).

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW Claim 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Juan Alba and Maria Alba

Chapter 13

Party Information

Debtor(s):

Juan Alba

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Alba

Represented By
Rebecca Tomilowitz

Movant(s):

Juan Alba

Represented By
Rebecca Tomilowitz

Maria Alba

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:14-18449 Juan Alba and Maria Alba

Chapter 13

#4.00 Motion RE: Objection to Claim Number 3 by Claimant LVNV Funding, LLC Its Successors and Assigns as Assignee of Arrow Financial Services, LLC Its Successors and Assigns as Assignee

Also #3

EH__

Docket 57

Tentative Ruling:

6/28/18

BACKGROUND:

On June 30, 2014, Juan & Maria Alba ("Debtors") filed a Chapter 13 voluntary petition. On July 31, 2014, LVNV Funding, LLC ("Creditor") filed an unsecured claim in the amount of \$7,598.47("Claim 2"). That same day, Creditor also filed an additional unsecured claim in the amount of \$836.99 ("Claim 3"). On August 11, 2014, Debtor's Chapter 13 plan was confirmed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Juan Alba and Maria Alba

Chapter 13

F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b)(1) (2005) states:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT...

Juan Alba and Maria Alba

Chapter 13

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured;

CAL. CODE CIV. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

Claim 2 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identifies a last transaction date of October 30, 2000. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 2 is unenforceable.

Claim 3 is based on "retail" debt. The claim's supporting documentation suggests that the claim fits within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of December 15, 2000. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 3 is unenforceable. Furthermore, the Court deems failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-(1)(h).

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW Claim 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Juan Alba and Maria Alba

Chapter 13

Party Information

Debtor(s):

Juan Alba

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Alba

Represented By
Rebecca Tomilowitz

Movant(s):

Juan Alba

Represented By
Rebecca Tomilowitz

Maria Alba

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:16-16946 Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

#5.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#6.00 Motion of U.S. Trustee for the Entry of an Order Requiring Nationstar Mortgage LLC to Provide an Escrow Account Reconciliation Statement & Related Relief

EH__

Docket 113

*** VACATED *** REASON: CONTINUED TO 8/30/18 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

#7.00 CONT Motion to Avoid Junior Lien with Deutsche Bank National Trust Company, Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1

From: 3/1/18

Also #8 & #9

EH__

Docket 46

Tentative Ruling:

3/1/18

On February 28, 2005, Debtor executed two notes and deeds of trust. One had an original amount of \$500,000, and the current beneficiary is FMJM RWL III Trust 2015-1. The other had an original amount of \$106,280, and the current beneficiary is Deutsche Bank National Trust Company ("Deutsche"). The security interest related to the latter is the subject of the lien avoidance motion here.

Deutsche asserts that Debtor and the first lienholder entered into a modification on June 1, 2013, and that such modification prejudiced the rights of Deutsche. Deutsche contends that the modification was without its permission, and that the senior lienholder relinquished its priority with respect to the modified terms. If Deutsche is correct, then Deutsche would not be wholly unsecured and Debtor's motion would be unsuccessful.

Subject to discussion from the parties, the Court is inclined to GRANT Deutsche's request for a continuance to allow Deutsche to file an adversary proceeding regarding the extent or priority of a lien.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Sean Phillip Coy

Chapter 13

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

#8.00 Motion to Avoid Junior Lien with Morgan Hill Homeowners Association
(Assessment Lien)

Also #7 & #9

EH__

Docket 111

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

#9.00 CONT Confirmation of Chapter 13 Plan

From: 2/15/18, 3/1/18

Also #7 & #8

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-11653 Richard Espinoza

Chapter 13

#10.00 Motion RE: Objection to Claim Number 5 by Claimant LVNV Funding, LLC Its Successors and Assigns as Assignee of North Star Capital Acquisition LLC Its Successors and Assigns as Assignee and Subsequent Transferees

EH__

Docket 17

Tentative Ruling:

6/28/18

BACKGROUND:

On March 1, 2018, Richard Espinoza ("Debtor") filed a Chapter 13 voluntary petition. On May 3, 2018, LVNV Funding, LLC ("Creditor") filed an unsecured claim in the amount of \$1,557.40 ("Claim 5"). On May 12, 2018, Debtor filed an objection to claim 5. On May 30, 2018, Debtor's Chapter 13 plan was confirmed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... **Richard Espinoza**
upon a motion for relief. *Id.*

Chapter 13

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b)(1) (2005) states:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that—

(1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT...

Richard Espinoza

Chapter 13

because such claim is contingent or unmatured;

CAL. CODE CIV. P. § 337 (2016) provides a statute of limitations of four years for debts founded on written contracts, book accounts, accounts stated based upon account in writing, "balance of mutual, open and current account in writing," and rescission of written contract. Once the statute of limitations has passed, the claim is unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

Claim 5 is based on "credit card" debt. This appears to fit within the category established by CAL. CODE CIV. P. § 337. Therefore, the statute of limitations is four years. The proof of claim identified a last transaction date of June 15, 1999. This is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 5 is unenforceable.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection and DISALLOW Claim 5.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Richard Espinoza

Represented By
Rebecca Tomilowitz

Movant(s):

Richard Espinoza

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz
Rebecca Tomilowitz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Richard Espinoza

Rebecca Tomilowitz

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-14689 Moises Cortez

Chapter 13

#11.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1661 Via Bello Dr., Rialto, CA 92377

MOVANT: MOISES CORTEZ

EH__

Docket 22

Tentative Ruling:

6/28/2018

The Court is inclined to DENY the motion for failure to provide adequate notice and execute proper service. First, Debtor failed to provide telephonic notice of the hearing to secured creditors in accordance with the terms of order setting hearing on shortened notice. Additionally, Debtor provided written notice of the hearing the day after the deadline specified in the order setting hearing on shortened notice, and also failed to serve the secured creditors pursuant to FED. R. BANKR. P. Rule 7004 as required by the Court's self-calendaring procedures.

As to the merits, there is no detail presented as to the reasons the prior case was dismissed, or to Debtor's changed circumstances. Finally, there is no declaration by Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Moises Cortez

Represented By
Neil R Hedtke

Movant(s):

Moises Cortez

Represented By
Neil R Hedtke

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Moises Cortez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-12819 Adrian Lopez and Patricia Lopez

Chapter 13

#12.00 Motion for Setting Property Value of Personal Property Collateral

EH__

Docket 15

Tentative Ruling:

06/28/2018

BACKGROUND

On April 5, 2018, Adrian & Patricia Lopez ("Debtors") filed a Chapter 13 voluntary petition. Among the assets of the estate is a 2000 Nisan Frontier King Cab (the "Proper"). On May 24, 2018, Debtors a motion to determine the value of the property. No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the Property's value, and thus its secured portion, should be determined to be \$1,125, with an unsecured deficiency claim for \$3,619.08. In support of its valuation, Debtor has provided a Kelley Blue Book valuation for "Trade-in Value".

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... **Adrian Lopez and Patricia Lopez**

Chapter 13

Currently, the Ninth Circuit has not established a uniform method for valuations. *See In re Ayres*, 2010 WL 652825 at *5, 2010 Bankr.LEXIS 519 at *13 (Bankr.N.D.Cal. February 16, 2010) (collecting cases detailing vehicle valuation and describing the state of the law in the Ninth Circuit). In *In re Morales*, however, which this Court has previously cited with approval, it was determined that retail value should be calculated "by adjusting the Kelley Blue Book or N.A.D.A. Guide retail value for a like vehicle by a reasonable amount in light of the evidence presented regarding the condition of the vehicle or any other relevant factors." *In re Morales*, 387 B.R. 36, 45 (Bankr.C.D.Cal.2008).

According to the court in *In re Morales*, the retail values, and not the private party or trade-in values, are the appropriate starting points because the text of § 506(a)(2) refers to "the price a retail merchant would charge" and does not refer to the price a private party would charge. *Morales* at 46. Here, Debtors have failed to provide evidence regarding the retail value of the property. As a result, the Court is inclined to CONTINUE the matter for supplemental evidence.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Adrian Lopez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Patricia Lopez

Represented By
Rebecca Tomilowitz

Movant(s):

Adrian Lopez

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz
Rebecca Tomilowitz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Adrian Lopez and Patricia Lopez

Chapter 13

Patricia Lopez

Represented By

Rebecca Tomilowitz

Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-11993 Anisha Christel Wilson

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anisha Christel Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-12992 Charles Henry Sacayan and Catherine Angela McNicholas Chapter 13

#15.00 CONT Amended Motion (related document(s): 21 Motion to Avoid JUNIOR LIEN with Trinity Financial Services, LLC

From: 6/7/18

Also #16

EH__

Docket 23

Tentative Ruling:

6/28/18

The parties dispute whether the fair market value of the real property located at 32283 Daisy Dr., Winchester, CA 92596 is worth more or less than the amount owing on the first deed of trust. The Court having reviewed the evidence submitted by Debtor, as well as the evidence submitted by the holder of the second deed of trust, Trinity Financial Services, LLC ("Trinity"), and finds the latter to be more compelling for the following reasons. First, Debtor has not submitted an appraiser's declaration authenticating the appraisal. Second, Debtor's "appraisal" is simply a comparative market analysis which identifies 14 comparable listings which sold for an average of \$443,750, then concludes that the real property at issue here is only worth \$393,000, without any explanation. The appraisal provided by Trinity, on the other hand, contains an appraiser's declaration, utilizes a more thorough methodology, and arrives at a conclusion more compatible with the comparable sales. As a result, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Charles Henry Sacayan and Catherine Angela McNicholas

Chapter 13

Joint Debtor(s):

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Movant(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-12992 Charles Henry Sacayan and Catherine Angela McNicholas

Chapter 13

#16.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

Also #15

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13193 Richard Garavito

Chapter 13

#17.00 CONT Motion to Convert Case From Chapter 13 to 11

From: 5/24/18

Also #18

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Michael Avanesian

Movant(s):

Richard Garavito

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13193 Richard Garavito

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

Also #17

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13268 Oscar Franco and Edubijes Franco

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oscar Franco

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Edubijes Franco

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 13

#20.00 Motion for Setting Property Value

Also #21

EH__

Docket 39

Tentative Ruling:

06/28/2018

BACKGROUND

On April 20, 2018, Robert Ridge ("Debtor") filed a Chapter 13 voluntary petition. Among the assets of the estate is a 2013 Toyota Camry (the "Property"). On June 6, 2018, Debtor filed a motion to determine the value of the Property ("Motion"). No opposition has been filed.

DISCUSSION

As a preliminary matter, the Court notes that FED. R. BANKR. P. Rule 3012 requires a motion to value collateral to be served on the holder of the secured claim. Here, the proof of service to the instant motion [Dkt. No. 39, pg. 8] only indicates that service was executed on the Debtor, his attorney, the Chapter 13 Trustee and UST.

Additionally, the Court notes that the only evidence in support of Debtor's proposed valuation is a declaration of Debtor which asserts that Debtor relied upon personal

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

CONT... Ridge B. M. Robert

Chapter 13

knowledge and Kelley Blue Book. Debtor has not provided any exhibit, however, containing Kelly Blue Book estimates. For the foregoing reasons, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Movant(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 13

#21.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

Also #20

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13335 Annabelle M. Vigil

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annabelle M. Vigil

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13357 Norma Hermosillo Hernandez

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 4/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norma Hermosillo Hernandez	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13366 Joe Anthony Dominguez, Sr

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Anthony Dominguez Sr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13393 Daniel Davison

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Davison

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13394 William Edward Wall, Jr.

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Edward Wall Jr.

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13400 Dave Anthony Williams

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dave Anthony Williams

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13416 Tracie Sonnier

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracie Sonnier

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13419 Mark F. Costello and Carol D. Costello

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark F. Costello

Represented By
Paul Y Lee

Joint Debtor(s):

Carol D. Costello

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13453 Charles Frederick Biehl

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Frederick Biehl

Represented By
Steven L Bryson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13481 Rorye James Mosley, Sr.

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rorye James Mosley Sr.

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13483 JUANITA M ROMERO

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JUANITA M ROMERO

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13490 Amy Corinne Ames

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amy Corinne Ames

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13503 John L Velasquez and Christi J Velasquez

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John L Velasquez

Represented By
Paul Y Lee

Joint Debtor(s):

Christi J Velasquez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13513 Israel Hernandez

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Israel Hernandez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13550 Herman Owen Samuels

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Herman Owen Samuels

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13562 Jacqueline L Mason-McDuffy

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline L Mason-McDuffy Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13566 Marco Tulio Magana and Gloria Louisa Magana

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Magana

Represented By
Daniel King

Joint Debtor(s):

Gloria Louisa Magana

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13678 Kevin Eugene Martin and Francisca Chavez-Martin

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Eugene Martin

Represented By
Michael E Clark

Joint Debtor(s):

Francisca Chavez-Martin

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Pinedo

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Laura Pinedo

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13683 Ramon Angel Moyano and Alicia Cortes Moyano

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramon Angel Moyano

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Alicia Cortes Moyano

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13684 Carlos Jesus Garcia and Mirna Cloris Garcia

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Jesus Garcia

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Mirna Cloris Garcia

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13698 Quynhgiao N Tran

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Quynhgiao N Tran

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13714 Jose Martinez and Aurora Martinez

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Martinez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Aurora Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13715 Jennifer Elaine Sackett

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Elaine Sackett

Represented By
Brian C Andrews

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13730 Candelario P Hernandez

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Candelario P Hernandez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13733 Shannon Michelle Price

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shannon Michelle Price

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13742 Elizabeth Lucas

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Lucas

Represented By
Steven A Wolvek

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13743 Diana L Montoya

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana L Montoya

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13745 Noemi Meraz Espinoza

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Noemi Meraz Espinoza

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13793 Michael Moreno and Azucena Moreno

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Moreno

Represented By
Andrew Nguyen

Joint Debtor(s):

Azucena Moreno

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13796 Charles Anthony Anunciacion and Lisa Rhea Anunciacion

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Anthony Anunciacion

Represented By
Jeffrey B Smith

Joint Debtor(s):

Lisa Rhea Anunciacion

Represented By
Jeffrey B Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-13810 Mario Portillo

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Portillo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:00 AM

6:18-11981 Victorio Roman Manabat and Sheila Rosales Manabat

Chapter 13

#54.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victorio Roman Manabat

Represented By
John A Varley

Joint Debtor(s):

Sheila Rosales Manabat

Represented By
John A Varley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:13-28666 Mildred Goodridge Crawford

Chapter 13

#55.00 Trustee's Motion to Dismiss Case

EH__

Docket 212

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mildred Goodridge Crawford

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:14-23388 Jose N Recinos and Patricia Recinos

Chapter 13

#56.00 Trustee's Motion to Dismiss Case

EH__

Docket 277

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose N Recinos

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Patricia Recinos

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:14-24807 Bryan K. Harrison and Dawn Harrison

Chapter 13

#57.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan K. Harrison

Represented By
April E Roberts

Joint Debtor(s):

Dawn Harrison

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:15-11188 Claudie Gene West

Chapter 13

#58.00 CONT Trustee's Motion to Dismiss Case

From: 6/14/18

EH__

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudie Gene West

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#59.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Valicia LaShawn Fennell Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:16-19783 Melanie Lourdes Davis

Chapter 13

#60.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 6/14/18

EH__

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Lourdes Davis

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:16-20773 Idalia Temblador-Baisa

Chapter 13

#61.00 CONT Trustee's Motion to Dismiss Case

From: 6/7/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Idalia Temblador-Baisa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:17-16699 Cindy Louise Lawson

Chapter 13

#62.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:17-18531 Victor Manuel Rosales

Chapter 13

#63.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18, 6/14/18

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Rosales

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, June 28, 2018

Hearing Room 303

11:01 AM

6:17-20019 Frank Prouty

Chapter 13

#64.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18

EH__

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 3, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 11

Adv#: 6:18-01100 Zamucen & Curren LLP v. Johnson

#1.00 Status Conference RE: [1] Adversary case 6:18-ap-01100. Complaint by Zamucen & Curren LLP against Vance Zachary Johnson . (d),(e))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/31/18 AT 2:00 P.M. -
ALIAS SUMMONS ISSUED**

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

Plaintiff(s):

Zamucen & Curren LLP

Represented By
Patricia J Grace

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:16-12521 Maria Madrid

Chapter 13

#1.00 Motion for Authority to Sell or Refinance Real Property under LBR 3015-1 (Ch 13)-No Fee

EH__

Docket 39

Party Information

Debtor(s):

Maria Madrid

Represented By
Lauren Rode
Yelena Gurevich

Movant(s):

Maria Madrid

Represented By
Lauren Rode
Lauren Rode
Yelena Gurevich
Yelena Gurevich

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#2.00 Application for Compensation Supplemental; with proof of service for Gregory M Shanfeld, Debtor's Attorney, Period: to, Fee: \$900.00, Expenses: \$.

EH__

Docket 57

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Movant(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:17-18272 Brenda Barlow

Chapter 13

#3.00 Motion to Disallow Claims Motion to Disallow the Arrearages Set Forth in Claim Number 3

EH__

Docket 27

Party Information

Debtor(s):

Brenda Barlow

Represented By
Lionel E Giron

Movant(s):

Brenda Barlow

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14337 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#4.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1931 Hemmingway Pl, San Jacinto CA 92583

MOVANT: JOSE & LILIAN VELASCO

From: 6/5/18, 6/26/18

EH__

Docket 9

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Movant(s):

Jose Velasco

Represented By
Daniel King

Lilian Micaela Velasco

Represented By
Daniel King
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#5.00 CONT Motion to Avoid Property Lien with Internal Revenue Service

From: 5/24/18

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/20/18**

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Movant(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-12932 Eddie Fitz

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

EH__

Docket 0

Party Information

Debtor(s):

Eddie Fitz

Represented By
Brian C Andrews

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13851 Kimberly Michelle Giron

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/25/18**

Party Information

Debtor(s):

Kimberly Michelle Giron Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13867 Everett William Delbridge, III

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Everett William Delbridge III

Represented By
William G Cort

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13872 Michael J. Fahey

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Michael J. Fahey

Represented By
Allan Calomino

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13878 Kanwalpreet Kaur Grewal

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Kanwalpreet Kaur Grewal

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13906 Ruby Lee Frazier

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Ruby Lee Frazier

Represented By
Michael R Totaro

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13908 William Bennett Averett and Nora Lee Averett

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

William Bennett Averett

Represented By
John D Monte

Joint Debtor(s):

Nora Lee Averett

Represented By
John D Monte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13924 Sandra Lorena Parra

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Sandra Lorena Parra

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13956 Joel V. Fierros

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/29/18**

Party Information

Debtor(s):

Joel V. Fierros

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13970 Vadany Sophan

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Vadany Sophan

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-13981 Cabrini Haynes

Chapter 7

#16.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/13/18**

Party Information

Debtor(s):

Cabrini Haynes

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14014 Maggie Ruth Thomas

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Maggie Ruth Thomas

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14015 Clinton Jay Blankenship

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Clinton Jay Blankenship

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14020 Patricia Ann Cook

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Patricia Ann Cook

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14022 Eriberto A. Sandoval

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14052 Glenda Faye Price

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Glenda Faye Price

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14053 Wallace Stanton Miles

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Wallace Stanton Miles

Represented By
Stuart G Steingraber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14079 Stephan D. Clark

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/15/18**

Party Information

Debtor(s):

Stephan D. Clark

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14112 Adan Duarte

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Adan Duarte

Represented By
William E Windham

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14114 Athenne Devena Musni

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Athenne Devena Musni

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14121 Christopher Paul Soliz

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Christopher Paul Soliz

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14123 Daniel Alvarado Ramirez and Elvia Lena Ramirez

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Daniel Alvarado Ramirez

Represented By
Dana Travis

Joint Debtor(s):

Elvia Lena Ramirez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14135 William Meineke and Kathie Meineke

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14144 Ridley R. Molders

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Ridley R. Molders

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14149 Alfredo Pena and Veronica Pena

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Alfredo Pena

Represented By
Dana Travis

Joint Debtor(s):

Veronica Pena

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14164 Charles Williams, III

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Charles Williams, III

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-14229 John Forest Harmon, Jr. and Margaret Anne Vieyra-

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

John Forest Harmon Jr.

Represented By
David Lozano

Joint Debtor(s):

Margaret Anne Vieyra-Harmon

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:00 AM

6:18-10761 Ronald Wayne Cloyd

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:01 AM

6:14-24807 Bryan K. Harrison and Dawn Harrison

Chapter 13

#34.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18, 6/28/18

EH__

Docket 113

Party Information

Debtor(s):

Bryan K. Harrison

Represented By
April E Roberts

Joint Debtor(s):

Dawn Harrison

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:01 AM

6:15-16819 Fernando Avila Tovar

Chapter 13

#35.00 CONT Trustee's Motion to Dismiss Case - Delinquency

From: 6/18/18

EH__

Docket 114

Party Information

Debtor(s):

Fernando Avila Tovar

Represented By
Matthew D Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#36.00 CONT Trustee's Motion to Dismiss Case - Delinquency

From: 6/4/18

EH__

Docket 23

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:01 AM

6:17-17502 Ray Valdepena, III

Chapter 13

#37.00 CONT Trustee's Motion to Dismiss Case - Delinquency

From: 6/4/18

EH__

Docket 59

Party Information

Debtor(s):

Ray Valdepena III

Represented By
Ryan A. Stubbe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

11:01 AM

6:17-20259 Nora Manzo

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case - Delinquency

From: 6/4/18

EH__

Docket 24

Party Information

Debtor(s):

Nora Manzo

Represented By
Raymond J Seo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

12:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#39.00 CONT Motion for Order Authorizing Continued Use of Cash Collateral

From: 6/26/18

Also #40

EH__

Docket 302

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 5, 2018

Hearing Room 303

12:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#40.00 CONT Motion to Approve the Second Amendment to Stipulation Regarding DIP Financing and Modification of Cash Collateral Stipulation Between Auto Strap Transport, LLC and Nations Fund I, LLC

From: 6/26/18

Also #39

EH__

Docket 303

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15111 Henry M Gutierrez and Mitzy D Gutierrez

Chapter 13

#1.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 41221 Jamaica Lane, Hemet, CA 92544

MOVANT: HENRY AND MITZY GUTIERREZ

EH__

Docket 10

Tentative Ruling:

7/10/2018

The Court, having considered the motion and the evidence contained therein and finding such to be sufficient to overcome the presumption of bad faith arising under 11 U.S.C. § 362(c)(3), is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Henry M Gutierrez

Represented By
Luke Jackson

Joint Debtor(s):

Mitzy D Gutierrez

Represented By
Luke Jackson

Movant(s):

Henry M Gutierrez

Represented By
Luke Jackson

Mitzy D Gutierrez

Represented By
Luke Jackson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Henry M Gutierrez and Mitzy D Gutierrez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15033 Victor Portillo

Chapter 13

#2.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ALL PROPERTY

MOVANT: VICTOR PORTILLO

EH__

Docket 13

Tentative Ruling:

7/10/2018

The Court, having considered the motion and the evidence contained therein and finding such to be sufficient to overcome the presumption of bad faith arising under 11 U.S.C. § 362(c)(3), is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Victor Portillo

Represented By
Rebecca Tomilowitz

Movant(s):

Victor Portillo

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15026 Joe R Garcia

Chapter 13

#3.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 15420 Bello Way, Moreno Valley, CA 92555

MOVANT: JOE R GARCIA

EH__

Docket 13

Tentative Ruling:

7/10/2018

The Court finding that the Debtor having failed to serve Citimortgage to the attention of an officer and via certified mail as required pursuant to Rule 7004(h), the hearing on the Motion shall be CONTINUED. Additionally, on page 1 of the Motion, Citi was not indicated as the party entitled to Notice. Finally, the Declaration attached is from Debtor's counsel, not from the Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joe R Garcia

Represented By
Neil R Hedtke

Movant(s):

Joe R Garcia

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15020 Miriam Torres

Chapter 13

#4.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ALL PERSONAL AND REAL PROPERTY

MOVANT: MIRIAM TORRES

EH__

Docket 11

Tentative Ruling:

7/10/2018

A comparison between the Debtor's Schedules I and J for the current and prior case does not substantiate the additional income from roommates asserted by the Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Miriam Torres

Represented By
Paul Y Lee

Movant(s):

Miriam Torres

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15009 Anissa Jean Bridges

Chapter 7

#5.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 29605 Solana Way, #K-2, Temecula, CA 92591

MOVANT: 29605 SOLANA WAY LLC

Also #6

EH__

Docket 9

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anissa Jean Bridges

Pro Se

Movant(s):

29605 SOLANA WAY, LLC

Represented By
Scott Andrews

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15009 Anissa Jean Bridges

Chapter 7

#6.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1410 Synergy, Irvine, CA 92614

MOVANT: FAIRFIELD VON KARMAN LLC

Also #5

EH__

Docket 10

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anissa Jean Bridges

Pro Se

Movant(s):

FAIRFIELD VON KARMAN LLC

Represented By
Scott Andrews

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-15007 Corinthia A. Williams

Chapter 13

#7.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: CORINTHIA A. WILLIAMS

EH__

Docket 12

Tentative Ruling:

7/10/2018

The Court, having considered the improper service and the evidence contained therein and finding such to be sufficient to overcome the presumption of bad faith arising under 11 U.S.C. § 362(c)(3), is inclined to GRANT the motion, CONTINUING the automatic stay as to all creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14940 Daniel Davison

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 12019 Cherry Lane Whitewater, CA 92882

MOVANT: JAMES PRATER

CASE DISMISSED 7/2/18

EH__

Docket 11

Tentative Ruling:

07/10/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Daniel Davison Pro Se

Movant(s):

James Prater Represented By
Barry L O'Connor

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2005 Ford Excursion with Exhibits A-C

MOVANT: CALIFORNIA COAST CREDIT UNION

EH__

Docket 12

Tentative Ruling:

07/10/2018

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. APO request DENIED as moot. Request under § 362(d)(2) is DENIED for lack of evidence as to value or prospect for reorganization.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Joint Debtor(s):

Jeneke Nicole Blanco

Represented By
Norma Duenas

Movant(s):

California Coast Credit Union

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

**CONT... Gabriel Agustin Blanco and Jeneke Nicole Blanco
Lisa S Yun**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14527 Anthony Benitez

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Yamaha XVS95CGCL

MOVANT: YAMAHA MOTOR FINANCE CORP

EH__

Docket 8

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Anthony Benitez

Represented By
Nicholas M Wajda

Movant(s):

Yamaha Motor Finance Corp.

Represented By
Karel G Rocha

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14509 Antonio Saavedra

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: (2015 Chevrolet Silverado Vin # 1GCUKSEC4FF198288)

MOVANT: ALLY BANK

EH__

Docket 9

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Antonio Saavedra

Represented By
Hector Vega

Movant(s):

Ally Bank

Represented By
Adam N Barasch

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14465 Eric Yanez and Adriana Yanez

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford Edge, VIN 2FMPK4AP6HBB61955

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 10

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Eric Yanez

Represented By
Christopher Hewitt

Joint Debtor(s):

Adriana Yanez

Represented By
Christopher Hewitt

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Eric Yanez and Adriana Yanez

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14243 Tiffany L Hamm

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2009 Hyundai Elantra, VIN KMHDU46D09U691586

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 7

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. Request for APO DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Tiffany L Hamm

Represented By
Christopher Hewitt

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14135 William Meineke and Kathie Meineke

Chapter 13

#14.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 29290 First Green, Lake Elsinore, CA, 92530

MOVANT: WILLIAM MEINEKE AND KATHIE MEINEKE

EH__

Docket 31

Tentative Ruling:

7/10/2018

The Court is inclined to DENY the motion, as filing was not timely. The motion must be filed and heard within 30 days the Petition Date.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Movant(s):

William Meineke

Represented By
Todd B Becker
Todd B Becker

Kathie Meineke

Represented By
Todd B Becker

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... William Meineke and Kathie Meineke

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14114 Athenne Devena Musni

Chapter 13

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 INFINITI Q50, VIN # JN1BV7AP6FM350753

MOVANT: NISSAN INFINITI LT

EH__

Docket 14

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request to lift § 1301 stay. Request for APO DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Athenne Devena Musni

Represented By
Ramiro Flores Munoz

Movant(s):

NISSAN-INFINITI LT.

Represented By
Michael D Vanlochem

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14075 Richard Gaines and Natalie Lomeli

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Dodge Ram 3500, VIN 3C63R3ML2EG115914

MOVANT: TD AUTO FINANCE LLC

EH__

Docket 10

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Richard Gaines

Represented By
Todd L Turoci

Joint Debtor(s):

Natalie Lomeli

Represented By
Todd L Turoci

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Richard Gaines and Natalie Lomeli

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-14038 Christopher Michael Hafer

Chapter 7

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Chevrolet Silverado

MOVANT: BANK OF THE WEST

EH__

Docket 12

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Christopher Michael Hafer

Represented By
Joel M Feinstein

Movant(s):

Bank of the West

Represented By
Mary Ellmann Tang

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-13913 Christine Irene Huff

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Ford F150, Vehicle Identification Number: 1FTFW1CTXDFD69472

MOVANT: FIRST TECH FEDERAL CREDIT UNION

EH__

Docket 10

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Christine Irene Huff

Represented By
Morton J Gabel

Movant(s):

First Tech Federal Credit Union

Represented By
Nichole Glowin

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-13775 Maria D Lopez Ramirez

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 6349 Emmerton Ln, Highland, CA

MOVANT: GLOBAL AZ INVESTING INC

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria D Lopez Ramirez

Represented By
Edgar P Lombera

Movant(s):

Global Az Investing, Inc

Represented By
Robert A Krasney

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-13120 Ana Maria Flores

Chapter 7

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2049 W. Gilbert Street, San Bernardino, CA 92411

MOVANT: NEW PENN FINANCIAL LLC

EH__

Docket 12

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request under ¶3 permitting Movant to offer loan workout options.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ana Maria Flores Pro Se

Movant(s):

New Penn Financial LLC d/b/a Represented By
Mark S Krause

Trustee(s):

Arturo Cisneros (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-13087 Steven Robert Smith

Chapter 7

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 38522 Fallbrook Ave Palm Desert CA 92211

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 13

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and 362(d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶3 permitting Movant to offer loan workout options.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Steven Robert Smith

Represented By
Robert L Firth

Movant(s):

Freedom Mortgage Corporation

Represented By
Nancy L Lee

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-12816 Steven Alvarez and Catalina J Alvarez

Chapter 7

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 12772 Spring Mountain Drive, Rancho Cucamonga, CA 91739

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

EH__

Docket 27

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT requests under ¶¶3 and 12.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Steven Alvarez

Represented By
Julie J Villalobos

Joint Debtor(s):

Catalina J Alvarez

Represented By
Julie J Villalobos

Movant(s):

HSBC Bank USA, National

Represented By
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Steven Alvarez and Catalina J Alvarez

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-12774 Tatiana Noemi Alegre

Chapter 13

#23.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property 17253 Emerson St, Victorville, CA 92394.

MOVANT: TATIANA NOEMI ALEGRE aka RICK ALEGRE

From: 5/29/18

EH__

Docket 21

***** VACATED *** REASON: ORDER ENTERED 7/5/18**

Tentative Ruling:

05/29/2018

The Motion was not served on any creditors. As such the Motion must at the outset be denied for a failure to provide creditors with due process.

The Opposition argues that the Debtor has failed to demonstrate changed circumstances and that the Motion is untimely. As to the first argument, the Court concurs. The only "change in circumstances" indicated by the Debtor is that she has now hired counsel. However, there is no explanation of why counsel for the second and third case did not verify the petition was complete when the documents were filed.

As to the second grounds indicated by the Opposition, the Court does not read § 362(c) as requiring a motion to impose the stay to be heard within 30 days of the petition day, it must only be filed prior to the expiration of the 30-day period. Here, the Motion was timely.

The Reply does not cure the service issues and responds only by offering objecting creditor an APO.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Tatiana Noemi Alegre

Chapter 13

Debtor(s):

Tatiana Noemi Alegre

Represented By
LeRoy Roberson

Movant(s):

Tatiana Noemi Alegre

Represented By
LeRoy Roberson
LeRoy Roberson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-12485 Robert Thomas Gonzales

Chapter 7

#24.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8534 Melosa Way, Riverside, California 92504-4061

MOVANT: THE BANK OF NEW YORK MELLON

EH__

Docket 29

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶3.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Robert Thomas Gonzales

Represented By
Brad Weil

Movant(s):

The Bank of New York Mellon FKA

Represented By
Erin M McCartney

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:18-10467 Wayman L Guider

Chapter 13

#25.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2756 La Salle Pointe, Chino Hills, CA 91709

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 34

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: Yes

The Debtor asserts that there is a sufficient equity cushion to protect Movant and requests an APO and opportunity to cure the missed May and June mortgage payments. The Debtor, however, has inadequately explained the reason for the defaults.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Wayman L Guider Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr. Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:17-20367 Charles Lee Dismukes

Chapter 13

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40456 Windsor Road Temecula, California 92591

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 35

***** VACATED *** REASON: CASE DISMISSED 6/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Lee Dismukes

Represented By
Nicholas M Wajda

Movant(s):

Wells Fargo Bank N.A. et al,

Represented By
S Renee Sawyer Blume
Asya Landa

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:17-17531 Harvey Everett Mosely and Jean Ann Mosely

Chapter 13

#27.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 16870 Merion Lane, Fontana, CA 92336

MOVANT: DITECH FINANCIAL LLC

EH__

Docket 31

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: Yes

Parties to indicate status of APO negotiations.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Harvey Everett Mosely

Represented By
Paul Y Lee

Joint Debtor(s):

Jean Ann Mosely

Represented By
Paul Y Lee

Movant(s):

DITECH FINANCIAL LLC

Represented By
Julie Griffis
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:17-16409 Jesse Norman Dofelmire and Roucelle Frias Dofelmire

Chapter 13

#28.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 BMW 3 Series Sedan 4D 320i

MOVANT: BMW BANK OF NORTH AMERICA

EH__

Docket 32

***** VACATED *** REASON: ORDER ENTERED 7/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse Norman Dofelmire

Represented By
Carey C Pickford

Joint Debtor(s):

Roucelle Frias Dofelmire

Represented By
Carey C Pickford

Movant(s):

BMW Bank of North America

Represented By
Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:17-16230 Tarra Marie Castillo

Chapter 13

#29.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: (2015 Chevrolet Equinox Vin# 2GNALBEK9F6256212)

MOVANT: ALLY BANK

EH__

Docket 32

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Tarra Marie Castillo

Represented By
Brian J Soo-Hoo

Movant(s):

Ally Bank

Represented By
Adam N Barasch

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:17-12157 Paulo Cesar Machuca

Chapter 13

#30.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 17943 Valerian Way, San Bernardino, CA 92407

MOVANT: MOUNTAIN WEST FINANCIAL, INC.

EH__

Docket 37

Tentative Ruling:

07/10/2018

Service: Proper

Opposition: no

GRANT relief from the stay under §§ 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT as to ¶¶ 3 and 6. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Paulo Cesar Machuca

Represented By
Scott Kosner

Movant(s):

Mountain West Financial, Inc., its

Represented By
Michelle R Ghidotti
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#31.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

From: 2/6/18, 3/6/18, 4/10/18, 5/8/18, 6/5/18

EH__

Docket 31

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By
Armin M Kolenovic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Jamie D Hanawalt

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:16-20773 Idalia Temblador-Baisa

Chapter 13

#32.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Chevrolet Truck Captiva Sport Utility 4D 2LS 2WD

MOVANT: WOLLEMI ACQUISITIONS, LLC

EH__

Docket 64

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request to lift co-debtor stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Idalia Temblador-Baisa

Represented By
Paul Y Lee

Movant(s):

Wollemi Acquisitions, LLC

Represented By
Bret D. Allen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#33.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1330 W 30TH ST San Bernardino, CA 92405

MOVANT: WELLS FARGO BANK

From: 6/5/18

EH__

Docket 66

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Valicia LaShawn Fennell

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:15-21983 Pablo Javier Solis, Jr. and Norma Alicia Solis

Chapter 7

#34.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Nissan Sentra, VIN 1N4AB7AP5EN855246

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC

EH__

Docket 123

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Pablo Javier Solis Jr.

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Norma Alicia Solis

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Americredit Financial Services, Inc.,

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

**CONT... Pablo Javier Solis, Jr. and Norma Alicia Solis
Sheryl K Ith**

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:15-15649 Stefanie Ann Nelson

Chapter 13

#35.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2010 Ford Fusion

MOVANT: BRIDGECREST CREDIT COMPANY LLC

EH__

Docket 40

Tentative Ruling:

07/10/2018
Service is Proper
Opposition: None

There does not appear to be a statement of intention to surrender as an Exhibit as stated in the Motion. Debtor otherwise appears to have cured.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Stefanie Ann Nelson

Represented By
David Lozano

Movant(s):

Bridgecrest Credit Company, LLC,

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:13-26000 Maria Elizabeth Venturini

Chapter 13

#36.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 39220 Lillie Circle, Cathedral City, California 92234

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 79

***** VACATED *** REASON: ORDER ENTERED 6/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elizabeth Venturini

Represented By
Amanda G Billyard
Andy C Warshaw

Movant(s):

Specialized Loan Servicing LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

6:12-27192 Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

#37.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 28114 Championship Dr, Moreno Valley, CA 92555

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18, 3/6/18, 4/10/18, 6/5/18

EH__

Docket 100

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Debtors have provided evidence that regular payments were made between May 2016 and November 1, 2017 (with the exception of the August 2016 and December 2016 payments for which Debtors are seeking evidence). Exhibit 5, which is the Movant's summary of post-petition payments reflects numerous debits for 2016 payments which appears to corroborate Debtors' assertion that refunds were made due to a mix-up in payments being made by the Trustee's office.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Achilles A. LaSalle Jr.

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Elsie LaSalle

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

10:00 AM

CONT... Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Debbie Hernandez
Rosemary Allen
Jamie D Hanawalt

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Johnson

#38.00 Status Conference RE: [1] Adversary case 6:18-ap-01105. Complaint by Joana Johnson against Vance Zachary Johnson, Goe & Forsythe, LLP. (61 (Dischargeability - 523(a)(5), domestic support)) (Talkov, Scott)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01106 Bankers Healthcare Group, LLC v. Johnson

#39.00 Status Conference RE: [1] Adversary case 6:18-ap-01106. Complaint by Bankers Healthcare Group, LLC against Vance Zachary Johnson. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

EH ____

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

Plaintiff(s):

Bankers Healthcare Group, LLC

Represented By
Todd L Turoci

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#40.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Peterbilt 389 and 2016 Cottrell CX-11 Trailer

MOVANT: BALBOA CAPITAL CORPORATION

Also #41

EH__

Docket 310

***** VACATED *** REASON: ORDER ENTERED 7/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Balboa Capital Corporation

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#41.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18

Also #40

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01109 David M. Goodrich, Chapter 11 Trustee v. Titanium Resource Company,

#42.00 Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against Titanium Resource Company, Inc., a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 - preference, 13 Recovery of money/property - 548 fraudulent transfer

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/21/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Titanium Resource Company, Inc., a

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01110 David M. Goodrich, Chapter 11 Trustee v. Larson, D.C., an individual

#43.00 Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against John Larson, D.C., an individual. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers, Avoidance of Improper Distributions, and Unjust Enrichment and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 preference, 13- Recovery of money/property - 548 fraudulent transfer

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/21/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

John Larson, D.C., an individual

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01111 David M. Goodrich, Chapter 11 Trustee v. American Express Company, a

#44.00 Status Conference RE: [1] Adversary case 6:18-ap-01111. Complaint by David M. Goodrich, Chapter 11 Trustee against American Express Company, a New York Corporation dba American Express, American Express Travel Related Services, Inc., a New York corporation dba American Express. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/21/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

American Express Company, a New

Pro Se

American Express Travel Related

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01112 David M. Goodrich, Chapter 11 Trustee v. Source Medical Billing &

#45.00 Status Conference RE: Complaint by David M. Goodrich, Chapter 11 Trustee against Source Medical Billing & Collection, Inc, a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Source Medical Billing &

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01113 David M. Goodrich, Chapter 11 Trustee v. Neteva, Inc., a California

#46.00 Status Conference RE: [1] Adversary case 6:18-ap-01113. Complaint by David M. Goodrich, Chapter 11 Trustee against Neteva, Inc., a California corporation. (Charge To Estate). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Werth, Steven)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Neteva, Inc., a California

Represented By
Lazaro E Fernandez

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 10, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01114 David M. Goodrich, Chapter 11 Trustee v. The Blue Law Group, Inc, a

#47.00 Status Conference RE: [1] Adversary case 6:18-ap-01114. Complaint by David M. Goodrich, Chapter 11 Trustee against The Blue Law Group, Inc, a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Werth, Steven)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

The Blue Law Group, Inc, a

Represented By
Michael K Blue

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

10:00 AM

6:18-10883 Alexander Joo

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation re 2014 Toyota Sienna

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander Joo

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

10:00 AM

6:18-11678 Jess Wayne Markham and Marie B Markham

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Ally Bank; (2016 CHEVROLET TRAVERSE VIN# 1GNKRHKD1GJ234396), In the amount of \$25,099.68

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jess Wayne Markham

Represented By
Stephen H Darrow

Joint Debtor(s):

Marie B Markham

Represented By
Stephen H Darrow

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

10:00 AM

6:18-11992 Sharon R. Walters

Chapter 7

**#3.00 Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank NA
Re: 2015 Chrysler 200**

EH__

Docket 12

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon R. Walters

Represented By
Emilia N McAfee

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

10:00 AM

6:18-12035 Vicente Delgado Muro

Chapter 7

**#4.00 Reaffirmation Agreement Between Debtor and 21st Mortgage Corporation Re:
1986 Skyline Manufactured Home**

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vicente Delgado Muro

Represented By
Juanita V Miller

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:11-33601 John Vega and Carolyn Vega

Chapter 7

#5.00 Motion to Approve Compromise Under Rule 9019 Chapter 7 Trustees Motion for Order (1) Approving Compromise of Products Liability Action, (2) Authorizing Employment of Audet & Partners LLP and Levin Simes LLP As Co-Special Counsel And Payment of Compensation to Co-Special Counsel; and (3) Granting Related Relief Including Disbursements From the Settlement Payment

EH__

Docket 42

Tentative Ruling:

7/11/18

1/31/18

BACKGROUND

On July 21, 2011, John & Carolyn Vega ("Debtors") filed a Chapter 7 voluntary petition. On November 2, 2011, Debtors received a discharge and five days later the case was closed.

On March 1, 2017, UST filed a motion to reopen the case to investigate and administer litigation settlement proceeds. On December 12, 2017, the Chapter 7 trustee filed two motions to approve compromise. The first motion, between the estate and the debtors and primarily relating to the amount of Debtors' exemption in the proceeds, was granted on January 5, 2018. The second motion was set for hearing and is under consideration now.

Pursuant to the instant compromise motion the Trustee requests: (1) approval of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

compromise of the products liability action; (2) authorization to employ Audet & Partners LLP and Levin Simes LLP as co-special counsel and payment of their compensation; and (3) related relief, including approval of the settlement payment disbursements. No opposition to the instant compromise motion has been filed.

DISCUSSION

FED. R. BANKR. P. Rule 9019(a) states: "On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct." The Court may grant approval if it determines that the compromise is "fair and equitable." *See In re Berkeley Delaware Court, LLC*, 834 F.3d 1036, 1039 (9th Cir. 2016). In determining whether the compromise is fair and equitable, the Court applies a four-factor test. *See In re DiCostanzo*, 399 Fed. Appx. 307, 308 (9th Cir. 2010). The test was originally outlined in *In re A & C Props.*, and provides for consideration of

- (a) The probability of success in the litigation;
- (b) the difficulties, if any, to be encountered in the matter of collection;
- (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it;
- (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

784 F.2d 1377, 1381 (9th Cir. 1986) (quotation omitted). "The bankruptcy court has great latitude in approving compromise agreements." *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1988). Typically, "a compromise should be approved unless it falls below the lowest point in the range of reasonableness." *In re Art & Architecture Books of the 21st Century*, 2016 WL 1118742 at *25 (Bankr. C.D. Cal. 2016) (quotation omitted).

The proposed settlement here, however, presents a unique situation. The proposed settlement represents an "aggregate settlement" negotiated in the context of, presumably, state or federal district court litigation. The proposed settlement has not been disclosed to the Court on the basis that it contains a confidentiality provision. Furthermore, Trustee motions lacks detail in its description of the situation. The nature, extent and value of Debtor's claim are completely unknown to this Court. The

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

factual situation giving rise to Debtor's claim is unclear, and the Court lacks any ability to estimate the value of the claim. Furthermore, as a result of the absence of information, the Court lacks the information necessary to determine the reasonableness of the requested attorney's fees.

The Bankruptcy Code demonstrates a preference for public access to the proceedings. *See* 11 U.S.C. § 107 (2010). There are procedures by which certain documents, including settlements, can be classified as confidential. *See, e.g., In re Oldco M Corp.*, 466 B.R. 234 (Bankr. S.D.N.Y. 2012); *In re Hemple*, 295 B.R. 200 (Bankr. D. Vt. 2003). In order for the Court to apply the legal standards of 11 U.S.C. § 107, the Court must be given an opportunity to review the material and make a determination regarding whether the matter is entitled to confidentiality.

TENTATIVE RULING

The Court is inclined to DENY the motion or CONTINUE the matter for supplemental evidence and analysis.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Vega

Represented By
Jenny L Doling

Joint Debtor(s):

Carolyn Vega

Represented By
Jenny L Doling

Movant(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:16-18343 Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

#6.00 Motion RE: Objection to Claim Number 1 by Claimant Ally Financial

Also #7

EH__

Docket 60

Tentative Ruling:

07/11/2018

BACKGROUND

On September 17, 2016 ("Petition Date"), Jose and Angela Olvera ("Debtors") filed for Chapter 13 relief. On October 7, 2016 Ally Financial ("Creditor") filed a proof of claim ("Claim #1") in the amount of \$9,522.45, \$8,125.00 of which was secured by Debtor's 2011 Chevrolet HHR ("HHR"). On October 10, 2016, Creditor filed a second secured proof of claim ("Claim #2") in the amount of \$9,846.95, \$9,325.00 of which was secured by Debtor's Chevrolet Impala ("Impala").

On March 2, 2017, Creditor was granted relief from the automatic stay and shortly thereafter repossessed the HHR and Impala. On or about March 8, 2017, Debtors filed a Notice of Conversion to Chapter 7 and this Court granted said conversion. On April 13, 2017, the Trustee filed a Notice of Assets and set a proof of claim deadline in the Chapter 7 Case for July 17, 2017. Creditor then filed their Amended Proof of Claims on January 18, 2018 – 6 months beyond the proof of claim deadline set in the Chapter 7 case and 9 months after repossession. These amended claims allege a now unsecured amount of \$10,313.04 for the HHR and \$10,478.23 for the Impala.

On May 16, 2017, the Debtors filed objections to both Claims #1 and #2 ("Objection #1 and Objection #2").

PERTINENT LAW:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

Pursuant to 11 U.S.C. § 502, a claim of interest is deemed allowed unless a party in interest objects. Therefore, a proof of claim shall constitute prima facie evidence of the validity and amount of claim if executed and filed in accordance with the Federal Rules of Bankruptcy Procedure ("FRBP") 3001(f). The filing of an objection to a proof of claim creates a dispute which is a contested matter within the meaning of FRBP 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. *Lundell v. Anchor Const. Specialists, Inc.* 223 F.3d 1035, 1039 (9th Cir. 2000).

The party objecting to the claim has the burden of going forward and of introducing evidence sufficient to rebut the presumption of validity. *Little Loan Servicing, LP v. Garvida (In Re Gardiva)*, 347 B.R. 697, 706-07 (B.A.P. 9th Cir. 2006). Such evidence must be sufficient to demonstrate a true dispute and must have probative force equal to the contents of the claim. *Lundell*, F.3d at 1039.

FRBP 3002(c) states in relevant part that in a voluntary chapter 7 case "a proof of claim is timely filed if it is filed not later than 90 days after the first date set for the meeting of creditors called under 341(a)." Rule 3002(c) then sets forth five enumerated exceptions to the 90 day general rule. Under section 502(b)(9), a claim will not be allowed when the proof of claim is not timely filed, "except to the extent tardily filed as permitted under paragraph (1), (2), or (3) of section 726(a) under the Federal rules of Bankruptcy Procedure."

ANALYSIS:

Under the scope of authority set forth in section 704(5) of the Code, Debtors objected to Creditor's proof of claim. Therefore, under § 502(a) the proof of claim is not initially allowed.

Debtors object to both Creditor's Amended Proof of Claim #1 and Claim #2 on the basis that they were filed more than 6 months after the proof of claim deadline. Under 3002(c) of the FRBP, a proof of claim is timely filed for a voluntary Chapter 7 case if it is filed not later than 90 days after the first date set for the meeting of creditors called under 341(a).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

While none of Rule 3002(c)'s enumerated exceptions to this general ninety-day window apply, under 3002, as long as debtor has fair notice of the basis of the amended claim, creditor's amended claim arose from the same transaction or occurrence as the timely-filed secured claim, and no prejudice will result to other parties in interest by allowing creditor to amend its secured claim, this Court is free to exercise its discretion in allowing the amendment of Claims #1 and #2.

Debtors further object to Creditor's claims on the basis that the claims' respective increases from \$9,522.45 to \$10,313 (Claim #1, the HHR) and \$9,846.75 to \$10,478.23 (Claim #2, the Impala) are simply illogical. In assuming a sale at auction took place post-repossession of the vehicles, Debtors assert there are no logical grounds for an increase rather than a decrease in the claim amount ("Did Respondent sell the vehicle for a negative amount?")

Though it is far from clear that an auction in fact took place concerning either vehicle, Creditor provides little evidence substantiating its Amended Proof of Claims. The Amended Proof of Claims do not explain whether an auction took place, or how the claims simultaneously increased while become unsecured when during the earliest stages of the case, Creditor moved to repossess collateral of significant value.

Further, while the listed additional fees or expenses might conceivably explain the \$9,522.45 to \$10,478.23 (Claim #1) or \$9,846.75 to \$10,478.23 (Claim #2) increase between original and amended claims, none of the listed value amounts on either of Creditor's Proof of Claim forms correlate with the gap. These actual discrepancies in amount and corresponding objections are almost certainly enough to demonstrate a "true dispute" under *Lindell* F.3d at 1039. Moreover, given that the Debtors do not have access to the information necessary to explain the situation, and Creditor has failed to address the situation through its proof of claim or by opposition to the instant motion, the Court will deem Creditor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h). *Id.*

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to SUSTAIN the objection to Claim 1.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Sebastian Olvera Jr

Represented By
Nicholas M Wajda

Joint Debtor(s):

Angela Joanne Olvera

Represented By
Nicholas M Wajda

Movant(s):

Jose Sebastian Olvera Jr

Represented By
Nicholas M Wajda

Angela Joanne Olvera

Represented By
Nicholas M Wajda

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:16-18343 Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

#7.00 Motion RE: Objection to Claim Number 2 by Claimant Ally Financial

Also #6

EH__

Docket 61

Tentative Ruling:

07/11/2018

BACKGROUND

On September 17, 2016 ("Petition Date"), Jose and Angela Olvera ("Debtors") filed for Chapter 13 relief. On October 7, 2016 Ally Financial ("Creditor") filed a proof of claim ("Claim #1") in the amount of \$9,522.45, \$8,125.00 of which was secured by Debtor's 2011 Chevrolet HHR ("HHR"). On October 10, 2016, Creditor filed a second secured proof of claim ("Claim #2") in the amount of \$9,846.95, \$9,325.00 of which was secured by Debtor's Chevrolet Impala ("Impala").

On March 2, 2017, Creditor was granted relief from the automatic stay and shortly thereafter repossessed the HHR and Impala. On or about March 8, 2017, Debtors filed a Notice of Conversion to Chapter 7 and this Court granted said conversion. On April 13, 2017, the Trustee filed a Notice of Assets and set a proof of claim deadline in the Chapter 7 Case for July 17, 2017. Creditor then filed their Amended Proof of Claims on January 18, 2018 – 6 months beyond the proof of claim deadline set in the Chapter 7 case and 9 months after repossession. These amended claims allege a now unsecured amount of \$10,313.04 for the HHR and \$10,478.23 for the Impala.

On May 16, 2017, the Debtors filed objections to both Claims #1 and #2 ("Objection #1 and Objection #2").

PERTINENT LAW:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

Pursuant to 11 U.S.C. § 502, a claim of interest is deemed allowed unless a party in interest objects. Therefore, a proof of claim shall constitute prima facie evidence of the validity and amount of claim if executed and filed in accordance with the Federal Rules of Bankruptcy Procedure ("FRBP") 3001(f). The filing of an objection to a proof of claim creates a dispute which is a contested matter within the meaning of FRBP 9014 and must be resolved after notice and opportunity for hearing upon a motion for relief. *Lundell v. Anchor Const. Specialists, Inc.* 223 F.3d 1035, 1039 (9th Cir. 2000).

The party objecting to the claim has the burden of going forward and of introducing evidence sufficient to rebut the presumption of validity. *Little Loan Servicing, LP v. Garvida (In Re Gardiva)*, 347 B.R. 697, 706-07 (B.A.P. 9th Cir. 2006). Such evidence must be sufficient to demonstrate a true dispute and must have probative force equal to the contents of the claim. *Lundell*, F.3d at 1039.

FRBP 3002(c) states in relevant part that in a voluntary chapter 7 case "a proof of claim is timely filed if it is filed not later than 90 days after the first date set for the meeting of creditors called under 341(a)." Rule 3002(c) then sets forth five enumerated exceptions to the 90 day general rule. Under section 502(b)(9), a claim will not be allowed when the proof of claim is not timely filed, "except to the extent tardily filed as permitted under paragraph (1), (2), or (3) of section 726(a) under the Federal rules of Bankruptcy Procedure."

ANALYSIS:

Under the scope of authority set forth in section 704(5) of the Code, Debtors objected to Creditor's proof of claim. Therefore, under § 502(a) the proof of claim is not initially allowed.

Debtors object to both Creditor's Amended Proof of Claim #1 and Claim #2 on the basis that they were filed more than 6 months after the proof of claim deadline. Under 3002(c) of the FRBP, a proof of claim is timely filed for a voluntary Chapter 7 case if it is filed not later than 90 days after the first date set for the meeting of creditors called under 341(a).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

While none of Rule 3002(c)'s enumerated exceptions to this general ninety-day window apply, under 3002, as long as debtor has fair notice of the basis of the amended claim, creditor's amended claim arose from the same transaction or occurrence as the timely-filed secured claim, and no prejudice will result to other parties in interest by allowing creditor to amend its secured claim, this Court is free to exercise its discretion in allowing the amendment of Claims #1 and #2.

Debtors further object to Creditor's claims on the basis that the claims' respective increases from \$9,522.45 to \$10,313 (Claim #1, the HHR) and \$9,846.75 to \$10,478.23 (Claim #2, the Impala) are simply illogical. In assuming a sale at auction took place post-repossession of the vehicles, Debtors assert there are no logical grounds for an increase rather than a decrease in the claim amount ("Did Respondent sell the vehicle for a negative amount?")

Though it is far from clear that an auction in fact took place concerning either vehicle, Creditor provides little evidence substantiating its Amended Proof of Claims. The Amended Proof of Claims do not explain whether an auction took place, or how the claims simultaneously increased while become unsecured when during the earliest stages of the case, Creditor moved to repossess collateral of significant value.

Further, while the listed additional fees or expenses might conceivably explain the \$9,522.45 to \$10,478.23 (Claim #1) or \$9,846.75 to \$10,478.23 (Claim #2) increase between original and amended claims, none of the listed value amounts on either of Creditor's Proof of Claim forms correlate with the gap. These actual discrepancies in amount and corresponding objections are almost certainly enough to demonstrate a "true dispute" under *Lindell* F.3d at 1039. Moreover, given that the Debtors do not have access to the information necessary to explain the situation, and Creditor has failed to address the situation through its proof of claim or by opposition to the instant motion, the Court will deem Creditor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h). *Id.*

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to SUSTAIN the objection to Claim 2.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Sebastian Olvera Jr

Represented By
Nicholas M Wajda

Joint Debtor(s):

Angela Joanne Olvera

Represented By
Nicholas M Wajda

Movant(s):

Jose Sebastian Olvera Jr

Represented By
Nicholas M Wajda

Angela Joanne Olvera

Represented By
Nicholas M Wajda

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:17-10720 Hiep Huu Phan

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 70

***** VACATED *** REASON: WITHDRAWAL FILED 6/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hiep Huu Phan

Represented By
Toby T Tran

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:17-12274 Denny L Rinehart

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 63

Tentative Ruling:

7/11/18

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 4,260.01

Trustee Expenses: \$ 231.35

Attorney Fees: \$ 14,668.00

Attorney Costs: \$ 356.04

Accountant Fees: \$1,870.50

Accountant Costs: \$254.60

Bond Payment: \$17.87

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... Denny L Rinehart

Chapter 7

Debtor(s):

Denny L Rinehart

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:18-10208 Rolando Carlos Reyes and Florencia Aquino Reyes

Chapter 7

#10.00 Application to Employ Shulman Hodges & Bastian LLP as General Counsel

EH__

Docket 14

Tentative Ruling:

7/11/18

BACKGROUND

On January 11, 2018, Rolando & Florencia Reyes ("Debtors") filed a Chapter 7 voluntary petition. On April 23, 2018, Debtors received a discharge.

On May 15, 2018, Trustee filed an adversary complaint for avoidance of fraudulent transfers, disallowance of claims, unjust enrichment, declaratory relief, and turnover of property against Reginald Reyes, Debtors' son. On May 16, 2018, Trustee filed an application to employ Shulman Hodges & Bastian LLP as general counsel for the estate. On May 30, 2018, Debtors filed an opposition to the application, arguing that such employment was premature and not in the best interests of the estate because there were no assets in the estate.

DISCUSSION

11 U.S.C. § 327(a) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT...

Rolando Carlos Reyes and Florencia Aquino Reyes

Chapter 7

Except as otherwise provided in this section, the trustee, with the court's approval, may employ one or more attorneys, accountants, appraisers, auctioneers, or other professional persons, that do not hold or represent an interest adverse to the estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under this title.

Regarding the standard for the employment of professional persons, one court has stated:

The trustee, subject to the court's approval, has broad discretion in his selection of counsel and the terms of employment. There are, however, two threshold requirements that the trustee must satisfy. First, the trustee must demonstrate that the attorney proposed to be employed meets certain statutory standards. Second, the employment must be reasonably necessary.

In re Computer Learning Ctrs., Inc., 272 B.R. 897, 903 (Bankr. E.D. Va. 2001) (citations omitted).

Regarding whether the proposed employment is reasonable and necessary, one court has stated:

Thus, once the trustee meets the burden of demonstrating that an applicant for professional employment is qualified under § 327, the discretion of the bankruptcy court must be exercised in a way that it believes best serves the objectives of the bankruptcy system. Among the ultimate considerations for the bankruptcy courts in making these decisions must be the protection of the interests of the bankruptcy estate and its creditors, and the efficient, expeditious, and economical resolution of the bankruptcy proceeding.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... **Rolando Carlos Reyes and Florencia Aquino Reyes**

Chapter 7

In re Harold & Williams Dev. Co., 977 F.2d 906, 910 (4th Cir. 1992).

Here, Debtors' opposition appears to be based on a fundamental misunderstanding of how a bankruptcy case is administered. Generally speaking it is the role of a trustee to administer assets. When a trustee needs to bring legal claims or file non-routine motions, an attorney, with the requisite legal skill to assist the Trustee, may be necessary. Whether there are assets in the estate is irrelevant; the guiding question is, however, whether the trustee requires legal assistance to perform his responsibilities. Here, where Trustee has brought an adversary proceeding, it is clear that legal assistance is reasonably necessary.

TENTATIVE RULING

The Court will GRANT the application.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rolando Carlos Reyes

Represented By
Walter Scott

Joint Debtor(s):

Florencia Aquino Reyes

Represented By
Walter Scott

Movant(s):

John P Pringle (TR)

Represented By
Lynda T Bui
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... Rolando Carlos Reyes and Florencia Aquino Reyes

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
Lynda T Bui
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:18-10971 Ryan James Masalcas

Chapter 7

#11.00 Motion to Approve Compromise Under Rule 9019 Between Chapter 7 Trustee and Ryan James Masalcas

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan James Masalcas

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Steven M Speier (TR)

Pro Se

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

6:18-11717 Jordan Halston Amini

Chapter 7

#12.00 United States Trustee's Notice of Motion and Motion To Extend The Discharge
Deadline

EH__

Docket 17

Tentative Ruling:

7/11/18

BACKGROUND

On March 5, 2018, Jordan Amini ("Debtor") filed a Chapter 7 voluntary petition. On June 7, 2018, UST filed a motion for an extension of time to file a complaint objecting to discharge. UST asserts that Debtor previously operated a used car sales lot, and UST implies that business inventory may have been recently transferred to Debtor's father business without being disclosed in the case commencement documents.

DISCUSSION

FED. R. BANKR. P. Rule 4004(a) states:

- (1) In a chapter 7 case, a complaint, or a motion under § 727(a)(8) or (9) of the Code, objecting to the debtor's discharge shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). In a chapter 11 case, the complaint shall be filed no later than the first date set

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT...

Jordan Halston Amini

Chapter 7

for the hearing on confirmation. In a chapter 13 case, a motion objecting to the debtor's discharge under § 1328(f) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). At least 28 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k) and to the trustee and the trustee's attorney.

And FED. R. BANKR. P. Rule 4004(b) states:

- (1) On motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge. Except as provided in subdivision (b)(2), the motion shall be filed before the time has expired.
- (2) A motion to extent the time to object to discharge may be filed after the time for objection has expired and before discharge is granted if (A) the objection is based on facts that, if learned after the discharge, would provide a basis for revocation under § 727(d) of the Code, and (B) the movant did not have knowledge of those facts in time to permit an objection. The motion shall be filed promptly after the movant discovers the facts on which the objection is based.

Here, the delay in providing information adequate to assess the financial circumstances of Debtor constitutes sufficient cause to extend the deadline. *See* COLLIER ON BANKRUPTCY ¶ 4004.03[2] (16th ed. 2013) ("A debtor's delays in responding to discovery may be sufficient cause. Obviously, a delay in the meeting of creditors to a date close to or after the deadline may constitute such cause.") (*citing In re McCormack*, 244 B.R. 203 (Bankr. D. Conn. 2000)).

Moreover, Debtor's failure to oppose may be deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

11:00 AM

CONT... Jordan Halston Amini

Chapter 7

The Court is inclined to GRANT the motion and EXTEND the deadline to file an objection to discharge until August 10, 2018.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jordan Halston Amini

Pro Se

Movant(s):

United States Trustee (RS)

Represented By

Abram Feuerstein esq

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01199 Revere Financial Corporation v. Bank of Southern California, N.A.

#13.00 Status Conference RE: [60] Amended Complaint (Third) by Franklin R Fraley Jr on behalf of Revere Financial Corporation against Bank of Southern California, N.A.. (Fraley, Franklin)

EH__

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Bank of Southern California, N.A.

Represented By
Kathryn M.S. Catherwood

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:14-14377 Hilary D Hill

Chapter 7

Adv#: 6:17-01190 Speier v. U.S. Trust, Bank of America Private Wealth Managem

#14.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01190. Complaint by Steven M Speier against U.S. Trust, Bank of America Private Wealth Management, Hilary D Hill. (Charge To Estate- \$350.00). Complaint for Declaratory Relief re Alter Ego Liability of the Marion Newhall Hill Trust Nature of Suit: (71 (Injunctive relief - reinstatement of stay))

From: 11/8/17, 2/14/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 6/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hilary D Hill

Represented By
Matthew D Resnik
David Brian Lally

Defendant(s):

U.S. Trust, Bank of America Private

Represented By
Benjamin Nachimson

Hilary D Hill

Represented By
David Brian Lally

Plaintiff(s):

Steven M Speier

Represented By
Robert P Goe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Hilary D Hill

Chapter 7

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Elizabeth A LaRocque

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:18-01102 PRINGLE v. Capital One Bank (USA), National Association

#15.00 Status Conference RE: [1] Adversary case 6:18-ap-01102. Complaint by JOHN PRINGLE against Capital One Bank (USA), National Association. (Charge To Estate). Complaint for: (1) Avoidance of Transfers Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05; (2) Avoidance of Transfers Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

EH__

Docket 1

***** VACATED *** REASON: ALIAS SUMMONS ISSUED - STATUS
CONFERENCE SET 9/5/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Capital One Bank (USA), National

Pro Se

Plaintiff(s):

JOHN PRINGLE

Represented By
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

#16.00 CONT Motion RE: Objection to Claim Number 11 by Claimant Natasha Reynoso and Mark Reynoso
HOLDING DATE

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#17.00 CONT Status Conference RE: [26] Crossclaim by Anne Louise Goodman, Douglas Edward Goodman against all defendants

From: 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18

Also #18

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#18.00 CONT Status Conference RE: [13] Amended Complaint by Michael J Hemming on behalf of Mark & Natasha Reynoso against Anne Louise Goodman, Douglas Edward Goodman. (RE: related document(s)1 Adversary case 6:16-ap-01277. Complaint by Mark & Natasha Reynoso against Douglas Edward Goodman, Anne Louise Goodman. false pretenses, false representation, actual fraud) filed by Plaintiff Mark & Natasha Reynoso)
(Holding Date)

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18

Also #17

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#19.00 CONT Motion for Default Judgment against Richard Earl Davis Jr.

From: 1/10/18, 6/6/18

Also #20

EH__

Docket 19

Tentative Ruling:

07/11/2018

On October 8, 2015, Angelo Gumbs ("Plaintiff") filed a Complaint in the Superior Court of Los Angeles against the debtor, Richard Earl Davis, Jr. ("Debtor" or "Defendant") asserting claims for Fraud – Intentional Misrepresentation, Fraud – Concealment, and Fraud – Promise Without Intent to Perform (the "State Action").

On April 14, 2016, the Debtor filed his petition for chapter 7 relief. Subsequently, the State Action was stayed pending proceedings in the bankruptcy court. On March 30, 2017, the Plaintiff filed his Complaint to determine dischargeability pursuant to § 523(a)(2) ("Complaint"). On December 7, 2017, the Plaintiff filed a Motion for Default Judgment ("Motion") against the Debtor. However, on the date of the hearing on the Motion, the Debtor filed an Answer and the Motion was continued to provide Plaintiff an opportunity to supplement the Motion and/or to provide an opportunity for Plaintiff to move to strike the Answer. On May 9, 2018, the Plaintiff filed a Motion to Strike the Answer and for Entry of Default ("Strike Motion"). At the hearing on May 30, 2018, the Court granted the Strike Motion, striking the answer and ordering entry of default.

At the continued June 6, 2018, hearing, the Court required that the Plaintiff (1) lodge the order on the Motion to Strike; (2) file the requested State Court documents; (3) file points and authorities; and (4) provide notice of the continuance of the hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

on the Motion for Default Judgment and Status Conference, and of the Court's new deadlines. The Plaintiff has complied with the Court's requirements. The Court now turns to the merits of the Motion.

The Motion is supported by the Affidavit of Kandis Gumbs, the Plaintiff's wife, and by the Declaration of the Plaintiff's counsel along with exhibits attached to, and authenticated by the Plaintiff's Wife and Counsel. The Court admits all of the evidence submitted. Additionally, the Court deems as admitted the statements included in the Plaintiff's "Requests for Admission, Set One" to which Plaintiff received no responses by Debtor after his filing of an Answer. (Holdren Decl. at Ex. C)

DISCUSSION

A. Entry of Default

Federal Rule of Civil Procedure 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Per LBR 7055-1(b)(1), a motion for entry of default judgment shall contain the following:

1. When and against what party default was entered ✓
2. Whether defaulting party is an infant or incompetent person – ✓ (N/A)
3. Whether the defaulting party is currently on active duty – ✓ (N/A)
4. Whether notice has been served on defaulting party, if required by FRCP 55(b)(2) ✓

As to the entry of default, the Court has granted the Plaintiff's Motion to Strike and has directed the clerk of Court to enter default against the Defendant.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

B. Admissions

Pursuant to FRBP 7008(b)(6), failure to deny an allegation of the Complaint where a responsive pleading is required constitutes an admission of the allegation.

C. Default Judgment

Factors which may be considered by courts in exercising discretion as to the entry of a default judgment include: (1) the possibility of prejudice to the plaintiff; (2) the merits of plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute considering material facts; (6) whether the default was due to excusable neglect; and (7) the strong policy underlying the FRCP favoring decision on the merits. *See Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

1. Proper Service of Summons and Complaint

As detailed above, the Defendant late-filed an Answer to the Complaint but later failed to respond to Plaintiff's discovery requests or to his requests to meet and confer. For these reasons, the Answer was struck. Additionally, the Motion was properly served on Debtor and he has failed to file opposition or response. Plaintiff has fulfilled his obligations regarding due process.

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); "The defendant, by his default, admits the plaintiff's **well-pleaded** allegations of facts, is concluded on those facts by the judgment, and is barred from contesting on appeal the facts thus established." *Nishimatsu Construction Co., Ltd. v. Houston Nat'l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975) (emphasis added); *Danning v. Lavine*, 572 F.2d 1386, 1388 (9th Cir. 1978); *Cotton v. Massachusetts Mut. Life Ins. Co.*, 402 F.3d 1267, 1278(11th Cir.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

2005) (do not have to take as true facts that are not well-pleaded or conclusions of law).

As a threshold matter, the Court finding that the factual allegations of the State Action are identical to the facts alleged in the Complaint, considers whether the claims asserted in the State Action are nondischargeable as a matter of law, prior to examining whether the allegations suffice to require entry of judgment under § 523(a) (2).

First, as to "Fraud -Intentional Misrepresentation", Ninth Circuit case law confirms that the elements of fraud under California law match the ones under § 523(a)(2)(A). *Younie v. Gonya (In re Younie)*, 211 B.R. 367, 373–74 (9th Cir. BAP 1997) ("The elements of § 523(a)(2)(A) 'mirror the elements of common law fraud' and match those for actual fraud under California law."). *See also Baldwin v. Kilpatrick (In re Baldwin)*, 245 B.R. 131, 134 (9th Cir. BAP 2000). Second, as to "Concealment", it is "well recognized that silence, or the concealment of a material fact, can be the basis of a false impression which creates a misrepresentation actionable under § 523(a)(2)(A)." *In re Evans*, 181 B.R. 508, 514-515 (Bankr.S.D.Cal.1995); *see In re Daquila*, 2011 WL 3300197 (9th Cir. BAP Feb. 28, 2011) ("A debtor's failure to disclose material facts constitutes a fraudulent omission under § 523(a)(2)(A) if the debtor was under a duty to disclose and possessed an intent to deceive."); *In re Miller*, 310 B.R. 185, 196 (Bankr.C.D.Cal.2004) ("The concealment or omission of material facts that a party has a duty to disclose can support the nondischargeability of a debt on the grounds of actual fraud."). *In re Davis*, 486 B.R. 182, 191 (Bankr. N.D. Cal. 2013), decision supplemented, No. 10-74245 MEH, 2013 WL 2304684 (Bankr. N.D. Cal. May 24, 2013).

Finally, as to "Fraud – Concealment, and Fraud – Promise Without Intent to Perform", Promissory fraud is a subspecies of the action for fraud and deceit. *Downey Venture v. LMI Ins. Co.*, 66 Cal.App.4th 478, 510, 78 Cal.Rptr.2d 142, 161 (1998). Under California law, the elements of promissory fraud are identical to the elements of common law fraud, when the misrepresentation at issue is a promise made without intent to perform. *In re Tobin*, 258 B.R. 199, 203 (9th Cir. BAP 2001) (internal

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

citations omitted). Thus, under any of the theories advanced by Plaintiff in the State Action, a finding of liability would also be sufficient to establish nondischargeability pursuant to § 523(a)(2).

Fraud pursuant to §523(a)(2)

In order to maintain a claim for actual fraud pursuant to § 523(a)(2), the plaintiff must provide sufficient factual content from which a court can derive that:

(1) the debtor made the representations; (2) that at the time he knew they were false; (3) that he made them with the intention and purpose of deceiving the creditor; (4) that the creditor relied on such representations, and (5) that the creditor sustained the alleged loss and damage as the proximate result of the representations having been made.

In re Taylor, 514 F.2d 1370, 1373 (9th Cir.1975).

The Declaration of Kandis Gumbs adequately details that the Debtor made the following misrepresentations, in addition to other misrepresentations not detailed here:

- Debtor held himself out to Plaintiff and his wife as a baseball agent certified by the Major League Baseball Players Association and that he could represent Plaintiff if signed. (Gumbs Decl. ¶4);
- Debtor asked Plaintiff and wife to purchase the rights to a documentary that would feature the Plaintiff for \$15,000 (Gumbs Decl. ¶8);
- Plaintiff and wife were told (the Court infers that they were told by Debtor) to pay charges for an official website which was never completed (Id. ¶¶9 and 11);
- Plaintiff was charged for clothing for a photo shoot in the amount of \$500 which he never received (Id. ¶10 and 11);
- Defendant stated that he needed to produce broadcasting quality commercials at \$500 each, for a total of \$2,000 which the Court infers were not produced (Id. ¶11);
- Defendant sought a loan from Plaintiff to stay at a hotel in Florida for two

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Earl Davis, Jr

Chapter 7

nights and did not repay the loan (Id. ¶12);

- Debtor misrepresented that he loaned \$10,000 to Plaintiff and sought reimbursement which the Plaintiff and his wife paid but in reality the \$10,000 had never been deposited and Debtor never returned the funds;
- Debtor agreed to purchase a 2011 Camaro from the Plaintiff and to make payments on the vehicle but instead of making the payments, instead sold the vehicle and purchased a new vehicle (Id. ¶15);
- Debtor invoiced Plaintiff \$11,015 for an alleged loan, which Plaintiff and wife paid to Debtor on February 26, 2012. However, the Debtors reviewed their accounts and found that there had been no loan as asserted by Plaintiff. (Id. ¶ 21);
- Debtor proposed an investment deal with a third party which Plaintiff and wife later discovered was a scam. The Plaintiff and wife were induced to invest \$45,151 for the "investment". (Id. ¶22).

Based on the nature of the misrepresentations outlined above and in the Affidavit of Kandis Gumbs, and the statements deemed admitted by the Debtor for failing to respond to the Plaintiff's interrogatories, the Court finds that Debtor knew his statements to the Plaintiff and his wife regarding services he was performing, loans he allegedly made, investments he allegedly set up, and goods he allegedly purchased for the Plaintiff, were false and that the Debtor knew the statements and representations were false when made. Further the Affidavit supports a finding that the Plaintiff and his wife relied on the Debtor's misrepresentations when they paid Debtor monies for the various goods, services and investments they believed would yield them value, and finally, that as outlined in the Gumbs Declaration and attached Exhibits, the Plaintiff and his wife have provided evidence that they sustained damages as a proximate result of the Plaintiff's misrepresentations in the amount of approximately \$150,000.

3. The possibility of a dispute considering material facts

Defendant was properly served with the summons and complaint. Defendant's answer was struck by this Court. The Defendant failed to respond to either the Motion to Strike his Answer or to the instant Motion for a Default Judgment and has failed to appear at Status Conferences or to respond to Plaintiff's discovery requests or requests

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Earl Davis, Jr

Chapter 7

to meet and confer. Therefore, no dispute of material facts precludes entry of default judgment.

4. Whether the default was due to excusable neglect

Defendant had the opportunity to file opposition to the instant Motion and failed to do so. There has been no indication that any excuse exists for the Defendant's nonresponsiveness. Thus, the Court finds that the default was not due to excusable neglect and may be granted.

5. The strong policy underlying the FRCP favoring decision on the merits

Although default judgments are ordinarily disfavored, termination of a case before hearing the merits is allowed when a defendant fails to defend an action under Fed. R. Civ. P. 55. Here, it appears that Defendant has abandoned his defense against the claims of Plaintiff. However, the Court, having required and received evidence to support the claims, finds that the merits have been adequately supported and that entry of a default judgment as to nondischargeability is warranted. Thus, the instant judgment represents a decision on the merits.

TENTATIVE RULING

Based on the foregoing, the Motion is GRANTED. The Court is inclined to enter a judgment of nondischargeability as to the claims asserted in the State Action, which represent a debt of approximately \$150,000.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

06/06/2018

On May 9, 2018, Plaintiffs filed a Motion to Strike Answer and enter Default. On May 30, 2018, the Court at the hearing issued a tentative ruling which was adopted as the final ruling granting the Motion. Plaintiffs' counsel was directed to lodge an order. To date, Plaintiffs' counsel has not lodged an order. Thus, a ruling on the Motion for Default Judgment would be premature given that the Answer has yet to be formally stricken, and default entered.

Additionally, in the Court's January 10, 2018, tentative ruling, the Court required Plaintiffs to provide "the underlying state court documents (e.g. the state court complaint and judgment) which are essential to final ruling on the Complaint." Finally, the Court indicated that Counsel had not included points and authorities to indicate whether the motion was being made pursuant to collateral estoppel principles or alternatively, setting forth how the evidence provided satisfies the §523(a)(2) standard.

The Court is inclined to CONTINUE the hearing on the Motion for Default Judgment and Status Conference to July 11, 2018, at 2:00 p.m., for Plaintiffs to (1) lodge the order on the Motion to Strike; (2) file the requested State Court documents; (3) file points and authorities; and (4) provide notice of the continuance of the hearing on the Motion for Default Judgment and Status Conference, and of the Court's new deadlines.

The Plaintiffs' supplemental filings shall be due on or before June 20, 2018. Any opposition shall be due on or before June 27, 2018, and any reply shall be due on or before July 5, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

APPEARANCES WAIVED.

01/10/2018

TENTATIVE RULING

At the hearing on the Plaintiff's prior Motion for Default Judgment, the Court's tentative ruling provided, in pertinent part, as follows:

Plaintiff seeks default judgment be entered against Defendant Richard Earl Davis, Jr. (the "Debtor"). Service of the Motion AND of the Summons and Complaint were all effectuated on the Debtor at "2280 Market Street #220 in Riverside, CA". However, the Debtor's bankruptcy petition indicates his place of residence as "9325 Sunridge Drive in Riverside, CA 92508".

The Court's tentative ruling is to DENY the Motion without prejudice. Movant to lodge an order denying the motion and requesting that the Court issue an alias summons for Movant to serve the summons and complaint at the Debtor's residence as indicated on the bankruptcy petition. Deadlines shall be reset accordingly.

An alias summons was issued and the Plaintiff filed a proof of service indicating that the Alias Summons was executed. The instant Motion for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Default Judgment was then filed on December 7, 2017. Both Proofs of Service indicate that the Debtor was now served at "9324 Sunridge Drive in Riverside, CA" Again, in a situation where the Debtor/Defendant is nonresponsive, the Plaintiff's ongoing failure to serve the Debtor at the correct address creates a due process issue which prevents this case from moving forward.

Separately, although the Debtor has disclosed the debt owed to Plaintiff in the amount of \$150,000 in his Schedule E/F pursuant to a State Court Judgment, the Court notes that the Plaintiff has failed to attach the underlying state court documents (e.g. the state court complaint and judgment) which are essential to final ruling on the Complaint. Additionally, the Plaintiff has not included points and authorities to indicate whether the motion is made under collateral estoppel principles.

The Court's tentative ruling is to DENY the Motion without prejudice. Movant to lodge an order denying the motion and requesting that the Court issue an alias summons for Movant to serve the summons and complaint at the Debtor's residence as indicated on the bankruptcy petition. Deadlines shall be reset accordingly.

Ongoing failure to correctly serve documents on the Debtor correctly may result in sanctions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Defendant(s):

Richard Earl Davis Jr Pro Se

Two6 Sports Management Pro Se

Movant(s):

Angelo M Gumbs Represented By
Alexander B Boris
Kenneth A Holdren

Plaintiff(s):

Angelo M Gumbs Represented By
Alexander B Boris
Kenneth A Holdren

Kandis Gumbs Represented By
Alexander B Boris

Trustee(s):

Steven M Speier (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-10032 Richard Earl Davis, Jr

Chapter 7

Adv#: 6:17-01066 Gumbs et al v. Davis, Jr et al

#20.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01066. Complaint by Angelo M Gumbs , Kandis Gumbs against Richard Earl Davis Jr, Two6 Sports Management . false pretenses, false representation, actual fraud))

From: 8/30/17, 11/1/17, 1/10/18, 6/6/18

Also #19

EH__

Docket 1

Tentative Ruling:

06/06/18

APPEARANCES WAIVED. Status Conference continued to July 11, 2018, at 2:00 p.m. See matter No. 10.

Party Information

Debtor(s):

Richard Earl Davis Jr

Represented By
Todd L Turoci

Defendant(s):

Richard Earl Davis Jr

Pro Se

Two6 Sports Management

Pro Se

Plaintiff(s):

Angelo M Gumbs

Represented By
Alexander B Boris
Kenneth A Holdren

Kandis Gumbs

Represented By
Alexander B Boris

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Richard Earl Davis, Jr

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-12748 William A. Mendez, II

Chapter 7

Adv#: 6:17-01129 Hadra et al v. Mendez et al

#21.00 CONT Status Conference Re: Complaint by Andrew C. Hadra against William A. Mendez. false pretenses, false representation, actual fraud, 67- Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 9/13/17, 12/13/17, 4/11/18, 6/6/18

EH__

Docket 1

*** VACATED *** REASON: JUDGMENT ENTERED 6/7/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Defendant(s):

William A. Mendez

Represented By
Thomas J Polis

Shawna D Mendez

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Plaintiff(s):

Andrew C. Hadra

Represented By
Peter W Lianides
Alan Droste

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... William A. Mendez, II

Chapter 7

Vertical Partners LLC

Represented By
Peter W Lianides
Alan Droste

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#22.00 Motion to Dismiss Adversary Proceeding

Also #23

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#23.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Mina Farah against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18

Also #22

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Wayne W Suojanen

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#24.00 Motion to Dismiss Adversary Proceeding

Also #25

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#25.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Anis Khalil against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18

Also #24

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Wayne W Suojanen

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#26.00 CONT Status Conference Re: Adversary case 6:18-ap-01064. Complaint by Mona Gerges, Rafet Gerges, St. Mary Properties, LLC against Mark Bastorous, Bernadette Shenouda. False pretenses, False representation, actual fraud, 67- Dischargeability - 523(a)(4); Fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), Willful and malicious injury

From: 5/9/18, 5/16/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:18-15026 Joe R Garcia

Chapter 13

#27.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 15420 Bello Way, Moreno Valley, CA 92555

MOVANT: JOE R GARCIA

From: 7/10/18

EH__

Docket 13

Tentative Ruling:

7/10/2018

The Court finding that the Debtor having failed to serve Citimortgage to the attention of an officer and via certified mail as required pursuant to Rule 7004(h), the hearing on the Motion shall be CONTINUED. Additionally, on page 1 of the Motion, Citi was not indicated as the party entitled to Notice. Finally, the Declaration attached is from Debtor's counsel, not from the Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joe R Garcia

Represented By
Neil R Hedtke

Movant(s):

Joe R Garcia

Represented By
Neil R Hedtke

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

CONT... Joe R Garcia

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 11, 2018

Hearing Room 303

2:00 PM

6:18-15020 Miriam Torres

Chapter 13

#28.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate ALL PERSONAL AND REAL PROPERTY

MOVANT: MIRIAM TORRES

From: 7/10/18

EH__

Docket 11

Tentative Ruling:

7/10/2018

A comparison between the Debtor's Schedules I and J for the current and prior case does not substantiate the additional income from roommates asserted by the Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Miriam Torres

Represented By
Paul Y Lee

Movant(s):

Miriam Torres

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 17, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#1.00 Emergency motion for Order (A) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service; and (B) Deeming Utilities Adequate Assured of Future Performance Pursuant to 11 U.S.C. Section 366

EH ____

Docket 8

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 17, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#2.00 Emergency motion for Order Authorizing Payment of Prepetition Employee Wages, Benefits and Associated Expenses and Granting Related Relief

EH ____

Docket 9

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 17, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#3.00 Emergency motion for Order Authorizing Debtor to Honor Pre-Petition Contracts and Make Payments in the Ordinary Course of Business

EH ____

Docket 10

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 18, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#1.00 Motion For Summary Judgment/Memorandum of Points and Authorities on the Preclusive Effect of Plaintiff's State Court Judgment

Also #2

EH__

Docket 208

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Plaintiff(s):

Charles Edward Schrader

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 18, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#2.00 CONT Status Conference RE: Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha . willful and malicious injury
HOLDING DATE

From: 7/8/15, 11/4/15, 3/2/16, 12/14/16, 12/13/17, 4/5/17, 6/7/17, 7/12/17, 8/2/17, 9/27/17, 10/4/17, 11/1/17, 12/6/17, 12/20/17, 2/28/18, 3/21/18, 6/20/18

Also #1

EH__

Docket 1

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Plaintiff(s):

Charles Edward Schrader

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-11450 David Paul Bitzer

Chapter 13

Adv#: 6:18-01107 Bitzer v. OCWEN LOAN SERVICING, LLC et al

#1.00 Status Conference RE: [1] Adversary case 6:18-ap-01107. Complaint by David Paul Bitzer against OCWEN LOAN SERVICING, LLC, DEUTSCHE BANK NATIONAL TRUST COMPANY. (Fee Not Required). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(91 (Declaratory judgment)) (Coburn, H)

EH ____

Docket 1

***** VACATED *** REASON: CASE DISMISSED 6/13/18**

Party Information

Debtor(s):

David Paul Bitzer

Represented By
H Christopher Coburn

Defendant(s):

OCWEN LOAN SERVICING, LLC

Pro Se

DEUTSCHE BANK NATIONAL

Pro Se

Plaintiff(s):

David Paul Bitzer

Represented By
H Christopher Coburn

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:16-18820 Chase D Chung

Chapter 13

#2.00 Motion to Disallow Claims Claim 2-1; Navient Solutions, Inc.

EH__

Docket 60

Party Information

Debtor(s):

Chase D Chung

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:16-14476 Juan Rene Fullen, Jr.

Chapter 13

#3.00 Motion to Authorize Loan Modification (LMM) Agreement and Modify Loan on Real Property (LBR 9013-1 (o))

EH__

Docket 45

Party Information

Debtor(s):

Juan Rene Fullen Jr.

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13908 William Bennett Averett and Nora Lee Averett

Chapter 13

#4.00 Motion Re: Objection to Claim Number 2 by Hidden Oak Group, Inc.

EH__

Docket 24

Party Information

Debtor(s):

William Bennett Averett

Represented By
John D Monte

Joint Debtor(s):

Nora Lee Averett

Represented By
John D Monte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:17-20318 Lynette Kathryn Beaver

Chapter 13

#5.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18, 6/14/18

EH__

Docket 0

Party Information

Debtor(s):

Lynette Kathryn Beaver

Represented By
Anerio V Altman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18, 6/28/18

EH__

Docket 0

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-12819 Adrian Lopez and Patricia Lopez

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 6/7/18

EH__

Docket 0

Party Information

Debtor(s):

Adrian Lopez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Patricia Lopez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-12992 Charles Henry Sacayan and Catherine Angela McNicholas

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18, 6/28/18

EH__

Docket 0

Party Information

Debtor(s):

Charles Henry Sacayan

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Catherine Angela McNicholas

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13163 Michael D Hayden, II and Joanna Queen Hayden

Chapter 13

#9.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

EH__

Docket 0

Party Information

Debtor(s):

Michael D Hayden II

Represented By
Sunita N Sood

Joint Debtor(s):

Joanna Queen Hayden

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13193 Richard Garavito

Chapter 13

#10.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18, 6/28/18

EH__

Docket 0

Party Information

Debtor(s):

Richard Garavito

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13208 Robert Justice Morse, Jr. and Helen Julia Morse

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18

EH__

Docket 0

Party Information

Debtor(s):

Robert Justice Morse Jr.

Represented By
Robert W Ripley

Joint Debtor(s):

Helen Julia Morse

Represented By
Robert W Ripley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13268 Oscar Franco and Edubijes Franco

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18, 6/28/18

EH__

Docket 0

Party Information

Debtor(s):

Oscar Franco

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Edubijes Franco

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13566 Marco Tulio Magana and Gloria Louisa Magana

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18

EH__

Docket 0

Party Information

Debtor(s):

Marco Tulio Magana

Represented By
Daniel King

Joint Debtor(s):

Gloria Louisa Magana

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-13678 Kevin Eugene Martin and Francisca Chavez-Martin

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18

EH__

Docket 0

Party Information

Debtor(s):

Kevin Eugene Martin

Represented By
Michael E Clark

Joint Debtor(s):

Francisca Chavez-Martin

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-10761 Ronald Wayne Cloyd

Chapter 13

#15.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14020 Patricia Ann Cook

Chapter 13

#16.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Party Information

Debtor(s):

Patricia Ann Cook

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14052 Glenda Faye Price

Chapter 13

#17.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Party Information

Debtor(s):

Glenda Faye Price

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14112 Adan Duarte

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Party Information

Debtor(s):

Adan Duarte

Represented By
William E Windham

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14225 Karen Patricia Boyd

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Karen Patricia Boyd

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14246 Susan Fontecha

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Susan Fontecha

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14257 Adam Casey Addison

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Adam Casey Addison

Represented By
Nima S Vokshori
Luke Jackson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14272 Jose F Mejia

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/8/18**

Party Information

Debtor(s):

Jose F Mejia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14277 Cesar Orozco

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Cesar Orozco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14278 David Bruce Bremer and Tina Marie Bremer

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

David Bruce Bremer

Represented By
Paul Y Lee

Joint Debtor(s):

Tina Marie Bremer

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14315 John Ryan

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/11/18**

Party Information

Debtor(s):

John Ryan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14336 Peter Najim

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14337 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14340 Lawrence A McCoy

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Lawrence A McCoy

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14377 Elizabeth L Taufaa

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Elizabeth L Taufaa

Represented By
Benjamin A Yrungaray

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14388 Jesus Pabloff and Virginia Pabloff

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Jesus Pabloff

Represented By
Tom A Moore

Joint Debtor(s):

Virginia Pabloff

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14394 Xavier Cristobal Luna

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Xavier Cristobal Luna

Represented By
Roberto Gil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14402 Bessie Johnson Desroches

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/11/18**

Party Information

Debtor(s):

Bessie Johnson Desroches

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14409 Ralph O Dieter

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Ralph O Dieter

Represented By
Stephen R Wade

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14412 Roberto Hernandez and Christina M Hernandez

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Roberto Hernandez

Represented By
Paul Y Lee

Joint Debtor(s):

Christina M Hernandez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14467 Jose M. Cortez

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Jose M. Cortez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:00 AM

6:18-14468 Patricia Solis-Alvarez

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Party Information

Debtor(s):

Patricia Solis-Alvarez

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:01 AM

6:14-23388 Jose N Recinos and Patricia Recinos

Chapter 13

#37.00 CONT Trustee's Motion to Dismiss Case

From: 6/28/18

EH__

Docket 277

Party Information

Debtor(s):

Jose N Recinos

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Patricia Recinos

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:01 AM

6:16-20773 Idalia Temblador-Baisa

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case

From: 6/7/18, 6/28/18

EH__

Docket 57

Party Information

Debtor(s):

Idalia Temblador-Baisa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:01 AM

6:17-16699 Cindy Louise Lawson

Chapter 13

#39.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 6/28/18

EH__

Docket 27

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:01 AM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#40.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 46

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:01 AM

6:17-20019 Frank Prouty

Chapter 13

#41.00 CONT Trustee's Motion to Dismiss Case

From: 5/24/18, 6/28/18

EH__

Docket 43

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, July 19, 2018

Hearing Room 303

11:30 AM

6:13-19074 Amber Michelle Bradley

Chapter 7

#42.00 Motion to Reopen Chapter 7 Case with Notice for the Purpose of Enforcing the Discharge Order

EH__

Docket 12

Party Information

Debtor(s):

Amber Michelle Bradley

Represented By
Neelanjeet K Kahlon-Pfister
Cory T Salisbury

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:12-25790 Jose Vasquez Hernandez and Ana Maria Hernandez

Chapter 13

#1.00 Trustee's Motion to Dismiss Case

EH__

Docket 179

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

Jose Vasquez Hernandez

Represented By
Manfred Schroer

Joint Debtor(s):

Ana Maria Hernandez

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:12-35447 Fernando Rodriguez and Gabriela Rodriguez

Chapter 13

#2.00 Trustee's Motion to Dismiss Case

EH__

Docket 277

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Fernando Rodriguez

Represented By
Tamar Terzian

Joint Debtor(s):

Gabriela Rodriguez

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-11112 Rosa Alvarez

Chapter 13

#3.00 Trustee's Motion to Dismiss Case

EH__

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Rosa Alvarez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-11807 Claudia Veronica Reyes-Olivares

Chapter 13

#4.00 Trustee's Motion to Dismiss Case

EH__

Docket 151

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Claudia Veronica Reyes-Olivares

Represented By
Anthony E Contreras

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-12300 Araceli Canela

Chapter 13

#5.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Araceli Canela

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-12545 Pyongil Cha

Chapter 13

#6.00 Trustee's Motion to Dismiss Case

EH__

Docket 135

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/5/18

Party Information

Debtor(s):

Pyongil Cha

Represented By
Parisa Fishback
David Brian Lally
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-13035 Kevin Ray Miller and Martina Miller

Chapter 13

#7.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Kevin Ray Miller

Represented By
M Wayne Tucker

Joint Debtor(s):

Martina Miller

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-13337 Corey J. McKeever and Lucy C. McKeever

Chapter 13

#8.00 Trustee's Motion to Dismiss Case

EH__

Docket 171

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Corey J. McKeever

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Lucy C. McKeever

Represented By
Lazaro E Fernandez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-13554 Philip J. Adams and Kathy M. Adams

Chapter 13

#9.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Philip J. Adams

Represented By
Anthony G Lagomarsino

Joint Debtor(s):

Kathy M. Adams

Represented By
Anthony G Lagomarsino

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-13746 Ronald Andrew Lopez and Lisa Darlene Lopez

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

EH__

Docket 183

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Ronald Andrew Lopez

Represented By
David Lozano

Joint Debtor(s):

Lisa Darlene Lopez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-15321 John Douglas Bacon and Monica Marie Bacon

Chapter 13

#11.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/7/18**

Party Information

Debtor(s):

John Douglas Bacon

Represented By
Andrew Moher

Joint Debtor(s):

Monica Marie Bacon

Represented By
Andrew Moher

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-15700 Brian Bulos Khoury and Christine Khoury

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 96

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Brian Bulos Khoury

Represented By
Marc A Duxbury

Joint Debtor(s):

Christine Khoury

Represented By
Marc A Duxbury

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-17149 Desmond Anthony Townsend and Lillian Carmen

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Party Information

Debtor(s):

Desmond Anthony Townsend

Represented By
April E Roberts

Joint Debtor(s):

Lillian Carmen Townsend

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-17200 Robert J. Holcomb and Senorina Rivera Holcomb

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/5/18**

Party Information

Debtor(s):

Robert J. Holcomb

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Senorina Rivera Holcomb

Represented By
Joseph A Weber
Fritz J Firman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-18728 Jeanette Johnson

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

Party Information

Debtor(s):

Jeanette Johnson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-18779 Rigoberto Baez

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 153

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18

Party Information

Debtor(s):

Rigoberto Baez

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-19151 Jesus Garcia and Olivia Garcia

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Jesus Garcia

Represented By
Luis G Torres

Joint Debtor(s):

Olivia Garcia

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-19250 Robert B Eppley

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 91

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Robert B Eppley

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-21440 John McCabe and Elena McCabe

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/5/18**

Party Information

Debtor(s):

John McCabe

Represented By
Kirk A Laron

Joint Debtor(s):

Elena McCabe

Represented By
Kirk A Laron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-21894 Francisco Javier Medina and Maria Guadalupe Medina

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 175

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Francisco Javier Medina

Represented By
Tamar Terzian

Joint Debtor(s):

Maria Guadalupe Medina

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-22605 Rebecca Lee Shaffer

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

Rebecca Lee Shaffer

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-24456 Lenore Esther Hernandez and Jesus Anthony Hernandez

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Jesus Anthony Hernandez

Represented By
Erik Clark
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Lenore Esther Hernandez

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-25336 Enrique Artemio Barba

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 173

Party Information

Debtor(s):

Enrique Artemio Barba

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-25621 Gildardo R Herrera and Stephanie D Herrera

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 104

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Gildardo R Herrera

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Stephanie D Herrera

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-26237 Carlos Vincent Valdez and Grace G. Valdez

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

Party Information

Debtor(s):

Carlos Vincent Valdez

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Grace G. Valdez

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-28068 Clarence White

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 153

Party Information

Debtor(s):

Clarence White

Represented By
Steven A Wolvek

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-28117 Manuel Sandoval Gonzalez and Andrea Michelle Gonzalez

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Manuel Sandoval Gonzalez

Represented By
Dana Travis

Joint Debtor(s):

Andrea Michelle Gonzalez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-28179 James Edward Lishko, Jr. and Debbie Sue Lishko

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 102

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

James Edward Lishko Jr.

Represented By
Christopher J Langley

Joint Debtor(s):

Debbie Sue Lishko

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-28398 Antonio Lopez and Angelica Duenas

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

Antonio Lopez

Represented By
Julie J Villalobos

Joint Debtor(s):

Angelica Duenas

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-28666 Mildred Goodridge Crawford

Chapter 13

#30.00 Trustee's Motion to Dismiss Case

EH__

Docket 217

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Mildred Goodridge Crawford

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-29102 Jose David Galarza and Catalina Galarza

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Jose David Galarza

Represented By
Tyson Takeuchi
Scott Kosner

Joint Debtor(s):

Catalina Galarza

Represented By
Tyson Takeuchi
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-29191 Alfredo Garcia-Nunez and Josefina Lopes-Lisea

Chapter 13

#32.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Alfredo Garcia-Nunez

Represented By
Leonard Pena

Joint Debtor(s):

Josefina Lopes-Lisea

Represented By
Leonard Pena

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-29271 Dana Rene Hampton

Chapter 13

#33.00 Trustee's Motion to Dismiss Case

EH__

Docket 106

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Dana Rene Hampton

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-30046 Hector M Rodriguez and Mary L Rodriguez

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Hector M Rodriguez

Represented By
Michael A Younge

Joint Debtor(s):

Mary L Rodriguez

Represented By
Michael A Younge

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-30066 Mitchell Jeffrey Summers and Terra Carolina Summers

Chapter 13

#35.00 Trustee's Motion to Dismiss Case

EH__

Docket 133

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Mitchell Jeffrey Summers

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Terra Carolina Summers

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-30513 Jacquelyn Ann Deniston

Chapter 13

#36.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Jacquelyn Ann Deniston

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-30567 Robert Warren Gillam and Diana Lynn Gillam

Chapter 13

#37.00 Trustee's Motion to Dismiss Case

EH__

Docket 84

Party Information

Debtor(s):

Robert Warren Gillam

Represented By
James P Doan

Joint Debtor(s):

Diana Lynn Gillam

Represented By
James P Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:13-30641 Jacob J Cannon and Danielle M Cannon

Chapter 13

#38.00 Trustee's Motion to Dismiss Case

EH__

Docket 133

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Jacob J Cannon

Represented By
Lisa H Robinson
John F Brady

Joint Debtor(s):

Danielle M Cannon

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-10402 Gary Lee Edwards and Rose Marie Edwards

Chapter 13

#39.00 Trustee's Motion to Dismiss Case

EH__

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Gary Lee Edwards

Represented By
Bryant C MacDonald

Joint Debtor(s):

Rose Marie Edwards

Represented By
Bryant C MacDonald

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-10632 Angel K. Horn

Chapter 13

#40.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

Party Information

Debtor(s):

Angel K. Horn

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-10793 Robert Anthony Maruffo and Allison Marie Maruffo

Chapter 13

#41.00 Trustee's Motion to Dismiss Case

EH__

Docket 74

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Robert Anthony Maruffo

Represented By
Carey C Pickford

Joint Debtor(s):

Allison Marie Maruffo

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-10795 Agnes Smith

Chapter 13

#42.00 Trustee's Motion to Dismiss Case

EH__

Docket 103

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/5/18**

Party Information

Debtor(s):

Agnes Smith

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-10944 Danah Merrie Collier

Chapter 13

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Danah Merrie Collier

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-11281 Geoffrey J Kitilya

Chapter 13

#44.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Geoffrey J Kitilya

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-11369 Robert Wayne Cook, Sr. and Kelly Danielle Cook

Chapter 13

#45.00 Trustee's Motion to Dismiss Case

EH__

Docket 148

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Robert Wayne Cook Sr.

Represented By
Steven A Alpert

Joint Debtor(s):

Kelly Danielle Cook

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-11597 Taylor J. Bretz

Chapter 13

#46.00 Trustee's Motion to Dismiss Case

EH__

Docket 206

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Taylor J. Bretz

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-11816 Arnel De Castro and Anna De Castro

Chapter 13

#47.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Arnel De Castro

Represented By
Paul Y Lee

Joint Debtor(s):

Anna De Castro

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-12355 Raafat Georgy

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH__

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Raafat Georgy

Represented By
Joseph R Manning Jr

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-12693 Silvia Vargas

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH__

Docket 114

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/20/18**

Party Information

Debtor(s):

Silvia Vargas

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-13095 Maricella Garcia

Chapter 13

#50.00 Trustee's Motion to Dismiss Case

EH__

Docket 107

Party Information

Debtor(s):

Maricella Garcia

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-13510 Carmen Lucia Mendez

Chapter 13

#51.00 Trustee's Motion to Dismiss Case

EH__

Docket 97

Party Information

Debtor(s):

Carmen Lucia Mendez

Represented By
Sara E Razavi
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-13555 George Henry Samuelson

Chapter 13

#52.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

George Henry Samuelson

Represented By
Bryant C MacDonald

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-13829 Alexis Justine Brooks

Chapter 13

#53.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Alexis Justine Brooks

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-14265 Ricardo Pimentel and Maria Pimentel

Chapter 13

#54.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/6/18**

Party Information

Debtor(s):

Ricardo Pimentel

Represented By
Tamar Terzian

Joint Debtor(s):

Maria Pimentel

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-14384 William J English

Chapter 13

#55.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

William J English

Represented By
Eric C Morris

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-15246 David J Macias and Martha Macias

Chapter 13

#56.00 Trustee's Motion to Dismiss Case

EH__

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

David J Macias

Represented By
Marjorie M Johnson

Joint Debtor(s):

Martha Macias

Represented By
Marjorie M Johnson

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-15520 Jeremiah Johnson Nellis

Chapter 13

#57.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18

Party Information

Debtor(s):

Jeremiah Johnson Nellis

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-15845 Alex Soto

Chapter 13

#58.00 Trustee's Motion to Dismiss Case

EH__

Docket 95

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Alex Soto

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-16397 Learoyd E. Frank and Anila S. Frank

Chapter 13

#59.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Learoyd E. Frank

Represented By
Carey C Pickford

Joint Debtor(s):

Anila S. Frank

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-16429 CHRISTY LYNN FOWLER and MARK DAWAYNE

Chapter 13

#60.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

CHRISTY LYNN FOWLER

Represented By
Christian U Anyiam

Joint Debtor(s):

MARK DAWAYNE FOWLER II

Represented By
Christian U Anyiam

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-17056 Ernesto Alonso Gomez

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/20/18**

Party Information

Debtor(s):

Ernesto Alonso Gomez

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-17490 Kenneth Mcewing Huff

Chapter 13

#62.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Kenneth Mcewing Huff

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-17491 Rosalie Estella Crouch

Chapter 13

#63.00 Trustee's Motion to Dismiss Case

EH__

Docket 91

Party Information

Debtor(s):

Rosalie Estella Crouch

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-17529 Troy Gene Thomas and Becky L Thomas

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH__

Docket 113

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Troy Gene Thomas

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Becky L Thomas

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-18156 Jose Luis Gutierrez and Patricia Gutierrez

Chapter 13

#65.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Jose Luis Gutierrez

Represented By
Kelly Warren

Joint Debtor(s):

Patricia Gutierrez

Represented By
Kelly Warren

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-18349 Fabiola Adame

Chapter 13

#66.00 Trustee's Motion to Dismiss Case

EH__

Docket 169

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18

Party Information

Debtor(s):

Fabiola Adame

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-18359 Donnie Edward Southerland and Andrea Marie

Chapter 13

#67.00 Trustee's Motion to Dismiss Case

EH__

Docket 115

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Donnie Edward Southerland

Represented By
Dana Travis

Joint Debtor(s):

Andrea Marie Southerland

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-18523 Dennis Williams

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/7/18**

Party Information

Debtor(s):

Dennis Williams

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-19029 Sheila Marie Dejesa

Chapter 13

#69.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

Party Information

Debtor(s):

Sheila Marie Dejesa

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-19319 Edward Jennings Kidwell

Chapter 13

#70.00 Trustee's Motion to Dismiss Case

EH__

Docket 96

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Edward Jennings Kidwell

Represented By
Tyson Takeuchi
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-19428 Reynaldo Jaimes Merlan and Maria D Merlan

Chapter 13

#71.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Reynaldo Jaimes Merlan

Represented By
Tamar Terzian

Joint Debtor(s):

Maria D Merlan

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-19913 Martin Caballero and Clementina Caballero

Chapter 13

#72.00 Trustee's Motion to Dismiss Case

EH__

Docket 122

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Martin Caballero

Represented By
Luis G Torres

Joint Debtor(s):

Clementina Caballero

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-20166 Rosa Partida

Chapter 13

#73.00 Trustee's Motion to Dismiss Case

EH__

Docket 121

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Rosa Partida

Represented By
Mathew Alden

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-20307 Anna M Loconto

Chapter 13

#74.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/6/18

Party Information

Debtor(s):

Anna M Loconto

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-20348 Frederick Rudy Deveau and Wendy Jo Deveau

Chapter 13

#75.00 Trustee's Motion to Dismiss Case

EH__

Docket 76

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Frederick Rudy Deveau

Represented By
Christopher J Langley

Joint Debtor(s):

Wendy Jo Deveau

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-20798 John W Ambrose, Jr

Chapter 13

#76.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

Party Information

Debtor(s):

John W Ambrose Jr

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-20832 Ryan Scott Williams

Chapter 13

#77.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FLD 7/3/18**

Party Information

Debtor(s):

Ryan Scott Williams

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-21370 Imelda Tapia

Chapter 13

#78.00 Trustee's Motion to Dismiss Case

EH__

Docket 77

***** VACATED *** REASON: CASE DISMISSED 6/20/18**

Party Information

Debtor(s):

Imelda Tapia

Represented By
Anthony Wilaras

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-21377 Adam Max Thewes and Kristine Ann Thewes

Chapter 13

#79.00 Trustee's Motion to Dismiss Case

EH__

Docket 70

Party Information

Debtor(s):

Adam Max Thewes

Represented By
Steven A Alpert

Joint Debtor(s):

Kristine Ann Thewes

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-21455 Raul Ruelas and Laura Ruelas

Chapter 13

#80.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Raul Ruelas

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Laura Ruelas

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-22149 Ruben Sotelo

Chapter 13

#81.00 Trustee's Motion to Dismiss Case

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Ruben Sotelo

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-22362 James Lange and Michelle Lange

Chapter 13

#82.00 Trustee's Motion to Dismiss Case

EH__

Docket 148

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18

Party Information

Debtor(s):

James Lange

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Michelle Lange

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-22380 Richard Maher and Elena Maher

Chapter 13

#83.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Richard Maher

Represented By
Christopher Hewitt

Joint Debtor(s):

Elena Maher

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-22629 Karry Howard

Chapter 13

#84.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Karry Howard

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-22637 Michelle Ann Maki

Chapter 13

#85.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

Party Information

Debtor(s):

Michelle Ann Maki

Represented By
Joel M Feinstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-22951 Wilfred David Pascual

Chapter 13

#86.00 Trustee's Motion to Dismiss Case

EH__

Docket 63

Party Information

Debtor(s):

Wilfred David Pascual

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-23150 Vivian Munson

Chapter 13

#87.00 Trustee's Motion to Dismiss Case

EH__

Docket 218

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-23319 Lamar Surpell Bell

Chapter 13

#88.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18

Party Information

Debtor(s):

Lamar Surpell Bell

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-24084 Michael Lee Barnes and Belinda Ann Barnes

Chapter 13

#89.00 Trustee's Motion to Dismiss Case

EH__

Docket 110

Party Information

Debtor(s):

Michael Lee Barnes

Represented By
Todd L Turoci

Joint Debtor(s):

Belinda Ann Barnes

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-24213 Rula Nino

Chapter 13

#90.00 Trustee's Motion to Dismiss Case

EH__

Docket 106

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18

Party Information

Debtor(s):

Rula Nino

Represented By
Devin Sawdayi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-24807 Bryan K. Harrison and Dawn Harrison

Chapter 13

#91.00 Trustee's Motion to Dismiss Case

EH__

Docket 122

Party Information

Debtor(s):

Bryan K. Harrison

Represented By
April E Roberts

Joint Debtor(s):

Dawn Harrison

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-24888 Jesus Padilla Simental

Chapter 13

#92.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

Party Information

Debtor(s):

Jesus Padilla Simental

Represented By
Bryn C Deb

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-25156 Keith Raynard Burton and Brigitte Michelle Burton

Chapter 13

#93.00 Trustee's Motion to Dismiss Case

EH__

Docket 139

Party Information

Debtor(s):

Keith Raynard Burton

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Brigitte Michelle Burton

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:14-25452 Gary Dewain Pounds and Mary Margaret Pounds

Chapter 13

#94.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Gary Dewain Pounds

Represented By
Michael Jay Berger

Joint Debtor(s):

Mary Margaret Pounds

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-10237 Maria E Carranza

Chapter 13

#95.00 Trustee's Motion to Dismiss Case

EH__

Docket 82

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Maria E Carranza

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-10334 Alberto H. Garcia and Gina Caceres

Chapter 13

#96.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Alberto H. Garcia

Represented By
Carey C Pickford

Joint Debtor(s):

Gina Caceres

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-10348 Robert Wolf and Jennifer Collean Wolf

Chapter 13

#97.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Robert Wolf

Represented By
Todd L Turoci

Joint Debtor(s):

Jennifer Collean Wolf

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-10464 Jose Agustin Nuno-Anaya and Nelly Nuno

Chapter 13

#98.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Jose Agustin Nuno-Anaya

Represented By
April E Roberts

Joint Debtor(s):

Nelly Nuno

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-10929 Christopher John Helme

Chapter 13

#99.00 Trustee's Motion to Dismiss Case

EH__

Docket 157

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Christopher John Helme

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-11020 Joseph Levi Riddle and Jessica Sue Riddle

Chapter 13

#100.00 Trustee's Motion to Dismiss Case

EH__

Docket 91

Party Information

Debtor(s):

Joseph Levi Riddle

Represented By
L. Tegan Rodkey

Joint Debtor(s):

Jessica Sue Riddle

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-11132 Lenora L Dawson

Chapter 13

#101.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Lenora L Dawson

Represented By
Jennifer M Grant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-11188 Claudie Gene West

Chapter 13

#102.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Claudie Gene West

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-11224 Jesus Samano Landa

Chapter 13

#103.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Jesus Samano Landa

Represented By
Edgar P Lombera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-11440 Gabriel Eduardo Dominguez and Martha Ruth Dominguez Chapter 13

#104.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Gabriel Eduardo Dominguez

Represented By
Dana Travis

Joint Debtor(s):

Martha Ruth Dominguez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-11540 Jesus Manuel Gomez and Maria Gomez

Chapter 13

#105.00 Trustee's Motion to Dismiss Case

EH__

Docket 104

Party Information

Debtor(s):

Jesus Manuel Gomez

Represented By
Dana Travis

Joint Debtor(s):

Maria Gomez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12092 Edilberto Aguirre-Mendoza and Alba Zacarias-Cebrero

Chapter 13

#106.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Edilberto Aguirre-Mendoza

Represented By
Matthew D. Resnik

Joint Debtor(s):

Alba Zacarias-Cebrero

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12168 Leslie A. Larson

Chapter 13

#107.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Leslie A. Larson

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12173 David L Aston and Evelyn A Aston

Chapter 13

#108.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

David L Aston

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Evelyn A Aston

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12404 Anthony E Turkson

Chapter 13

#109.00 Trustee's Motion to Dismiss Case

EH__

Docket 126

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12699 Miguel A Cervantes

Chapter 13

#110.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Miguel A Cervantes

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12820 Jose Ceja, Jr and Chasity Ann Ceja

Chapter 13

#111.00 Trustee's Motion to Dismiss Case

EH__

Docket 183

Party Information

Debtor(s):

Jose Ceja Jr

Represented By
Dana Travis

Joint Debtor(s):

Chasity Ann Ceja

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-12880 Presciliano Perez

Chapter 13

#112.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Presciliano Perez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13042 Linda E Holcomb

Chapter 13

#113.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Linda E Holcomb

Represented By
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#114.00 Trustee's Motion to Dismiss Case

EH__

Docket 109

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13643 Milton Y Diaz and Maria Alejandra Diaz

Chapter 13

#115.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Milton Y Diaz

Represented By
Thomas Watkins

Joint Debtor(s):

Maria Alejandra Diaz

Represented By
Thomas Watkins

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13652 David Wark and Michelle Wark

Chapter 13

#116.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

David Wark

Represented By
Christopher Hewitt

Joint Debtor(s):

Michelle Wark

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13811 Christopher Lee Sumners

Chapter 13

#117.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18

Party Information

Debtor(s):

Christopher Lee Sumners

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13830 Ramon Urrutia

Chapter 13

#118.00 Trustee's Motion to Dismiss Case

EH__

Docket 49

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18

Party Information

Debtor(s):

Ramon Urrutia

Represented By
C Scott Rudibaugh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-13847 Juan A Hernandez

Chapter 13

#119.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Juan A Hernandez

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-14243 Julio Guzman

Chapter 13

#120.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/20/18**

Party Information

Debtor(s):

Julio Guzman

Represented By
Phillip Myer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-14501 Vonetta M Mays

Chapter 13

#121.00 Trustee's Motion to Dismiss Case

EH__

Docket 192

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-14835 Bennea Cynthia Travis

Chapter 13

#122.00 Trustee's Motion to Dismiss Case

EH__

Docket 87

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Bennea Cynthia Travis

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15047 Ann Perez

Chapter 13

#123.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Ann Perez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15522 Scott Allan Oswald and Lisa Frances Oswald

Chapter 13

#124.00 Trustee's Motion to Dismiss Case

EH__

Docket 95

Party Information

Debtor(s):

Scott Allan Oswald

Represented By
Richard Lynn Barrett

Joint Debtor(s):

Lisa Frances Oswald

Represented By
Richard Lynn Barrett

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15599 Michael O'Cull

Chapter 13

#125.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Michael O'Cull

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15750 John Luther Peterson

Chapter 13

#126.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18

Party Information

Debtor(s):

John Luther Peterson

Represented By
Robert J Spitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15831 William R Parker and Cheryl Parker

Chapter 13

#127.00 Trustee's Motion to Dismiss Case

EH__

Docket 95

***** VACATED *** REASON: CASE DISMISSED 6/27/18**

Party Information

Debtor(s):

William R Parker

Represented By
Julie J Villalobos

Joint Debtor(s):

Cheryl Parker

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15904 Lucianna P Wais

Chapter 13

#128.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/18**

Party Information

Debtor(s):

Lucianna P Wais

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15912 Elgitha B Baldonado-Ranosa

Chapter 13

#129.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18**

Party Information

Debtor(s):

Elgitha B Baldonado-Ranosa

Represented By
Charles W Daff

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-15971 Allen J Sheerin

Chapter 13

#130.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

Party Information

Debtor(s):

Allen J Sheerin

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16079 Tracy Lynne Crooks

Chapter 13

#131.00 Trustee's Motion to Dismiss Case

EH__

Docket 82

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Tracy Lynne Crooks

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16110 Rafael Bello

Chapter 13

#132.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Rafael Bello

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16128 Delkys Hyde

Chapter 13

#133.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Delkys Hyde

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16367 John Stephen Puddy, Jr.

Chapter 13

#134.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

John Stephen Puddy Jr.

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16637 Martin D Woods and Shante L Woods

Chapter 13

#135.00 Trustee's Motion to Dismiss Case

EH__

Docket 89

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Martin D Woods

Represented By
M Wayne Tucker

Joint Debtor(s):

Shante L Woods

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16873 Brenda Morgan

Chapter 13

#136.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18

Party Information

Debtor(s):

Brenda Morgan

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-16972 Joe Martinez, Jr. and Sandra Lynette Martinez

Chapter 13

#137.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

Party Information

Debtor(s):

Joe Martinez Jr.

Represented By
David Lozano

Joint Debtor(s):

Sandra Lynette Martinez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17060 Chris Alvarado Espinoza

Chapter 13

#138.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

Party Information

Debtor(s):

Chris Alvarado Espinoza

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17177 Shari Lynn Finch

Chapter 13

#139.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Shari Lynn Finch

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17349 Qurieno De Guchy, Sr. and Jessica Nerida De Guchy

Chapter 13

#140.00 Trustee's Motion to Dismiss Case

EH__

Docket 104

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Qurieno De Guchy Sr.

Represented By
Gary S Saunders

Joint Debtor(s):

Jessica Nerida De Guchy

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17441 Angelica Teresa Anguiano

Chapter 13

#141.00 Trustee's Motion to Dismiss Case

EH__

Docket 124

Party Information

Debtor(s):

Angelica Teresa Anguiano

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17476 Michael Brian Goodrich, Sr. and Kimberly JoAnn Carter

Chapter 13

#142.00 Trustee's Motion to Dismiss Case

EH__

Docket 171

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Michael Brian Goodrich Sr.

Represented By
Christopher J Langley

Joint Debtor(s):

Kimberly JoAnn Carter

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17560 David W Monestero and Magdalena Monestero

Chapter 13

#143.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

David W Monestero

Represented By
Julie J Villalobos

Joint Debtor(s):

Magdalena Monestero

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17561 Cresencio Ramirez Ramirez and Maria Olga Ramirez

Chapter 13

#144.00 Trustee's Motion to Dismiss Case

EH__

Docket 139

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Cresencio Ramirez Ramirez

Represented By
John F Brady

Joint Debtor(s):

Maria Olga Ramirez

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17599 David P. Carpenter and Cresencia M. Carpenter

Chapter 13

#145.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

David P. Carpenter

Represented By
Carey C Pickford

Joint Debtor(s):

Cresencia M. Carpenter

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17743 Maria C. Ignacio

Chapter 13

#146.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Maria C. Ignacio

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17780 Rodney Lenn Cole and Annalue Cole

Chapter 13

#147.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

Rodney Lenn Cole

Represented By
Nicholas M Wajda

Joint Debtor(s):

Annalue Cole

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17922 Homer Wilson and Evelyn Wilson

Chapter 13

#148.00 Trustee's Motion to Dismiss Case

EH__

Docket 110

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Homer Wilson

Represented By
Leonard J Cravens

Joint Debtor(s):

Evelyn Wilson

Represented By
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-17937 Joe Roger Montes

Chapter 13

#149.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18

Party Information

Debtor(s):

Joe Roger Montes

Represented By
Stephen R Wade
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-18139 Randall Meier

Chapter 13

#150.00 Trustee's Motion to Dismiss Case

EH__

Docket 111

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Randall Meier

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-18175 Rudolph Mike Montoya and Rosemary Montoya

Chapter 13

#151.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Rudolph Mike Montoya

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Rosemary Montoya

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-18702 Frank Munoz and Nanci Jessie Munoz

Chapter 13

#152.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Frank Munoz

Represented By
Alon Darvish

Joint Debtor(s):

Nanci Jessie Munoz

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-18734 Eduardo Javier Meza and Margaret Ruth Morales

Chapter 13

#153.00 Trustee's Motion to Dismiss Case

EH__

Docket 187

Party Information

Debtor(s):

Eduardo Javier Meza

Represented By
Dana Travis

Joint Debtor(s):

Margaret Ruth Morales

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-18942 Genaro Flores and Salome Flores

Chapter 13

#154.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Genaro Flores

Represented By
Luis G Torres

Joint Debtor(s):

Salome Flores

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-19069 Zulu A Ali

Chapter 13

#155.00 Trustee's Motion to Dismiss Case

EH__

Docket 123

Party Information

Debtor(s):

Zulu A Ali

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-19338 Jesus Aguilar and Maria G Aguilar

Chapter 13

#156.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Jesus Aguilar

Represented By
Luis G Torres

Joint Debtor(s):

Maria G Aguilar

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-19523 Torri Walker

Chapter 13

#157.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Torri Walker

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-19804 Juan M Madueno Carrizoza

Chapter 13

#158.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Juan M Madueno Carrizoza

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-19930 Melinda Kay Allen

Chapter 13

#159.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Melinda Kay Allen

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-19993 Jose R. Gonzalez and Maria S. Gonzalez

Chapter 13

#160.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

Party Information

Debtor(s):

Jose R. Gonzalez

Represented By
Juanita V Miller

Joint Debtor(s):

Maria S. Gonzalez

Represented By
Juanita V Miller

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-20023 Zachary Lee Nowak

Chapter 13

#161.00 Trustee's Motion to Dismiss Case

EH__

Docket 88

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18

Party Information

Debtor(s):

Zachary Lee Nowak

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-20062 Lilia Iveth Fong

Chapter 13

#162.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

Party Information

Debtor(s):

Lilia Iveth Fong

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-20150 Kevin Kim Nettles and Sara Margaret Nettles

Chapter 13

#163.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Kevin Kim Nettles

Represented By
M Wayne Tucker

Joint Debtor(s):

Sara Margaret Nettles

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-20153 Rama Cokrohadian Suhari

Chapter 13

#164.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Rama Cokrohadian Suhari

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-20488 Roselia Hernandez

Chapter 13

#165.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18

Party Information

Debtor(s):

Roselia Hernandez

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-20531 Amber Larae Holmes

Chapter 13

#166.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Party Information

Debtor(s):

Amber Larae Holmes

Represented By
Yoon O Ham

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-21292 Debra Denise Barr

Chapter 13

#167.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FLD 7/2/18**

Party Information

Debtor(s):

Debra Denise Barr

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-21548 Chi Kan Yu

Chapter 13

#168.00 Trustee's Motion to Dismiss Case

EH__

Docket 156

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Chi Kan Yu

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-21887 Mark A. Aceves

Chapter 13

#169.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Mark A. Aceves

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-22033 Shyla L. Montgomery

Chapter 13

#170.00 Trustee's Motion to Dismiss Case

EH__

Docket 79

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18

Party Information

Debtor(s):

Shyla L. Montgomery

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-22222 Michael J. Waters

Chapter 13

#171.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Michael J. Waters

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-22294 Jonathan William Nicastro

Chapter 13

#172.00 Trustee's Motion to Dismiss Case

EH__

Docket 121

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Jonathan William Nicastro

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:15-22392 Donald Leroy Woodruff

Chapter 13

#173.00 Trustee's Motion to Dismiss Case

EH__

Docket 111

***** VACATED *** REASON: WITHDRAW OF MOTION FILED 6/13/18**

Party Information

Debtor(s):

Donald Leroy Woodruff

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10257 Cecilia Orozco and Sergio Orozco

Chapter 13

#174.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Cecilia Orozco

Represented By
Majid Safaie

Joint Debtor(s):

Sergio Orozco

Represented By
Majid Safaie

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10352 Helen Kanari Lewis

Chapter 13

#175.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Helen Kanari Lewis

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10369 Melvin T. Marks and Maria S Peponas

Chapter 13

#176.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Melvin T. Marks

Represented By
James D. Hornbuckle

Joint Debtor(s):

Maria S Peponas

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10379 Nicolas Garcia Ramos and Rosadelia Ramos

Chapter 13

#177.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Nicolas Garcia Ramos

Represented By
Luis G Torres

Joint Debtor(s):

Rosadelia Ramos

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10385 Adolfo Gonzalez and Angelica Gonzalez

Chapter 13

#178.00 Trustee's Motion to Dismiss Case

EH__

Docket 63

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Adolfo Gonzalez

Represented By
Luis G Torres

Joint Debtor(s):

Angelica Gonzalez

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10519 Leonard Leroy Crowell and Carol Eckstrom Crowell

Chapter 13

#179.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Leonard Leroy Crowell

Represented By
Dana Travis

Joint Debtor(s):

Carol Eckstrom Crowell

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10640 Robert John Mapstead and Belinda Alba Mapstead

Chapter 13

#180.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOITON FILED
7/17/18**

Party Information

Debtor(s):

Robert John Mapstead

Represented By
Dana Travis

Joint Debtor(s):

Belinda Alba Mapstead

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-10710 Charles Edward Horton

Chapter 13

#181.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18

Party Information

Debtor(s):

Charles Edward Horton

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11303 Joseph Robert Byrne and Hillary Allyne Byrne

Chapter 13

#182.00 Trustee's Motion to Dismiss Case

EH__

Docket 116

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Joseph Robert Byrne

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Hillary Allyne Byrne

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11370 Gary Janssen

Chapter 13

#183.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Party Information

Debtor(s):

Gary Janssen

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11780 Laurie L Burns

Chapter 13

#184.00 Trustee's Motion to Dismiss Case

EH__

Docket 91

Party Information

Debtor(s):

Laurie L Burns

Represented By
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11794 ROBERT A HAGUE and DIANNE L HAGUE

Chapter 13

#185.00 Trustee's Motion to Dismiss Case

EH__

Docket 110

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18**

Party Information

Debtor(s):

ROBERT A HAGUE

Represented By
Manfred Schroer

Joint Debtor(s):

DIANNE L HAGUE

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11872 Garan Bales

Chapter 13

#186.00 Trustee's Motion to Dismiss Case

EH__

Docket 129

Party Information

Debtor(s):

Garan Bales

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11873 Juan Figueroa and Nancy Figueroa

Chapter 13

#187.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Juan Figueroa

Represented By
Inez Tinoco-Vaca

Joint Debtor(s):

Nancy Figueroa

Represented By
Inez Tinoco-Vaca

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-11877 Allan Martin Borgen

Chapter 13

#188.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Allan Martin Borgen

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12031 Maria Lourdes Magallon

Chapter 13

#189.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Maria Lourdes Magallon

Represented By
Leonard Pena

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12150 Dwayne M Kollmar

Chapter 13

#190.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18**

Party Information

Debtor(s):

Dwayne M Kollmar

Represented By
Gary J Holt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#191.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

Party Information

Debtor(s):

Valicia LaShawn Fennell

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12400 Ernestine Steppes

Chapter 13

#192.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Ernestine Steppes

Represented By
Mathew Alden

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12453 Michael Joseph Fodor

Chapter 13

#193.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

Party Information

Debtor(s):

Michael Joseph Fodor

Represented By
Michael R Totaro
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12609 Ryan J. Watson

Chapter 13

#194.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18

Party Information

Debtor(s):

Ryan J. Watson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12849 Elsy G. Mejia

Chapter 13

#195.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Joint Debtor(s):

Elsy G. Mejia

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12963 Kenneth L Salser

Chapter 13

#196.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Kenneth L Salser

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-12982 Edward A. Moore, Jr. and Carole Moore

Chapter 13

#197.00 Trustee's Motion to Dismiss Case

EH__

Docket 82

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Edward A. Moore Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Carole Moore

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13030 Richard Hill Lindsay and Laura Lee Lindsay

Chapter 13

#198.00 Trustee's Motion to Dismiss Case

EH__

Docket 109

Party Information

Debtor(s):

Richard Hill Lindsay

Represented By
Emilia N McAfee

Joint Debtor(s):

Laura Lee Lindsay

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13226 Michael J. Covington, II

Chapter 13

#199.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Michael J. Covington II

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13404 Alberto Plascencia and Martina Plascencia

Chapter 13

#200.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Alberto Plascencia

Represented By
Paul Y Lee

Joint Debtor(s):

Martina Plascencia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13595 Robert P Contreras and Marie G Contreras

Chapter 13

#201.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Robert P Contreras

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Marie G Contreras

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13666 Benito Gonzalez Cardenas

Chapter 13

#202.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Benito Gonzalez Cardenas

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13729 Bradly Scott Aduddell

Chapter 13

#203.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Bradly Scott Aduddell

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#204.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-13957 Ryan Frank Escalante and Diana Karina Escalante

Chapter 13

#205.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Ryan Frank Escalante

Represented By
David Lozano

Joint Debtor(s):

Diana Karina Escalante

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14084 Martin Linares and Elvia Linares

Chapter 13

#206.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Martin Linares

Represented By
Craig K Streed
Sundee M Teeple

Joint Debtor(s):

Elvia Linares

Represented By
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14169 Sally Michelle Greene

Chapter 13

#207.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18

Party Information

Debtor(s):

Sally Michelle Greene

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14287 Brent Duane Larson and Sarah Marnet Larson

Chapter 13

#208.00 Trustee's Motion to Dismiss Case

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Brent Duane Larson

Represented By
Carey C Pickford

Joint Debtor(s):

Sarah Marnet Larson

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14440 Michael Douglas Guerino and Xochitl Rodriguez Guerino

Chapter 13

#209.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

Party Information

Debtor(s):

Michael Douglas Guerino

Represented By
Joseph M Hoats

Joint Debtor(s):

Xochitl Rodriguez Guerino

Represented By
Joseph M Hoats

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14476 Juan Rene Fullen, Jr.

Chapter 13

#210.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

Party Information

Debtor(s):

Juan Rene Fullen Jr.

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14548 Lavelle Lee Parker

Chapter 13

#211.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Lavelle Lee Parker

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14599 Brooke R Adams

Chapter 13

#212.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Brooke R Adams

Represented By
Lauren Rode

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-14987 Susana Olga Corona

Chapter 13

#213.00 Trustee's Motion to Dismiss Case

EH__

Docket 113

Party Information

Debtor(s):

Susana Olga Corona

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-15304 Fabiola Puttre

Chapter 13

#214.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18

Party Information

Debtor(s):

Fabiola Puttre

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-15412 Pablo Flores

Chapter 13

#215.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

***** VACATED *** REASON: CASE DISMISSED 7/17/18**

Party Information

Debtor(s):

Pablo Flores

Represented By
Anthony P Cara

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-15432 Ramona Hofman

Chapter 13

#216.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18

Party Information

Debtor(s):

Ramona Hofman

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-15479 David Becerra

Chapter 13

#217.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

David Becerra

Represented By
Glenn Ward Calsada

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-15902 Dinari Williams and Chandra Denman-Williams

Chapter 13

#218.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Party Information

Debtor(s):

Dinari Williams

Represented By
Emilia N McAfee

Joint Debtor(s):

Chandra Denman-Williams

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16314 Anthony James Parker and Cynthia Parker

Chapter 13

#219.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

Party Information

Debtor(s):

Anthony James Parker

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Cynthia Parker

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16319 Jeffrey Otto Schellin and Jennifer Lynn Schellin

Chapter 13

#220.00 Trustee's Motion to Dismiss Case

EH__

Docket 70

Party Information

Debtor(s):

Jeffrey Otto Schellin

Represented By
John F Brady

Joint Debtor(s):

Jennifer Lynn Schellin

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16702 Patsy Jean Patterson

Chapter 13

#221.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/4/18**

Party Information

Debtor(s):

Patsy Jean Patterson

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16719 Warren Thomas Derry

Chapter 13

#222.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Warren Thomas Derry

Represented By
Christopher C Barsness

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16720 Luevina Henry

Chapter 13

#223.00 Trustee's Motion to Dismiss Case

EH__

Docket 140

Party Information

Debtor(s):

Luevina Henry

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16757 John W Bennett and Mary Bennett

Chapter 13

#224.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: CASE DISMISSED 6/6/18**

Party Information

Debtor(s):

John W Bennett

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Mary Bennett

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16856 Tony Apodaca and Lydia Apodaca

Chapter 13

#225.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Tony Apodaca

Represented By
Julie J Villalobos

Joint Debtor(s):

Lydia Apodaca

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#226.00 Trustee's Motion to Dismiss Case

EH__

Docket 185

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16910 Noryvir Frondoza Bequilla

Chapter 13

#227.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Noryvir Frondoza Bequilla

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-16946 Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

#228.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

***** VACATED *** REASON: CONTINUED TO 8/2/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17031 Anderson L Pepper

Chapter 13

#229.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17647 Jennifer Lynn Anderson

Chapter 13

#230.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Party Information

Debtor(s):

Jennifer Lynn Anderson

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17737 Oraib Innabi

Chapter 13

#231.00 Trustee's Motion to Dismiss Case

EH__

Docket 70

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Oraib Innabi

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17765 Mary Jones

Chapter 13

#232.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Party Information

Debtor(s):

Mary Jones

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17770 Edward J. Galvan and Virginia Galvan

Chapter 13

#233.00 Trustee's Motion to Dismiss Case

EH__

Docket 83

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/7/18**

Party Information

Debtor(s):

Edward J. Galvan

Represented By
Paul Y Lee

Joint Debtor(s):

Virginia Galvan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17859 Juan Aguilera

Chapter 13

#234.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Party Information

Debtor(s):

Juan Aguilera

Represented By
A Mina Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17893 Ashley Douglas Faulstich

Chapter 13

#235.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

Party Information

Debtor(s):

Ashley Douglas Faulstich

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17902 Patricia Daniels

Chapter 13

#236.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/18**

Party Information

Debtor(s):

Patricia Daniels

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-17911 Elizabeth T Baker

Chapter 13

#237.00 Trustee's Motion to Dismiss Case

EH__

Docket 129

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18009 Carlos Garcia

Chapter 13

#238.00 Trustee's Motion to Dismiss Case

EH__

Docket 90

Party Information

Debtor(s):

Carlos Garcia

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18035 Jeanie Sullivan

Chapter 13

#239.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Jeanie Sullivan

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18125 Marc Meisenheimer

Chapter 13

#240.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Marc Meisenheimer

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18130 Edward Joseph Camejo

Chapter 13

#241.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Edward Joseph Camejo

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18182 Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

#242.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18190 John Adam Tribue, IV

Chapter 13

#243.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

John Adam Tribue IV

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18248 Juan Jose Franco

Chapter 13

#244.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

Party Information

Debtor(s):

Juan Jose Franco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18359 Joseph Liebgott, IV and Robby Jean Harrison

Chapter 13

#245.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Joseph Liebgott IV

Represented By
John F Brady

Joint Debtor(s):

Robby Jean Harrison

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18372 Gene Ashley Heisser, Jr.

Chapter 13

#246.00 Trustee's Motion to Dismiss Case

EH__

Docket 75

Party Information

Debtor(s):

Gene Ashley Heisser Jr.

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18398 Jose Luis Rojas

Chapter 13

#247.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18

Party Information

Debtor(s):

Jose Luis Rojas

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18430 Isaias Melo and Rosa Melo

Chapter 13

#248.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

Party Information

Debtor(s):

Isaias Melo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Rosa Melo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18529 Ricardo Carranza and Teresa D. Sotelo

Chapter 13

#249.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Ricardo Carranza

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Joint Debtor(s):

Teresa D. Sotelo

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18546 Alexis I Barahona

Chapter 13

#250.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Alexis I Barahona

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18621 John Wesley Wilson, Jr. and Michelle Janet Wilson

Chapter 13

#251.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Party Information

Debtor(s):

John Wesley Wilson Jr.

Represented By
Julie J Villalobos

Joint Debtor(s):

Michelle Janet Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-18820 Chase D Chung

Chapter 13

#252.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18

Party Information

Debtor(s):

Chase D Chung

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19018 Ingeborg Margarete Preisendanz

Chapter 13

#253.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Ingeborg Margarete Preisendanz

Represented By
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19070 Michele Helen Murillo

Chapter 13

#254.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Michele Helen Murillo

Represented By
Joshua R Driskell

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19199 Eduardo Lopez

Chapter 13

#255.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Eduardo Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19207 Marquis Vincent Campbell

Chapter 13

#256.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: CASE DISMISSED 6/19/18**

Party Information

Debtor(s):

Marquis Vincent Campbell

Represented By
Eliza Ghanooni

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19240 Octavio Rubio Mata

Chapter 13

#257.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Party Information

Debtor(s):

Octavio Rubio Mata

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19396 Pamela Lynn King

Chapter 13

#258.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Pamela Lynn King

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19460 DeVonna Troope

Chapter 13

#259.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

DeVonna Troope

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19656 Jerome D Williams

Chapter 13

#260.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18

Party Information

Debtor(s):

Jerome D Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19890 Rick Gaeta Carreon

Chapter 13

#261.00 Trustee's Motion to Dismiss Case

EH__

Docket 88

Party Information

Debtor(s):

Rick Gaeta Carreon

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-19955 Ernest Leyva

Chapter 13

#262.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Ernest Leyva

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20109 Gilberto Herrera and Monica Herrera

Chapter 13

#263.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

***** VACATED *** REASON: WITHDRAWAL OF MOTON FILED
6/18/18**

Party Information

Debtor(s):

Gilberto Herrera

Represented By
Todd L Turoci

Joint Debtor(s):

Monica Herrera

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20132 Maynor Obdulio Cruz and Monica Ivonne Villeda Lopez

Chapter 13

#264.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

Maynor Obdulio Cruz

Represented By
Sunita N Sood

Joint Debtor(s):

Monica Ivonne Villeda Lopez

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#265.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20163 Sandra M. Hankins

Chapter 13

#266.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Party Information

Debtor(s):

Sandra M. Hankins

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20186 Donald John Hanson and Mary Merzella Hanson

Chapter 13

#267.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Donald John Hanson

Represented By
Manfred Schroer

Joint Debtor(s):

Mary Merzella Hanson

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20258 Matthew Bruce and Scott Bruce

Chapter 13

#268.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18**

Party Information

Debtor(s):

Matthew Bruce

Represented By
Christopher Hewitt

Joint Debtor(s):

Scott Bruce

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20329 Gabriel Cruz

Chapter 13

#269.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20402 Johanna R. Lagandaon

Chapter 13

#270.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Johanna R. Lagandaon

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20459 Winnie Marie Quanstrom

Chapter 13

#271.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Winnie Marie Quanstrom

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20553 Diana Cescolini

Chapter 13

#272.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Diana Cescolini

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20610 Sayel S. Abuhassou

Chapter 13

#273.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Sayel S. Abuhassou

Represented By
Ronald L Brownson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20773 Idalia Temblador-Baisa

Chapter 13

#274.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Idalia Temblador-Baisa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20874 Irma Hernandez

Chapter 13

#275.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18

Party Information

Debtor(s):

Irma Hernandez

Represented By
David T Egli

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-20967 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#276.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Marc E Grossman

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Marc E Grossman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-21047 Maria Avila

Chapter 7

#277.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Party Information

Debtor(s):

Maria Avila

Represented By
Todd L Turoci

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-21213 Bartholemew James Ratner and Pamela J Armijo-Ratner

Chapter 13

#278.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

Party Information

Debtor(s):

Bartholemew James Ratner

Represented By
H Christopher Coburn

Joint Debtor(s):

Pamela J Armijo-Ratner

Represented By
H Christopher Coburn

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-21234 Frank A Horzen and Barbara A Horzen

Chapter 13

#279.00 Trustee's Motion to Dismiss Case

EH__

Docket 90

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Frank A Horzen

Represented By
Paul Y Lee

Joint Debtor(s):

Barbara A Horzen

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-21236 Ronald A Waters and Trisha Waters

Chapter 13

#280.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Ronald A Waters

Represented By
Paul Y Lee

Joint Debtor(s):

Trisha Waters

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:16-21299 Spencer Kogut and Suzette Andrea Kogut

Chapter 13

#281.00 Trustee's Motion to Dismiss Case

EH__

Docket 112

Party Information

Debtor(s):

Spencer Kogut

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Suzette Andrea Kogut

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10082 Francisco R Palacios

Chapter 13

#282.00 Trustee's Motion to Dismiss Case

EH__

Docket 152

Party Information

Debtor(s):

Francisco R Palacios

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10217 Darryl Lamont Bradshaw

Chapter 13

#283.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Darryl Lamont Bradshaw

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10310 Norma Brennan

Chapter 13

#284.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Norma Brennan

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10359 Alma Angelica Rubio

Chapter 13

#285.00 Trustee's Motion to Dismiss Case

EH__

Docket 95

Party Information

Debtor(s):

Alma Angelica Rubio

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10360 Jerome Petras Oakman and Angella Jean Oakman

Chapter 13

#286.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

Party Information

Debtor(s):

Jerome Petras Oakman

Represented By
Dana Travis

Joint Debtor(s):

Angella Jean Oakman

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10414 Felipe Morales

Chapter 13

#287.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

Party Information

Debtor(s):

Felipe Morales

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10460 Julio Cesar Cacho and Rosalie Ann Cacho

Chapter 13

#288.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Julio Cesar Cacho

Represented By
M Wayne Tucker

Joint Debtor(s):

Rosalie Ann Cacho

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#289.00 Trustee's Motion to Dismiss Case

EH__

Docket 90

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10667 Louis Gutierrez

Chapter 13

#290.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Louis Gutierrez

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10768 Amy K. Arias

Chapter 13

#291.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Amy K. Arias

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10787 Willie J Brooks

Chapter 13

#292.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Willie J Brooks

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10944 Manuel J. Sotelo

Chapter 13

#293.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18**

Party Information

Debtor(s):

Manuel J. Sotelo

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10966 Ester Cruz

Chapter 13

#294.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Ester Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-10982 Ruby Duran Garcia

Chapter 13

#295.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/7/18**

Party Information

Debtor(s):

Ruby Duran Garcia

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11028 James W Schwartz and Holly L Bryson

Chapter 13

#296.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

James W Schwartz

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Holly L Bryson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#297.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

Party Information

Debtor(s):

Bruce Howard Ruggles

Represented By
John F Brady

Joint Debtor(s):

Ann Marie Ruggles

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11167 Victor Thomas Lawton

Chapter 13

#298.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18

Party Information

Debtor(s):

Victor Thomas Lawton

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11177 Gary Wayne Turner and Wanda Renay Turner

Chapter 13

#299.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Gary Wayne Turner

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Wanda Renay Turner

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11182 Renard Louis Hamilton and Regina Elizabeth Hamilton

Chapter 13

#300.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Party Information

Debtor(s):

Renard Louis Hamilton

Represented By
D Justin Harelik

Joint Debtor(s):

Regina Elizabeth Hamilton

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11245 Bryan D. Chriss

Chapter 13

#301.00 Trustee's Motion to Dismiss Case

EH__

Docket 63

Party Information

Debtor(s):

Bryan D. Chriss

Represented By
Michael Smith
Cynthia L Gibson
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11335 Brian Scott Bunnell and Wendi Lynn Bunnell

Chapter 13

#302.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Brian Scott Bunnell

Represented By
Todd L Turoci

Joint Debtor(s):

Wendi Lynn Bunnell

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11456 Jose Alberto Lara-Pena and Yanisleidy Sanchez-Quinonez

Chapter 13

#303.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Jose Alberto Lara-Pena

Represented By
Luis G Torres

Joint Debtor(s):

Yanisleidy Sanchez-Quinonez

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11538 Michael Ray Sandoval

Chapter 13

#304.00 Trustee's Motion to Dismiss Case

EH__

Docket 91

Party Information

Debtor(s):

Michael Ray Sandoval

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11565 Bruce A. Gooch and Nicolette Gooch

Chapter 13

#305.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Party Information

Debtor(s):

Bruce A. Gooch

Represented By
C Scott Rudibaugh

Joint Debtor(s):

Nicolette Gooch

Represented By
C Scott Rudibaugh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#306.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11800 Veronica Salinas

Chapter 13

#307.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Party Information

Debtor(s):

Veronica Salinas

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11831 Gregory Dwight Vit

Chapter 13

#308.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Gregory Dwight Vit

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-11901 Jose Camacho Payan and Erika Vanessa Payan

Chapter 13

#309.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Jose Camacho Payan

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Erika Vanessa Payan

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12011 Joshua Lawrence Ferguson and Wendy Mae Ferguson

Chapter 13

#310.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Joshua Lawrence Ferguson

Represented By
Stephen H Darrow

Joint Debtor(s):

Wendy Mae Ferguson

Represented By
Stephen H Darrow

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12112 Jeremy Farnell and Anjanette Margrieta Bargas

Chapter 13

#311.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Jeremy Farnell

Represented By
Kristin R Lamar

Joint Debtor(s):

Anjanette Margrieta Bargas

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12118 Veronica A Mendoza

Chapter 13

#312.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Veronica A Mendoza

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12149 Irma Dalia Cantu

Chapter 13

#313.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

Party Information

Debtor(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12157 Paulo Cesar Machuca

Chapter 13

#314.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: CASE DISMISSED 7/11/18**

Party Information

Debtor(s):

Paulo Cesar Machuca

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12232 Margarito Martinez

Chapter 13

#315.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Margarito Martinez

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12397 Robert Nelson

Chapter 13

#316.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Robert Nelson

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12440 Cindi Jo Metzger

Chapter 13

#317.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Cindi Jo Metzger

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12576 Edmundo Sabado, Jr.

Chapter 13

#318.00 Trustee's Motion to Dismiss Case

EH__

Docket 20

Party Information

Debtor(s):

Edmundo Sabado Jr.

Represented By
Jennifer Ann Aragon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12646 William Rodriguez

Chapter 13

#319.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

William Rodriguez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12647 Joseph V. Lessa and Nichole Alyce Lessa

Chapter 13

#320.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Party Information

Debtor(s):

Joseph V. Lessa

Represented By
Paul Y Lee

Joint Debtor(s):

Nichole Alyce Lessa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12659 Lawrence Devon Shaw

Chapter 13

#321.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Lawrence Devon Shaw

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12710 Michael Montoya

Chapter 13

#322.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Michael Montoya

Represented By
Suzette Douglas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12712 Jose Luis Castillo

Chapter 13

#323.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

Party Information

Debtor(s):

Jose Luis Castillo

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12719 Fernando Herrera, III

Chapter 13

#324.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Party Information

Debtor(s):

Fernando Herrera III

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12758 Luis A Jovel

Chapter 13

#325.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Luis A Jovel

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12777 Glennard Williams and Bertreivia Daniellie Williams

Chapter 13

#326.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Glennard Williams

Represented By
Nicholas M Wajda

Joint Debtor(s):

Bertreivia Daniellie Williams

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12794 Katina Deneen Edwards

Chapter 13

#327.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Katina Deneen Edwards

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-12930 Olivia Lopez

Chapter 13

#328.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

Party Information

Debtor(s):

Olivia Lopez

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13032 Victor Warrenlee Anastasi, Jr. and Diane Lynne Anastasi

Chapter 13

#329.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Victor Warrenlee Anastasi Jr.

Represented By
Dana Travis

Joint Debtor(s):

Diane Lynne Anastasi

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13063 Ethel N Odimegwu

Chapter 13

#330.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13072 Ricardo Menendez

Chapter 13

#331.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Ricardo Menendez

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13089 Marie Cooper and Albert Cooper

Chapter 13

#332.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/7/18**

Party Information

Debtor(s):

Marie Cooper

Represented By
Amanda G Billyard
Andy C Warshaw

Joint Debtor(s):

Albert Cooper

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13092 Debra J. Falcone and Charles W. Blackburn

Chapter 13

#333.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Debra J. Falcone

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Joint Debtor(s):

Charles W. Blackburn

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13095 Isabel M Gutierrez

Chapter 13

#334.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Isabel M Gutierrez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13107 Angel Benavidez

Chapter 13

#335.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Party Information

Debtor(s):

Angel Benavidez

Represented By
William P Mullins

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13239 Gerald Bauer

Chapter 13

#336.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18

Party Information

Debtor(s):

Gerald Bauer

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13290 Joseph Frank Garcia and Roberta Ann Garcia

Chapter 13

#337.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

Party Information

Debtor(s):

Joseph Frank Garcia

Represented By
Dana Travis

Joint Debtor(s):

Roberta Ann Garcia

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13360 Biani Berlenda Mora

Chapter 13

#338.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13387 Gwendolyn O. Doss

Chapter 13

#339.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Party Information

Debtor(s):

Gwendolyn O. Doss

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13395 Valecia Renee Knox

Chapter 13

#340.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Valecia Renee Knox

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13433 Christina Hill

Chapter 13

#341.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

Party Information

Debtor(s):

Christina Hill

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13599 Maurice Frank Manceau

Chapter 13

#342.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

Party Information

Debtor(s):

Maurice Frank Manceau

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13607 Fernando Ramos

Chapter 13

#343.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Fernando Ramos

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13729 Paula Rosales

Chapter 13

#344.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Party Information

Debtor(s):

Paula Rosales

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13809 Jose R. Castaneda and Miriam L Castaneda

Chapter 13

#345.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Jose R. Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Miriam L Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13820 Guadalupe Espinoza

Chapter 13

#346.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Guadalupe Espinoza

Represented By
Edwing F Keller

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13890 Peter Hiroshi Kiyasu and Jennifer Ann Kiyasu

Chapter 13

#347.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

Party Information

Debtor(s):

Peter Hiroshi Kiyasu

Represented By
Steven A Alpert

Joint Debtor(s):

Jennifer Ann Kiyasu

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13917 Teresa A Salvail and Michael D Salvail

Chapter 13

#348.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

Party Information

Debtor(s):

Teresa A Salvail

Represented By
Julie J Villalobos

Joint Debtor(s):

Michael D Salvail

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13922 John Empey and Madeleine Tappe

Chapter 13

#349.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

John Empey

Represented By
Christopher Hewitt

Joint Debtor(s):

Madeleine Tappe

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13923 Suzanne Berry

Chapter 13

#350.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Party Information

Debtor(s):

Suzanne Berry

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-13982 Clarice Morris

Chapter 13

#351.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

Party Information

Debtor(s):

Clarice Morris

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14002 Israel Samuel Rolon

Chapter 13

#352.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Israel Samuel Rolon

Represented By
William S Tilton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14075 Stephanie Lobato

Chapter 13

#353.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

Party Information

Debtor(s):

Stephanie Lobato

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#354.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14187 Andre J Booker and Carrie L Booker

Chapter 13

#355.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Andre J Booker

Represented By
Paul Y Lee

Joint Debtor(s):

Carrie L Booker

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14210 Nathaniel E Palmer

Chapter 13

#356.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Party Information

Debtor(s):

Nathaniel E Palmer

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14292 Lubna Shiraz Ahmed

Chapter 13

#357.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOITON FILED
7/17/18**

Party Information

Debtor(s):

Lubna Shiraz Ahmed

Represented By
Joshua L Sternberg

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14307 Elmer Arnold Tompkins

Chapter 13

#358.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18

Party Information

Debtor(s):

Elmer Arnold Tompkins

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14312 John C. Macias

Chapter 13

#359.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18

Party Information

Debtor(s):

John C. Macias

Represented By
Raymond Obiamalu

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14377 David Patrick Goode and Valorie Ruth Goode

Chapter 13

#360.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Party Information

Debtor(s):

David Patrick Goode

Represented By
Dana Travis

Joint Debtor(s):

Valorie Ruth Goode

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14469 Mario Timothy Velasquez and Susan Lorraine Velasquez

Chapter 13

#361.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Mario Timothy Velasquez

Represented By
Paul Y Lee

Joint Debtor(s):

Susan Lorraine Velasquez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14588 Chadwick Otieno Ochieng

Chapter 13

#362.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14619 Candice Maria Borrego

Chapter 13

#363.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18

Party Information

Debtor(s):

Candice Maria Borrego

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14650 Brian Eugene Anderson and Gina Marie Anderson

Chapter 13

#364.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Brian Eugene Anderson

Represented By
Todd L Turoci

Joint Debtor(s):

Gina Marie Anderson

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14656 Kimberly A. Miller

Chapter 13

#365.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Kimberly A. Miller

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14744 Cirenio Merida

Chapter 13

#366.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Cirenio Merida

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14777 Juanita Francis Casey

Chapter 13

#367.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Juanita Francis Casey

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14789 Sadia Sohail

Chapter 13

#368.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

Party Information

Debtor(s):

Sadia Sohail

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14790 Ernesto Ayon Lopez and Dolores Millan Sanchez

Chapter 13

#369.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Party Information

Debtor(s):

Ernesto Ayon Lopez

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Dolores Millan Sanchez

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-14798 Gail Katherine Stump

Chapter 13

#370.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Gail Katherine Stump

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15032 Ruben Lopez and Jessica Lopez

Chapter 13

#371.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Party Information

Debtor(s):

Ruben Lopez

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Jessica Lopez

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15102 Gwendolyn Washington

Chapter 13

#372.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15122 Keith F Keating

Chapter 13

#373.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Keith F Keating

Represented By
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15227 John E Neilsen, Sr and Kathy A Neilsen

Chapter 13

#374.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

John E Neilsen Sr

Represented By
Julie J Villalobos

Joint Debtor(s):

Kathy A Neilsen

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15285 Trevor D. Washington and Sandra Washington

Chapter 13

#375.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Party Information

Debtor(s):

Trevor D. Washington

Represented By
Julie J Villalobos

Joint Debtor(s):

Sandra Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15343 Jose Gabriel Sahagun, Jr.

Chapter 13

#376.00 Trustee's Motion to Dismiss Case

EH__

Docket 20

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Jose Gabriel Sahagun Jr.

Represented By
Richard G Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15347 Susan Violet Guillot

Chapter 13

#377.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

Party Information

Debtor(s):

Susan Violet Guillot

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15475 Shane Morgan

Chapter 13

#378.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Party Information

Debtor(s):

Shane Morgan

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15524 Thanaa Victor Fransis

Chapter 13

#379.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Thanaa Victor Fransis

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15604 Mandy Catron

Chapter 13

#380.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

Party Information

Debtor(s):

Mandy Catron

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15646 Elida Soto

Chapter 13

#381.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Elida Soto

Represented By
William G Cort

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15647 Omar Enrique Lopez

Chapter 13

#382.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Omar Enrique Lopez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15659 Cathryn Woodworth

Chapter 13

#383.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Cathryn Woodworth

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15660 Guillermina Perez

Chapter 13

#384.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/5/18

Party Information

Debtor(s):

Guillermina Perez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15662 Jemill M Humphrey

Chapter 13

#385.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Party Information

Debtor(s):

Jemill M Humphrey

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15728 Jesus Angel Acosta and Maria Teresa Acosta

Chapter 13

#386.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18**

Party Information

Debtor(s):

Jesus Angel Acosta

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Maria Teresa Acosta

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15740 Mark Gehrig

Chapter 13

#387.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15772 Annette Leshon Rudd

Chapter 13

#388.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15829 Allen Bravo

Chapter 13

#389.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18

Party Information

Debtor(s):

Allen Bravo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15867 Silvia Alvarez

Chapter 13

#390.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Silvia Alvarez

Represented By
Filemon Kevin Samson III

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15890 Vallan Rudolph Gentle, Sr.

Chapter 13

#391.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Vallan Rudolph Gentle Sr.

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15893 Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

#392.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Party Information

Debtor(s):

Joseph Manuel Ruiz

Represented By
April E Roberts

Joint Debtor(s):

Shannon Elizabeth Ruiz

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-15987 Frank Heredia and Virginia Heredia

Chapter 13

#393.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Frank Heredia

Represented By
Laleh Ensafi

Joint Debtor(s):

Virginia Heredia

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16041 Daniel Garcia and Maria Garcia

Chapter 13

#394.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Daniel Garcia

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Garcia

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16073 Karsten Sanders

Chapter 13

#395.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: CASE DISMISSED 6/8/18**

Party Information

Debtor(s):

Karsten Sanders

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16114 Allan Omar Ramos

Chapter 13

#396.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/20/18**

Party Information

Debtor(s):

Allan Omar Ramos

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16164 William Richard Newborg and Serina Rae Newborg

Chapter 13

#397.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Party Information

Debtor(s):

William Richard Newborg

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Serina Rae Newborg

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16217 Jorge Cristobal Green

Chapter 13

#398.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18

Party Information

Debtor(s):

Jorge Cristobal Green

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16227 Shawn L. Johnson

Chapter 13

#399.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18

Party Information

Debtor(s):

Shawn L. Johnson

Represented By
Mark S Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16230 Tarra Marie Castillo

Chapter 13

#400.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Tarra Marie Castillo

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16249 Ruben Quintero Palafox, Jr.

Chapter 13

#401.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Ruben Quintero Palafox Jr.

Represented By
Yoon O Ham

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16267 Samuel T Saavedra and Suzanne M Saavedra

Chapter 13

#402.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Samuel T Saavedra

Represented By
Michael R Totaro

Joint Debtor(s):

Suzanne M Saavedra

Represented By
Michael R Totaro

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16295 Coe Lamoureux and Julie Lamoureux

Chapter 13

#403.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Party Information

Debtor(s):

Coe Lamoureux

Represented By
W. Derek May

Joint Debtor(s):

Julie Lamoureux

Represented By
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16337 Ty Nicholas Garner, Sr. and Diane Lynn Garner

Chapter 13

#404.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Party Information

Debtor(s):

Ty Nicholas Garner Sr.

Represented By
Richard E Chang

Joint Debtor(s):

Diane Lynn Garner

Represented By
Richard E Chang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16349 Richard Alan Alvarez and Diana Marie Alvarez

Chapter 13

#405.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Richard Alan Alvarez

Represented By
Robert L Firth

Joint Debtor(s):

Diana Marie Alvarez

Represented By
Robert L Firth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16409 Jesse Norman Dofelmire and Roucelle Frias Dofelmire

Chapter 13

#406.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Jesse Norman Dofelmire

Represented By
Carey C Pickford

Joint Debtor(s):

Roucelle Frias Dofelmire

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16439 Oscar Avila

Chapter 13

#407.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Oscar Avila

Represented By
Sanaz S Bereliani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16537 Alejandro Lawrence Bernal

Chapter 13

#408.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Alejandro Lawrence Bernal

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16542 Mike A. Granados, Jr. and Carolynne Jeannette Granados

Chapter 13

#409.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Mike A. Granados Jr.

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Carolynne Jeannette Granados

Represented By
Gregory M Shanfeld
Gabriella Gonzales

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16666 Frank Ramirez

Chapter 13

#410.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Frank Ramirez

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16667 Linda Revoner

Chapter 13

#411.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Linda Revoner

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16669 Kalenga Patrick Munongo and Janelle Nicole Munongo

Chapter 13

#412.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Kalenga Patrick Munongo

Represented By
Paul Y Lee

Joint Debtor(s):

Janelle Nicole Munongo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16699 Cindy Louise Lawson

Chapter 13

#413.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16751 Gary Ramirez and Christina Faith Ramirez

Chapter 13

#414.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

Party Information

Debtor(s):

Gary Ramirez

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Christina Faith Ramirez

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16759 Armando Montoya, Jr. and Isabel Anne Montoya

Chapter 13

#415.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Party Information

Debtor(s):

Armando Montoya Jr.

Represented By
Aruna P Rodrigo

Joint Debtor(s):

Isabel Anne Montoya

Represented By
Aruna P Rodrigo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16795 Artush Stepanian and Wendy L. Wilkie

Chapter 13

#416.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

Party Information

Debtor(s):

Artush Stepanian

Represented By
James D. Hornbuckle

Joint Debtor(s):

Wendy L. Wilkie

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16796 Lisa Tompkins

Chapter 13

#417.00 Trustee's Motion to Dismiss Case

EH__

Docket 20

Party Information

Debtor(s):

Lisa Tompkins

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16798 William R. Martin and Judy L. Martin

Chapter 13

#418.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

William R. Martin

Represented By
James D. Hornbuckle

Joint Debtor(s):

Judy L. Martin

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16945 Rickey Hernando Waddington and Elrena Victoria

Chapter 13

#419.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Rickey Hernando Waddington

Represented By
Jonathan D Doan

Joint Debtor(s):

Elrena Victoria Waddington

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16962 Vanessa Moore-Moreland

Chapter 13

#420.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Vanessa Moore-Moreland

Represented By
Kirk A Laron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-16992 Nicholas Charles Goodner and Jennifer Louise Goodner

Chapter 13

#421.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Party Information

Debtor(s):

Nicholas Charles Goodner

Represented By
Dana Travis

Joint Debtor(s):

Jennifer Louise Goodner

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17037 Luis A Andrade and Sarah Marie Andrade

Chapter 13

#422.00 Trustee's Motion to Dismiss Case

EH__

Docket 87

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Luis A Andrade

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Sarah Marie Andrade

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17044 Richard Ramirez

Chapter 13

#423.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Richard Ramirez

Represented By
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17189 Earma Denise Young Washington and Marvin Ray

Chapter 13

#424.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

Party Information

Debtor(s):

Earma Denise Young Washington

Represented By
Brad Weil

Joint Debtor(s):

Marvin Ray Washington

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17197 Jose Munguia Valencia

Chapter 13

#425.00 Trustee's Motion to Dismiss Case

EH__

Docket 116

Party Information

Debtor(s):

Jose Munguia Valencia

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17209 Violeta Perola

Chapter 13

#426.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

Party Information

Debtor(s):

Violeta Perola

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17316 Luis Fernando Montoya, Jr.

Chapter 13

#427.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Luis Fernando Montoya Jr.

Represented By
Anthony B Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17358 David Kevin Davidson and Lisa Marie Davidson

Chapter 13

#428.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

David Kevin Davidson

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Lisa Marie Davidson

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie

Chapter 13

#429.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17418 Deborah Thomas

Chapter 13

#430.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

Party Information

Debtor(s):

Deborah Thomas

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17469 Annette Culpepper

Chapter 13

#431.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Annette Culpepper

Represented By
Nathan Fransen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17502 Ray Valdepena, III

Chapter 13

#432.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

Party Information

Debtor(s):

Ray Valdepena III

Represented By
Ryan A. Stubbe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17531 Harvey Everett Mosely and Jean Ann Mosely

Chapter 13

#433.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Harvey Everett Mosely

Represented By
Paul Y Lee

Joint Debtor(s):

Jean Ann Mosely

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17533 Kevin William Dixon and Leticia Dixon

Chapter 13

#434.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Party Information

Debtor(s):

Kevin William Dixon

Represented By
Paul Y Lee

Joint Debtor(s):

Leticia Dixon

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17575 Terry Neil Gaia and Tamara Marie Devalle-Gaia

Chapter 13

#435.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

Terry Neil Gaia

Represented By
Edward G Topolski

Joint Debtor(s):

Tamara Marie Devalle-Gaia

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17578 Kendra Susan Lewkow

Chapter 13

#436.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Kendra Susan Lewkow

Represented By
Morton J Grabel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17589 Ryan Patrick McHugh and Jennifer Lynne McHugh

Chapter 13

#437.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Ryan Patrick McHugh

Represented By
Paul Y Lee

Joint Debtor(s):

Jennifer Lynne McHugh

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17612 Jose Guadalupe Sandoval

Chapter 13

#438.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

Party Information

Debtor(s):

Jose Guadalupe Sandoval

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17715 Jorge Luis Luviano and Giovanna Toledo De Luviano

Chapter 13

#439.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Jorge Luis Luviano

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Giovanna Toledo De Luviano

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17757 Justin Lee Martin and Ashley Ann Martin

Chapter 13

#440.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Justin Lee Martin

Represented By
Todd L Turoci

Joint Debtor(s):

Ashley Ann Martin

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17806 Gerald Curtis Collins and Valerie Cecelia Collins

Chapter 13

#441.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Party Information

Debtor(s):

Gerald Curtis Collins

Represented By
M Wayne Tucker

Joint Debtor(s):

Valerie Cecelia Collins

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17829 Derek Brian Winkenweder

Chapter 13

#442.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Derek Brian Winkenweder

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17861 Arturo Olvera

Chapter 13

#443.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

Party Information

Debtor(s):

Arturo Olvera

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17879 Rosa Del Carmen Cruz

Chapter 13

#444.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

Party Information

Debtor(s):

Rosa Del Carmen Cruz

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17934 Ignacio Figueroa and Nadia Elizabeth Figueroa

Chapter 13

#445.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Party Information

Debtor(s):

Ignacio Figueroa

Represented By
Ghada Helena Philips

Joint Debtor(s):

Nadia Elizabeth Figueroa

Represented By
Ghada Helena Philips

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-17942 Viorel Bucur

Chapter 13

#446.00 Trustee's Motion to Dismiss Case

EH__

Docket 78

Party Information

Debtor(s):

Viorel Bucur

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18039 Tony Lopez, Sr and Nelida Aguilar

Chapter 13

#447.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

Party Information

Debtor(s):

Tony Lopez Sr

Represented By
Edgar P Lombera

Joint Debtor(s):

Nelida Aguilar

Represented By
Edgar P Lombera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18052 FLORENTINO BRAVO TORRES

Chapter 13

#448.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

FLORENTINO BRAVO TORRES

Represented By
Michael Y Lo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18106 Hugo Sanchez Cruz

Chapter 13

#449.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Hugo Sanchez Cruz

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#450.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18232 Maria Leticia Estrada

Chapter 13

#451.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Party Information

Debtor(s):

Maria Leticia Estrada

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18258 Francisco R Tamayo

Chapter 13

#452.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Francisco R Tamayo

Represented By
Alla Tenina

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18270 Linnea Rennee-Chrismon Allen

Chapter 13

#453.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18

Party Information

Debtor(s):

Linnea Rennee-Chrismon Allen

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18272 Brenda Barlow

Chapter 13

#454.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18

Party Information

Debtor(s):

Brenda Barlow

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18316 Julio C. Davila

Chapter 13

#455.00 Trustee's Motion to Dismiss Case

EH__

Docket 79

Party Information

Debtor(s):

Julio C. Davila

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18340 Cary Allen Griggs and Heather Lynn Griggs

Chapter 13

#456.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Party Information

Debtor(s):

Cary Allen Griggs

Represented By
Ronald W Ask

Joint Debtor(s):

Heather Lynn Griggs

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#457.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/18**

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18388 Gregorio Orozco Sotelo

Chapter 13

#458.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Gregorio Orozco Sotelo

Represented By
Lisa F Collins-Williams

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18482 Roberto Garcia Garcia and Maria Martha Garcia

Chapter 13

#459.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Roberto Garcia Garcia

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Maria Martha Garcia

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18507 Johnny Alcala

Chapter 13

#460.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/20/18**

Party Information

Debtor(s):

Johnny Alcala

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18531 Victor Manuel Rosales

Chapter 13

#461.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18

Party Information

Debtor(s):

Victor Manuel Rosales

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18535 Manuel Mayorga and Teodora Mayorga

Chapter 13

#462.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Manuel Mayorga

Represented By
Curtis R Aijala

Joint Debtor(s):

Teodora Mayorga

Represented By
Curtis R Aijala

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18542 Carolyn Joyce Brooks

Chapter 13

#463.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Carolyn Joyce Brooks

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18569 Lelang Fulwiler

Chapter 13

#464.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18

Party Information

Debtor(s):

Lelang Fulwiler

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18580 Daniel Morales and Sonia Morales

Chapter 13

#465.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Daniel Morales

Represented By
Anthony Wilaras

Joint Debtor(s):

Sonia Morales

Represented By
Anthony Wilaras

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18669 Hector Rene Flores, Jr. and Mayra Cecilia Canchola

Chapter 13

#466.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Hector Rene Flores Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Mayra Cecilia Canchola Vasquez

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18777 Josephine Theobald

Chapter 13

#467.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

Party Information

Debtor(s):

Josephine Theobald

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18786 Edgar Raymond Domingue, Sr.

Chapter 13

#468.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Edgar Raymond Domingue Sr.

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#469.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18799 Michelle Crain

Chapter 13

#470.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Michelle Crain

Represented By
Roland D Tweed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18807 Malama Togia

Chapter 13

#471.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Malama Togia

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18872 Rafeek Nehman Hamada

Chapter 13

#472.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Rafeek Nehman Hamada

Represented By
Eric Bensamochan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-18897 Armando Hermosillo

Chapter 13

#473.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Armando Hermosillo

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19027 Jaime Villalobos and Jennifer Villalobos

Chapter 13

#474.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Jaime Villalobos

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Jennifer Villalobos

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19069 Maria del Socorro Valdez Quintero

Chapter 13

#475.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

Party Information

Debtor(s):

Maria del Socorro Valdez Quintero

Represented By
Stephen H Darrow

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19083 Juan Hernandez

Chapter 13

#476.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Juan Hernandez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19112 Brian Anthony Paciorkowski and Donna Ann Paciorkowski

Chapter 13

#477.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Brian Anthony Paciorkowski

Represented By
Kristin R Lamar

Joint Debtor(s):

Donna Ann Paciorkowski

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19132 Juan A Martinez

Chapter 13

#478.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

Party Information

Debtor(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19154 Ernesto Sanchez

Chapter 13

#479.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: CASE DISMISSED 7/17/18**

Party Information

Debtor(s):

Ernesto Sanchez

Represented By
Jerry Rulsky

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#480.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Carolyn Maxine Bodden

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19565 Cynthia Ramos

Chapter 13

#481.00 Trustee's Motion to Dismiss Case

EH__

Docket 79

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Cynthia Ramos

Represented By
Hayk Grigoryan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19589 Rodrigo Fernando Ramirez Guinea

Chapter 13

#482.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Party Information

Debtor(s):

Rodrigo Fernando Ramirez Guinea

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19605 Victor Manuel Buelna and Adriana Alvizo

Chapter 13

#483.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Victor Manuel Buelna

Represented By
David Lozano

Joint Debtor(s):

Adriana Alvizo

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19611 Larry Gene Hannah and Susan Harris Hannah

Chapter 13

#484.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Larry Gene Hannah

Represented By
Todd L Turoci

Joint Debtor(s):

Susan Harris Hannah

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19614 Alfredo Manzo Arrieta and Mayte Hernandez- Arrieta

Chapter 13

#485.00 Trustee's Motion to Dismiss Case

EH__

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Alfredo Manzo Arrieta

Represented By
Andy C Warshaw

Joint Debtor(s):

Mayte Hernandez- Arrieta

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19739 Wasantha K. Leonidas

Chapter 13

#486.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Wasantha K. Leonidas

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19790 Angel Rodriguez

Chapter 13

#487.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Angel Rodriguez

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-19853 Diego Lopez

Chapter 13

#488.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

Party Information

Debtor(s):

Diego Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20019 Frank Prouty

Chapter 13

#489.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20055 Laquance Denise Mejia

Chapter 13

#490.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Party Information

Debtor(s):

Laquance Denise Mejia

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20072 Lawrence Edmond, III

Chapter 13

#491.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Lawrence Edmond III

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20114 Frank Garcia and Susan Garcia

Chapter 13

#492.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Frank Garcia

Represented By
Paul Y Lee

Joint Debtor(s):

Susan Garcia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20117 Tiffany Venice Turner

Chapter 13

#493.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Tiffany Venice Turner

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20121 Agustin Napolion Joya and Dora Maria Joya

Chapter 13

#494.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Agustin Napolion Joya

Represented By
Daniel King

Joint Debtor(s):

Dora Maria Joya

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20140 Laurie Frances Bigelow

Chapter 13

#495.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/13/18

Party Information

Debtor(s):

Laurie Frances Bigelow

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20147 Gilbert Richard Enriquez and Lisa Lynn Enriquez

Chapter 13

#496.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Gilbert Richard Enriquez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Lisa Lynn Enriquez

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20177 Randal Scott Oakley and Christine Ann Oakley

Chapter 13

#497.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

Party Information

Debtor(s):

Randal Scott Oakley

Represented By
Halli B Heston

Joint Debtor(s):

Christine Ann Oakley

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20187 Michael Adam Moore

Chapter 13

#498.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Michael Adam Moore

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20217 Gregory Lincoln and Norma Araceli Lincoln

Chapter 13

#499.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Party Information

Debtor(s):

Gregory Lincoln

Represented By
Dana Travis

Joint Debtor(s):

Norma Araceli Lincoln

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20240 Natona Smith and Tameiko Smith

Chapter 13

#500.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Party Information

Debtor(s):

Natona Smith

Represented By
Natalie A Alvarado

Joint Debtor(s):

Tameiko Smith

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20262 Alma Barbara Ewing

Chapter 13

#501.00 Trustee's Motion to Dismiss Case

EH__

Docket 20

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18

Party Information

Debtor(s):

Alma Barbara Ewing

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20277 Christina Irene Dillon

Chapter 13

#502.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Christina Irene Dillon

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20279 Carolyn Agtang Glenn

Chapter 13

#503.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Carolyn Agtang Glenn

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20367 Charles Lee Dismukes

Chapter 13

#504.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: CASE DISMISSED 6/19/18**

Party Information

Debtor(s):

Charles Lee Dismukes

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20372 Anna C. Hopson and George E. Hopson

Chapter 13

#505.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18

Party Information

Debtor(s):

Anna C. Hopson

Represented By
Julie J Villalobos

Joint Debtor(s):

George E. Hopson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20377 Deborah L Tafolla

Chapter 13

#506.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Deborah L Tafolla

Represented By
Jessica De Anda Leon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20382 Raymond Ballejos and Veronica Ballejos

Chapter 13

#507.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Raymond Ballejos

Represented By
Natalie A Alvarado

Joint Debtor(s):

Veronica Ballejos

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20388 Oracio Rosales Hernandez

Chapter 13

#508.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Oracio Rosales Hernandez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20434 Michelle Singleton

Chapter 13

#509.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Party Information

Debtor(s):

Michelle Singleton

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20473 Felipe Gerardo

Chapter 13

#510.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Felipe Gerardo

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20487 Ann Marie Smith

Chapter 13

#511.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Ann Marie Smith

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20489 Michael S McGowan and Brandy L McGowan

Chapter 13

#512.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Michael S McGowan

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Brandy L McGowan

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20629 Frank Mike Gonzales and Stacey Lynn Gonzales

Chapter 13

#513.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Frank Mike Gonzales

Represented By
Paul Y Lee

Joint Debtor(s):

Stacey Lynn Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20630 Jennifer Heredia

Chapter 13

#514.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18

Party Information

Debtor(s):

Jennifer Heredia

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20652 Marian Amelia Pagano

Chapter 13

#515.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Marian Amelia Pagano

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:17-20659 Coralia Beltran Rivas

Chapter 13

#516.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Party Information

Debtor(s):

Coralia Beltran Rivas

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10037 Patricia Cuen

Chapter 13

#517.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18

Party Information

Debtor(s):

Patricia Cuen

Represented By
Kelly F Ryan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10039 Shelley R. Long

Chapter 13

#518.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Shelley R. Long

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10079 Cheryl Linda Fernandez

Chapter 13

#519.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/31/18**

Party Information

Debtor(s):

Cheryl Linda Fernandez

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10111 Wanny Chansy

Chapter 13

#520.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Wanny Chansy

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10127 David H Yopp

Chapter 13

#521.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Party Information

Debtor(s):

David H Yopp

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10140 Manuel James Ritchie

Chapter 13

#522.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

Party Information

Debtor(s):

Manuel James Ritchie

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10170 Vernita Goodwin

Chapter 13

#523.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Vernita Goodwin

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10189 Belen L. Rubio

Chapter 13

#524.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Belen L. Rubio

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10209 Ertun Reshat and Hale Reshat

Chapter 13

#525.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Party Information

Debtor(s):

Ertun Reshat

Represented By
April E Roberts

Joint Debtor(s):

Hale Reshat

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10240 Guillermo Zamudio

Chapter 13

#526.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Guillermo Zamudio

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10248 Vaughn Stevens

Chapter 13

#527.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/18**

Party Information

Debtor(s):

Vaughn Stevens

Represented By
Amanda G Billyard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10261 Nereeka Tamar Haynes

Chapter 13

#528.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

Party Information

Debtor(s):

Nereeka Tamar Haynes

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10328 Amanda Martinez

Chapter 13

#529.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18

Party Information

Debtor(s):

Amanda Martinez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10329 Mohammed A Nazir and Boshara Nazir

Chapter 13

#530.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FLD 7/2/18**

Party Information

Debtor(s):

Mohammed A Nazir

Represented By
Paul Y Lee

Joint Debtor(s):

Boshara Nazir

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10342 Urbano Zamora and Esther Zamora

Chapter 13

#531.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Urbano Zamora

Represented By
Edgar P Lombera

Joint Debtor(s):

Esther Zamora

Represented By
Edgar P Lombera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10357 Isaias Solano

Chapter 13

#532.00 Trustee's Motion to Dismiss Case

EH__

Docket 49

Party Information

Debtor(s):

Isaias Solano

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10377 Dana Lashonn Hays

Chapter 13

#533.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Dana Lashonn Hays

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#534.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Party Information

Debtor(s):

Leonel Villa

Represented By
Luis G Torres

Joint Debtor(s):

Lucila Pineda

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10416 Jose Guadalupe Lopez and Margarita Lopez

Chapter 13

#535.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Jose Guadalupe Lopez

Represented By
David Lozano

Joint Debtor(s):

Margarita Lopez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10454 Scott Lawrence and Anita D Lawrence

Chapter 13

#536.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Scott Lawrence

Represented By
Kevin Tang

Joint Debtor(s):

Anita D Lawrence

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10456 David Allen Rose, Jr. and Karen Sue Rose

Chapter 13

#537.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18

Party Information

Debtor(s):

David Allen Rose Jr.

Represented By
Dana Travis

Joint Debtor(s):

Karen Sue Rose

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10467 Wayman L Guider

Chapter 13

#538.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Wayman L Guider

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10496 Luis Fuentes Moreno

Chapter 13

#539.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/18**

Party Information

Debtor(s):

Luis Fuentes Moreno

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10498 Stephen Francis Wallin and Kathleen Lillian Wallin

Chapter 13

#540.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Stephen Francis Wallin

Represented By
Dana Travis

Joint Debtor(s):

Kathleen Lillian Wallin

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10562 Brenda Jean Bartlett

Chapter 13

#541.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Brenda Jean Bartlett

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10633 Charles Mickey Alligood

Chapter 13

#542.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

Party Information

Debtor(s):

Charles Mickey Alligood

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10636 Alejandro J. Casillas and Patricia Casillas

Chapter 13

#543.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Alejandro J. Casillas

Represented By
Tina H Trinh

Joint Debtor(s):

Patricia Casillas

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10637 Felipe Gonzalez Plasencia

Chapter 13

#544.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Felipe Gonzalez Plasencia

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10732 Calvin S. Winn and Diana M. Winn

Chapter 13

#545.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Party Information

Debtor(s):

Calvin S. Winn

Represented By
Christopher J Langley

Joint Debtor(s):

Diana M. Winn

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10741 Santiago A. Anonical, Jr. and Shallee V Anonical

Chapter 13

#546.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Shallee V Anonical

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10750 Kim Onpaeng

Chapter 13

#547.00 Trustee's Motion to Dismiss Case

EH__

Docket 20

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Kim Onpaeng

Represented By
Steven J Diamond

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10801 Michael Christopher Oropallo and Lauren Elaine Oropallo

Chapter 13

#548.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/18**

Party Information

Debtor(s):

Michael Christopher Oropallo

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Lauren Elaine Oropallo

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10825 William Thomas Pedrino and Terri Lyn Pedrino

Chapter 13

#549.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Party Information

Debtor(s):

William Thomas Pedrino

Represented By
Todd L Turoci

Joint Debtor(s):

Terri Lyn Pedrino

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10829 Roberto Rolon Rodriguez and Maria Rolon

Chapter 13

#550.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/3/18**

Party Information

Debtor(s):

Roberto Rolon Rodriguez

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Maria Rolon

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10847 Anna Rosa Lopez

Chapter 13

#551.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Party Information

Debtor(s):

Anna Rosa Lopez

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10850 Eugene Peter Roman, Jr. and Sylvia Roman

Chapter 13

#552.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Eugene Peter Roman Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Sylvia Roman

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10852 Gilberto Linares

Chapter 13

#553.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18

Party Information

Debtor(s):

Gilberto Linares

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10864 Jesus Manuel Remigio

Chapter 13

#554.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/17/18**

Party Information

Debtor(s):

Jesus Manuel Remigio

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10871 Francisco Javier Martinez

Chapter 13

#555.00 Trustee's Motion to Dismiss Case

EH__

Docket 71

Party Information

Debtor(s):

Francisco Javier Martinez

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10873 Evan Todd Flynn and Elizabeth Flynn

Chapter 13

#556.00 Trustee's Motion to Dismiss Case

EH__

Docket 85

Party Information

Debtor(s):

Evan Todd Flynn

Represented By
Emilia N McAfee

Joint Debtor(s):

Elizabeth Flynn

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino

Chapter 13

#557.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10909 Candyce Flemister

Chapter 13

#558.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Candyce Flemister

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10957 Damaris Denise Redgray-Johnson

Chapter 13

#559.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Damaris Denise Redgray-Johnson

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-10958 Jose Reyes Agredano

Chapter 13

#560.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18**

Party Information

Debtor(s):

Jose Reyes Agredano

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11027 Moises Martinez

Chapter 13

#561.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18

Party Information

Debtor(s):

Moises Martinez

Represented By
Inez Tinoco-Vaca

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11050 Manuel Garcia Marquez and Susan Louise Marquez

Chapter 13

#562.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Manuel Garcia Marquez

Represented By
Christopher Hewitt

Joint Debtor(s):

Susan Louise Marquez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11078 Danny Howard Weeks

Chapter 13

#563.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/5/18**

Party Information

Debtor(s):

Danny Howard Weeks

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11080 Edgardo Aranda and Kelley Aranda

Chapter 13

#564.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Party Information

Debtor(s):

Edgardo Aranda

Represented By
Paul Y Lee

Joint Debtor(s):

Kelley Aranda

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11081 Stephen Daniel Payan

Chapter 13

#565.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/18/18

Party Information

Debtor(s):

Stephen Daniel Payan

Represented By
Paul J Kurtzhall

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11082 Jaqueline Lee Stephens

Chapter 13

#566.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FLD 7/2/18**

Party Information

Debtor(s):

Jaqueline Lee Stephens

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11089 Ruben Munoz Tovar and Sandra Isabel Garcia

Chapter 13

#567.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/11/18**

Party Information

Debtor(s):

Ruben Munoz Tovar

Represented By
Sunita N Sood

Joint Debtor(s):

Sandra Isabel Garcia

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11179 Christopher G. Templeton

Chapter 13

#568.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: CASE DISMISSED 6/12/18**

Party Information

Debtor(s):

Christopher G. Templeton

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11212 Diana J Everett

Chapter 13

#569.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18

Party Information

Debtor(s):

Diana J Everett

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11213 Danilo DeLaCruz, Jr. and Maria Russiel DeLaCruz

Chapter 13

#570.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Danilo DeLaCruz Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Maria Russiel DeLaCruz

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11272 Rick Williamson and Helen Carol Williamson

Chapter 13

#571.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/16/18**

Party Information

Debtor(s):

Rick Williamson

Represented By
Todd L Turoci

Joint Debtor(s):

Helen Carol Williamson

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#572.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11346 Jeffrey R Powell

Chapter 13

#573.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18

Party Information

Debtor(s):

Jeffrey R Powell

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11363 John Louis Baumann and Tracey Leigh Baumann

Chapter 13

#574.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

John Louis Baumann

Represented By
M Wayne Tucker

Joint Debtor(s):

Tracey Leigh Baumann

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11403 Dony M Portillo and Raquel A Portillo

Chapter 13

#575.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Dony M Portillo

Represented By
Paul Y Lee

Joint Debtor(s):

Raquel A Portillo

Represented By
Paul Y Lee
Andrea Liddick

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11406 Karen Ann Staff

Chapter 13

#576.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Karen Ann Staff

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11407 Rushelyn Napalan

Chapter 13

#577.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/2/18**

Party Information

Debtor(s):

Rushelyn Napalan

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11416 Darlene J. Wadler

Chapter 13

#578.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Darlene J. Wadler

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11476 Randy Saulsberry and Kimberly E May

Chapter 13

#579.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Randy Saulsberry

Represented By
David L Nelson

Joint Debtor(s):

Kimberly E May

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11520 Kiia Chree Wilson

Chapter 13

#580.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Kiia Chree Wilson

Represented By
Gordon L Dayton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11529 Michael A Losoya and Patricia O Losoya

Chapter 13

#581.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/11/18**

Party Information

Debtor(s):

Michael A Losoya

Represented By
Julie J Villalobos

Joint Debtor(s):

Patricia O Losoya

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11532 Marsha Elizabeth Hall

Chapter 13

#582.00 Trustee's Motion to Dismiss Case

EH__

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

Marsha Elizabeth Hall

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11652 Gwendolyn Priscilla Saunders

Chapter 13

#583.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Party Information

Debtor(s):

Gwendolyn Priscilla Saunders

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11653 Richard Espinoza

Chapter 13

#584.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Richard Espinoza

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11692 Michael James Gresham

Chapter 13

#585.00 Trustee's Motion to Dismiss Case

EH__

Docket 23

Party Information

Debtor(s):

Michael James Gresham

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11700 Damion Marshall and Marshariki Frazier

Chapter 13

#586.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/19/18**

Party Information

Debtor(s):

Damion Marshall

Represented By
Andrew Nguyen

Joint Debtor(s):

Marshariki Frazier

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11701 Wayne Anthony King and Traci Ann Zweck

Chapter 13

#587.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Party Information

Debtor(s):

Wayne Anthony King

Represented By
Dana Travis

Joint Debtor(s):

Traci Ann Zweck

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11770 Raymond Burrola and Estela Burrola

Chapter 13

#588.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

Party Information

Debtor(s):

Raymond Burrola

Represented By
Elena Steers

Joint Debtor(s):

Estela Burrola

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11863 David Fox

Chapter 13

#589.00 Trustee's Motion to Dismiss Case

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/12/18**

Party Information

Debtor(s):

David Fox

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11973 Kyle Stephens and Diandra Stephens

Chapter 13

#590.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Kyle Stephens

Represented By
Mona V Patel

Joint Debtor(s):

Diandra Stephens

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11973 Kyle Stephens and Diandra Stephens

Chapter 13

#591.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Kyle Stephens

Represented By
Mona V Patel

Joint Debtor(s):

Diandra Stephens

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-11987 Carmen Lopez

Chapter 13

#592.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

Party Information

Debtor(s):

Carmen Lopez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-12022 Maribel M Vasquez

Chapter 13

#593.00 Trustee's Motion to Dismiss Case

EH__

Docket 21

***** VACATED *** REASON: WITHDRAWAL OF MOITON FILED
7/17/18**

Party Information

Debtor(s):

Maribel M Vasquez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-12028 Matthew Glenn Martin and Melody Dawn Martin

Chapter 13

#594.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/26/18**

Party Information

Debtor(s):

Matthew Glenn Martin

Represented By
Todd L Turoci

Joint Debtor(s):

Melody Dawn Martin

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-12099 James David Wilson, IV and Kerri Ann Wilson

Chapter 13

#595.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/18**

Party Information

Debtor(s):

James David Wilson IV

Represented By
Dina Farhat

Joint Debtor(s):

Kerri Ann Wilson

Represented By
Dina Farhat

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-12170 Pamela Ann Harris

Chapter 13

#596.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/27/18**

Party Information

Debtor(s):

Pamela Ann Harris

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-12189 Keely J Barrett

Chapter 13

#597.00 Trustee's Motion to Dismiss Case

EH__

Docket 21

Party Information

Debtor(s):

Keely J Barrett

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, July 23, 2018

Hearing Room 303

1:00 PM

6:18-12231 Brian Howell and Faythe Howell

Chapter 13

#598.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/9/18**

Party Information

Debtor(s):

Brian Howell

Represented By
Julie J Villalobos

Joint Debtor(s):

Faythe Howell

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:14-12516 John Alexander Jay

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 45 Camino Real, Rancho Mirage, CA 92270

MOVANT: MTGLQ INVESTORS LP

EH__

Docket 200

Tentative Ruling:

TENTATIVE RULING:

7/24/2018

Service: Proper

Opposition: Yes

Debtor's confirmed plan provided for Debtor to surrender his interest in the real property at issue, and the plan does not treat Movant's claim. Therefore, as to Debtor, Movant has established cause for relief from the automatic stay.

As to Movant's request for relief from the co-debtor stay, the Court notes that the co-debtor at issue here, Debtor's former spouse, appears to have been served with the motion and failed to file opposition, which the Court can deem consent to the relief requested pursuant to Local Rule 9013-(1)(h). More importantly, 11 U.S.C. §1301(c) (2) provides that the Court must grant relief from the co-debtor stay if "the plan filed by the debtor proposes not to pay such claim." Therefore, relief from the co-debtor stay is appropriate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Alexander Jay

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... John Alexander Jay

Chapter 13

Jenny L Doling
Summer M Shaw

Movant(s):

MTGLQ Investors, LP

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:15-14652 Donald Ray Eskridge

Chapter 13

#2.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 14798 Ladybird Lane, Victorville, CA 92394

MOVANT: PENNYMAC LOAN SERVICES, LLC

From: 6/20/18

EH__

Docket 53

Tentative Ruling:

TENTATIVE RULING:

Service: Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donald Ray Eskridge

Represented By
Paul Y Lee

Movant(s):

PennyMac Loan Services, LLC

Represented By
John D Schlotter
Karrollanne K Cayce
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:15-16128 Delkys Hyde

Chapter 13

#3.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 35571 Sugar Maple St Murrieta, CA 92563

MOVANT: BANK OF AMERICA, N.A.

From: 4/24/18, 6/5/18

EH__

Docket 41

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: Yes

On March 29, 2018, Debtor filed a Motion for Authority to Sell the Property. Debtor has indicated that he intends to pay off the Movant and remainder of the chapter 13 plan through escrow. The Trustee has recommended approval of the sale. The Court is inclined to CONTINUE the matter for 30 days for Debtor to finalize sale.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Delkys Hyde

Represented By
David L Nelson

Movant(s):

Bank of America, N.A.

Represented By
Bonni S Mantovani
S Renee Sawyer Blume
Alexander G Meissner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... Delkys Hyde

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:16-16240 Dorothy Mae Simmons

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1047 Riviera Ct., Beaumont, California 92223

MOVANT: LAKEVIEW LOAN SERVICING LLC

EH__

Docket 51

***** VACATED *** REASON: STIPULATED APO ENTERED 7/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dorothy Mae Simmons

Represented By
M Wayne Tucker

Movant(s):

LakeView Loan Servicing, LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#5.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3974 Quartzite Lane, San Bernardino, CA 92407-0420

MOVANT: US BANK NATIONAL ASSOCIATION

From: 2/6/18, 3/6/18, 4/10/18, 5/8/18, 6/5/18, 7/10/18

EH__

Docket 31

***** VACATED *** REASON: ORDER ENTERED 7/20/18**

Tentative Ruling:

2/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot. DENY relief from § 1301(a) stay because it is unclear if effective service was made upon "borrower" Anthony Elie. Furthermore, because Anthony Elie is not a party to the note he is not a co-debtor within the meaning of the statute.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Movant(s):

U.S. Bank National Association

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... Maisha Lenette Ghant-Elie

Chapter 13

Armin M Kolenovic
Jamie D Hanawalt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:17-12794 Katina Deneen Edwards

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 27183 Lasso Way, Corona, CA 92883

MOVANT: LAKEVIEW LOAN SERVICING LLC

EH__

Docket 57

Tentative Ruling:

7/24/2018

Service: Proper

Opposition: No

The Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Katina Deneen Edwards

Represented By
Paul Y Lee

Movant(s):

Lakeview Loan Servicing LLC

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:17-14684 Timothy Wayne Lambert and Lisa Renee Lambert

Chapter 7

#7.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Unlawful Detainer

MOVANT: SUNG ELLISON AND KELLY ELLISON

EH__

Docket 42

Tentative Ruling:

7/24/2018

On June 4, 2017, Timothy Wayne Lambert and Lisa Renee Lambert ("Debtors" or "Defendants") filed a Chapter 13 voluntary petition. Defendants had a previous bankruptcy case filed on October 1, 2004, and received a discharge on January 7, 2005.

On June 28, 2018, Kelly and Sung Ellison ("Creditors" or "Plaintiffs") filed a motion for relief from the automatic stay, requesting, in part, annulment of the automatic stay. The Plaintiffs own a mobile home park and had a lease agreement with the Defendants for one unit. The Plaintiffs assert that the unit currently controlled by and leased to the Defendants is falling into disrepair and its condition encourages the homeless to occupy it. Plaintiffs further allege that Defendants are subleasing the unit to tenants without paying rent to the Plaintiffs. Plaintiffs seek to annul the stay to evict all occupants and remove the mobile home unit from the park.

11 U.S.C. § 362(d) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... Timothy Wayne Lambert and Lisa Renee Lambert

Chapter 7

(d) On request of a party in interest and after notice and a hearing, the court shall grant relief from the stay provided, under subsection (a) of this section such as by terminating, *annulling*, modifying, or condition such stay –

(emphasis added); *see also In re Schwartz*, 954 F.2d 569, 573 (9th Cir. 1992) ("If a creditor obtains retroactive relief under section 362(d), there is no violation of the automatic stay, and whether violations of the stay are void or voidable is not at issue.").

The BAP, in *In re Fjeldsted*, noted the absence of a clear standard for annulment of the automatic stay. 293 B.R. 12, 21 (B.A.P. 9th Cir. 2003) ("There is less appellate clarity, however, in enunciating a test for retroactive stay relief. Inconsistent standards have thus developed, which run the gamut from such relief being justified only in 'extreme circumstances' to giving the court 'wide latitude' to 'balance the equities' on a case-by-case basis."). The BAP's most recent announcement of the standard for annulment of the automatic stay stated the following:

Determining whether cause exists to annul the stay is a case-by-case inquiry based on a balance of the equities. In conducting this inquiry the bankruptcy court, among other factors, should consider whether the creditor knew of the bankruptcy when violating the stay and whether the debtor's conduct was unreasonable, inequitable or prejudicial to the creditor.

In *Fjeldsted*, we approved additional factors for consideration in assessing the equities. The twelve nonexclusive factors are: (1) number of filings; (2) whether, in a repeat filing case, the circumstances indicate an intention to delay and hinder creditors; (3) a weighing of the extent of prejudice to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT...

Timothy Wayne Lambert and Lisa Renee Lambert

Chapter 7

creditors or third parties if the stay relief is not made retroactive, including whether harm exists to a bona fide purchaser; (4) the debtor's overall good faith (totality of circumstances test); (5) whether creditors knew of stay but nonetheless took action, thus compounding the problem; (6) whether the debtor has complied, and is otherwise complying, with the Bankruptcy Code and Rules; (7) the relative ease of restoring parties to the status quo ante; (8) the costs of annulment to debtors and creditors; (9) how quickly creditors moved for annulment, or how quickly debtor moved to set aside the sale or violative conduct; (10) whether, after learning of the bankruptcy, creditors proceeded to take steps in continued violation of the stay, or whether they moved expeditiously to gain relief; (11) whether annulment of the stay will cause irreparable injury to the debtor; and (12) whether stay relief will promote judicial economy or other efficiencies. The Panel in *Fjeldsted* cautioned that the twelve factors are merely a framework for analysis and not a scorecard, and that in any given case, one factor may so outweigh the others as to be dispositive.

In re Estavan Capital LLC, 2015 WL 7758494 at *5 (B.A.P. 9th Cir. 2015) (citations and quotations omitted).

While *Fjeldsted* cautioned that the enumerated factors are not a scorecard, many of the factors suggest that the stay should be annulled. Plaintiffs allege that they were not made aware of the bankruptcy proceedings until they were served with answers to the unlawful detainer complaints shortly before trial. While the Defendants only have one prior filing, there is great prejudice to creditors if the stay is not annulled. The units are in continuing disrepair, and the Plaintiffs allege that the units are being rented out to unauthorized occupants while they do not receive pay. Plaintiffs did not disregard the stay since they did not know it existed, and they moved expeditiously to gain relief. If the stay is annulled, Plaintiffs can most efficiently and expediently restore the units to the status quo ante, and prevent further costs to the parties.

The *Curtis* factors determine whether relief from stay to permit pending litigation to continue in another forum is appropriate. *In re Curtis*, 40 B.R. 795 (Bankr. D. Utah

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... Timothy Wayne Lambert and Lisa Renee Lambert

Chapter 7

1984) (cited with approval in *In re Plumberex Specialty Prod., Inc.*, 311 B.R. 551, 559 (Bankr. C.D. Cal. 2004) and *Kronemyer v. American Contractors Indem. Co. (In re Kronemyer)*, 405 B.R. 915, 921 (9th Cir. BAP 2009)). The twelve *Curtis* factors are: (1) whether the relief will result in a partial or complete resolution of the issues; (2) the lack of any connection with or interference with the bankruptcy case; (3) whether the foreign proceeding involves the debtor as a fiduciary; (4) whether a specialized tribunal has been established to hear the particular cause of action and whether that tribunal has the expertise to hear such cases; (5) whether the debtor's insurance carrier has assumed full financial responsibility for defending the litigation; (6) whether the action essentially involves third parties, and the debtor functions only as a bailee or conduit for the goods or proceeds in question; (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditors' committee and other interested parties; (8) whether the judgment claim arising from the foreign action is subject to equitable subordination under Section 510(c); (9) whether movant's success in the foreign proceeding would result in a judicial lien avoidable by the debtor under Section 522(f); (10) the interests of judicial economy and the expeditious and economical determination of litigation for the parties; (11) whether the foreign proceedings have progressed to the point where the parties are prepared for trial; and (12) the impact of the stay on the parties and the "balance of hurt."

Here, this is a Chapter 7 proceeding, the estate's interest in the premises which are the subject of the state court proceeding is merely possessory in nature, the conclusion of the state court proceeding would completely resolve the issues while not interfering with the liquidation of the bankruptcy case or prejudicing the interests of creditors, and the state court has specialized knowledge and expedited procedures for addressing the issues at hand. Furthermore, the bankruptcy proceeding is only still active due to the apparent lack of quick cooperation of Debtors (as evidenced by fourteen continuations of the meeting of creditors) and a pending objection to discharge adversary proceeding. As a result, it is clear that the equities weigh in favor of granting the motion; several of the *Curtis* factors (specifically factors 1, 2, 4, 7, 11, and 12) weigh in favor of granting the motion, while none of the *Curtis* factors weigh in favor of denial.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... Timothy Wayne Lambert and Lisa Renee Lambert

Chapter 7

Furthermore, Debtors have failed to oppose the instant motion, which the Court deems consent to the relief requested pursuant to Local Rule 9013-(1)(h).

The Court's tentative ruling is to GRANT the relief from the stay under § 362(d)(1), GRANT waiver of 4001(a)(3) stay. GRANT annulment of the automatic stay. GRANT request under ¶ 6.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Timothy Wayne Lambert

Represented By
Edgar P Lombera

Joint Debtor(s):

Lisa Renee Lambert

Represented By
Edgar P Lombera

Movant(s):

Kelly Ellison

Represented By
W. Derek May

Sung Ellison

Represented By
W. Derek May

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:17-15227 John E Neilsen, Sr and Kathy A Neilsen

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 41880 Lakefront Dr, Aguanga, CA 92536

MOVANT: TROJAN CAPITAL INVESTMENTS LLC

EH__

Docket 57

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief pursuant to § 362(d)(1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. DENY request for relief from § 1301(a) stay because it does not appear that the instant motion was served on any co-debtor as that term is used in the applicable statute. GRANT request under ¶ 2. DENY alternative request under ¶ 13 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John E Neilsen Sr

Represented By
Julie J Villalobos

Joint Debtor(s):

Kathy A Neilsen

Represented By
Julie J Villalobos

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... John E Neilsen, Sr and Kathy A Neilsen

Chapter 13

Movant(s):

Trojan Capital Investment LLC

Represented By

Henry D Paloci

Richard J Reynolds

Rafael R Garcia-Salgado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:17-18282 Isabel Duran Garcia

Chapter 13

#9.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 84331 Volare Ave. Indio, CA 92203

MOVANT: BANK OF AMERICA, N.A.

From: 6/20/18

EH__

Docket 43

***** VACATED *** REASON: APO ENTERED 6/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isabel Duran Garcia

Represented By
Robert J Spitz

Movant(s):

Bank of America, N.A.

Represented By
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-10467 Wayman L Guider

Chapter 13

#10.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2756 La Salle Pointe, Chino Hills, CA 91709

MOVANT: NATIONSTAR MORTGAGE LLC

From: 7/10/18

EH__

Docket 34

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: Yes

The Debtor asserts that there is a sufficient equity cushion to protect Movant and requests an APO and opportunity to cure the missed May and June mortgage payments. The Debtor, however, has inadequately explained the reason for the defaults.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Wayman L Guider Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr. Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-12170 Pamela Ann Harris

Chapter 13

#11.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Honda Accord

MOVANT: FINANCIAL PARTNERS CREDIT UNION

EH__

Docket 31

Tentative Ruling:

7/24/2018

Service is Proper

Opposition: Yes

Parties to apprise Court of status of arrears, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Pamela Ann Harris

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-12785 Nadia Joy Keehmer

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40974 Cebu Dr, Temecula, CA 92591

MOVANT: M&T BANK AS ATTORNEY IN FACT FOR LAKEVIEW LOAN SERVICING LLC

EH__

Docket 10

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nadia Joy Keehmer

Represented By
Marjorie S Archer

Movant(s):

M&T Bank as Attorney in Fact for

Represented By
Nancy L Lee

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-13845 Sergio Garcia and Maria Guadalupe Garcia

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 Toyota Sequoia, Vin 5TDZY68A88S008808

MOVANT: RANDOLPH BROOKS FEDERAL CREDIT UNION

EH__

Docket 13

Tentative Ruling:

07/24/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Sergio Garcia

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Maria Guadalupe Garcia

Represented By
Brian J Soo-Hoo

Movant(s):

Randolph Brooks Federal Credit

Represented By
Paul V Reza

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

CONT... Sergio Garcia and Maria Guadalupe Garcia

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-14044 Boyd Eugene Givens

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 8

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1) and (d)(2). GRANT relief from Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Boyd Eugene Givens Pro Se

Movant(s):

Toyota Motor Credit Corporation, Represented By
Austin P Nagel

Trustee(s):

John P Pringle (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-14527 Anthony Benitez

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Scion FR-S

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 10

Tentative Ruling:

07/24/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the stay under § 362(d)(1) and (2).
GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Anthony Benitez

Represented By
Nicholas M Wajda

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-14857 Ernest M. Rivera, Jr.

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Dodge Charger, VIN 2C3CDXHG2GH163027

MOVANT: TD AUTO FINANCE LLC

EH__

Docket 8

Tentative Ruling:

07/24/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the stay under § 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ernest M. Rivera Jr.

Represented By
Paul Y Lee

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-14902 Veronica Diazgranados

Chapter 7

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11825 Mt. Royal Court, Rancho Cucamonga, California 91737

MOVANT: THE BANK OF NEW YORK MELLON

CASE DISMISSED: 6/29/18

EH__

Docket 9

***** VACATED *** REASON: CASE DISMISSED 6/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Diazgranados

Pro Se

Movant(s):

The Bank of New York Mellon FKA

Represented By
Tyneia Merritt

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-15162 Mourence Eugene Burris

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Toyota Prius with Exhibits A-C and Proof of Service.

MOVANT: CALIFORNIA COAST CREDIT UNION

EH__

Docket 7

Tentative Ruling:

7/24/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the stay under § 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2. DENY relief from § 1301(a) stay because no co-debtor was served with the instant motion. DENY alternative request under ¶ 11 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mourence Eugene Burris

Represented By
Carey C Pickford

Movant(s):

California Coast Credit Union

Represented By
Lisa S Yun

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-15325 Jimmy Lee Brown

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 444 E Valley Blvd., Colton, California 92324

MOVANT: DONALD W. LITTLE AND JUNE A LITTLE

EH__

Docket 5

Tentative Ruling:

07/24/2018

Service: Proper

Opposition: None

The Court is inclined to GRANT relief from the stay under § 362(d)(1) and § 362(d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jimmy Lee Brown

Pro Se

Movant(s):

Donald W Little and June A Little,

Represented By
Julian K Bach

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

10:00 AM

6:18-15624 Hugo Perez

Chapter 7

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1860 Bel Air Street, Corona, California 92881

MOVANT: 20 CAP FUND I, LLC

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hugo Perez

Pro Se

Movant(s):

20 Cap Fund I, LLC

Represented By
Daniel I Singer

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

11:00 AM

6:13-19074 Amber Michelle Bradley

Chapter 7

#20.10 CONT Motion to Reopen Chapter 7 Case with Notice for the Purpose of Enforcing the Discharge Order

From: 7/19/18

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amber Michelle Bradley

Represented By
Neelamjeet K Kahlon-Pfister
Cory T Salisbury

Movant(s):

Amber Michelle Bradley

Represented By
Neelamjeet K Kahlon-Pfister
Neelamjeet K Kahlon-Pfister
Cory T Salisbury
Cory T Salisbury

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#21.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18

Also # 22 & 23

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#22.00 Motion by Debtor to Sell Substantially All Assets of Debtor Free and Clear of Liens

Also # 21 & 23

EH__

Docket 328

Tentative Ruling:

7/24/18

BACKGROUND

On December 1, 2017, Auto Strap Transport, LLC ("Debtor") filed a Chapter 11 voluntary petition. On March 6, 2018, a chief restructuring officer, Stephen Douglass (the "CRO"), was appointed on an interim basis, and, on April 11, 2018, appointed on a final basis. Now, relying on the estimates of the CRO, Debtor believes it will be at least six months before Debtor can become profitable, and, therefore, "Debtor has determined the best option for its creditors is to sell its assets." [Dkt. No. 328, pg. 8, lines 24-26]. On June 26, 2018, Debtor filed a motion to sell substantially all assets of Debtor free and clear of liens (the "Motion").

The basic terms of the Motion are the following: Debtor proposes to sell to Nations Fund I, LLC ("Nations"), Debtor's largest secured creditor, all of Debtor's assets which are not subject to purchase money security interests or leases with creditors other than Nations (the "Assets").¹ The Motion contemplates Nations purchasing the Assets for the amount of \$3,200,000, of which \$2,950,000 is a credit bid, and \$250,000 in a cash payment to be predominantly used for payment of administrative claims. Debtor estimates that the Assets have a fair market value of \$3,160,000.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

DISCUSSION

11 U.S.C. § 363(b)(1) provides that Debtor may use, sell, or lease property of the estate outside of the ordinary course of business after notice and a hearing. The Court notes the following non-exclusive issues with the current version of the Motion:

A. Notice

FED. R. BANKR. P. Rule 6004(a) provides: "Notice of a proposed use, sale, or lease of property, than cash collateral, not in the ordinary course of business shall be given pursuant to Rule 2002(a)(2), (c)(1), (i), and (k) and, if applicable, in accordance with § 363(b)(2) of the Code." FED. R. BANKR. P. Rule 2002(a)(2) requires the Motion to be served on all creditors, which does not appear to have been done here. Specifically, the Court notes that the petition in the instant case identifies 111 parties to receive notice, however, the Motion appears to have been served on substantially less than half that many entities.

B. Fair Market Value and Marketing

Local Rule 6004-(1)(c)(2)(A) provides that the Motion "must be supported by a declaration of the movant establishing the value of the property and that the terms and conditions of the proposed sale, including the price and all contingencies, are in the best interest of the estate." While the Motion does include a declaration of Debtor's principal establishing a fair market value of \$3.16 million, the Motion does not include any breakdown of that valuation or the comparables upon which the valuation was based. Additionally, the old adage that "value is what someone is willing to pay" is pertinent here. Section III.G of the Motion suggests that the marketing effort was possibly inadequate, and tardy at best. Specifically, the future tense verbiage of the section indicates that Debtor did not engage in any marketing prior to filing the motion. Debtor also stated it would file a supplement seven days before the sale hearing, however, such supplement was only filed the morning before the hearing,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

depriving the Court of ample time to review the submitted evidence. Additionally, Debtor did not submit the "due diligence package" it allegedly used in marketing. Finally, the late supplement filed indicates in paragraph 14 that a potential buyer has not yet rendered a decision on whether to overbid. Ultimately, in light of the evidence presented to the Court, the Court is unable to conclude that the rushed marketing effort is inadequate in light of the unusual and complex nature of the sale under consideration.

C. Miscellaneous Issues

-The Motion states that "Debtor is reviewing the tax consequences to the bankruptcy estate as a result of the proposed sale. Debtor will update the Court at the hearing as to the tax consequences, if any." [Dkt. No. 328, pg. 12, lines 4-5]. The Court intends to require that the estimation of tax consequences be included in the amended motion.

-The Motion fails to provide a breakdown of administrative, priority, and unsecured claims and the possible distribution to each class. At this stage of the case, and given the case's trajectory, it seems Debtor should possess a reasonably accurate estimate of the administrative claims in this case which would allow priority and unsecured creditors to determine the amount of any potential distribution, if any. Currently, the Motion's treatment of the distribution of the sales proceeds is vague; the Motion also confusingly refers to Nation's retaining a security interest in the cash component of the purchase amount, for reasons that are very unclear.

TENTATIVE RULING

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#23.00 Motion by Debtor to Assume, Assign, and Establish Cure Amounts For Certain Executory Contracts And Unexpired Leases

Also # 21 & 22

EH__

Docket 354

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

1:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#24.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 3095 Ocelot Circle, Corona, CA 92882

MOVANT: WELLS FARGO BANK, N.A.

From: Advanced from 2:00 calendar

EH__

Docket 71

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1). GRANT
waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2,3, and 12.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

Adv#: 6:18-01116 Forte v. B & B Family, Incorporated

#25.00 Status Conference RE: [1] Adversary case 6:18-ap-01116. Complaint by Patricia Forte against B & B Family, Incorporated.

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/31/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

Defendant(s):

B & B Family, Incorporated

Represented By
Todd L Turoci

Plaintiff(s):

Patricia Forte

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#26.00 Confirmation of Chapter 11 Plan of Reorganization

From: 6/6/18

EH__

Docket 113

***** VACATED *** REASON: CONTINUED TO 7/31/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

Movant(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano
David Lozano
David Lozano
David Lozano
David Lozano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#27.00 CONT Motion to Appoint Chapter 11 Trustee

From: 6/26/18

EH__

Docket 173

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#28.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18

EH__

Docket 48

***** VACATED *** REASON: ADVANCED TO 1:00 PM CALENDAR**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#29.00 Motion by Debtor to Assume, Assign, and Establish Cure Amounts For Certain Executory Contracts And Unexpired Leases

Also #

EH__

Docket 354

***** VACATED *** REASON: ADVANCED TO 1:00 PM CALENDAR**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#30.00 Motion by Debtor to Sell Substantially All Assets of Debtor Free and Clear of Liens

Also #

EH__

Docket 328

***** VACATED *** REASON: ADVANCED TO 1:00 PM CALENDAR**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#31.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 3095 Ocelot Circle, Corona, CA 92882

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 71

***** VACATED *** REASON: HEARING ADVANCED TO 1:00 PM
CALENDAR**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#32.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01094. Complaint by Markus Anthony Boyd against U.S. BANK, SPECIALIZED LOAN SERVICING LLC, Series 2007-FFC First Franklin Mortgage Loan Trust. (Charge To Estate). (Attachments: # 1 Exhibit Exhibits to Complaint # 2 Exhibit Exhibits to Complaint # 3 Exhibit Exhibits to Complaint # 4 Exhibit Exhibits to Complaint # 5 Exhibit Exhibits to Complaint # 6 Exhibit Exhibits to Complaint # 7 Exhibit Exhibits to Complaint) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment)) (Gebelt, Nicholas)

From: 6/26/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/25/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 24, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#33.00 Defendants' Motion to Dismiss The Amended Adversary Complaint Under Fed. R. Civ. P. 12(B)(6) and Fed. R. Bank. P.

EH__

Docket 11

***** VACATED *** REASON: CONTINUED TO 7/25/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Movant(s):

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#1.00 Motion RE: Objection to Claim Number 10 by Claimant Midland Funding LLC

Also #2 - #8

EH__

Docket 87

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 12, 2018, Trustee filed Objection to Claim #10-1 (the "Objection") of Midland Funding LLC ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**

Chapter 7

giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the Debtor and original creditor took place on November 17, 2009, and that the Claimant charged off the account on August 11, 2009. Assuming the *prima facie* validity of the Claim, the last transaction date indicates that the statute of limitations had not lapsed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

as of the Petition Date. To controvert the Claim's allegation regarding the last transaction date, the Trustee "must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040. To meet this burden, the Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been made for four years. The evidence is scant. However, absent opposition from the Claimant, the evidence controverts an essential allegation of the Claim regarding the last transaction date.

Thus, the burden to show the validity of Claim No. 10 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 10 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By
Leonard J Cravens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#2.00 Motion RE: Objection to Claim Number 1 by Claimant American InfoSource LP as agent for Midland Funding LLC

Also #1 - #8

EH__

Docket 88

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 12, 2018, Trustee filed Objection to Claim #1-1 (the "Objection") of American InfoSource LP as agent for Midland Funding LLC ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**
upon a motion for relief. *Id.*

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

Debtor and original creditor took place on November 17, 2009. Assuming the prima facie validity of the Claim, the last transaction date indicates that the statute of limitations had not lapsed as of the Petition Date. To controvert the Claim's allegation regarding the last transaction date, the Trustee "must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040. To meet this burden, the Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been made for four years. The evidence is scant. However, absent opposition from the Claimant, the evidence controverts an essential allegation of the Claim regarding the last transaction date.

Thus, the burden to show the validity of Claim No. 1 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 1 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro
Maria Lopez Castro
Represented By
Leonard J Cravens

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#3.00 Motion RE: Objection to Claim Number 7 by Claimant Jefferson Capital Systems, LLC

Also #1 - #8

EH__

Docket 89

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 12, 2018, Trustee filed Objection to Claim #7-2 (the "Objection") of Jefferson Capital Systems, LLC ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the Debtor and original creditor took place on November 17, 2009. Assuming the prima facie validity of the Claim, the last transaction date indicates that the statute of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro** **Chapter 7**

limitations had not lapsed as of the Petition Date. To controvert the Claim's allegation regarding the last transaction date, the Trustee "must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040. To meet this burden, the Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been made for four years. The evidence is scant. However, absent opposition from the Claimant, the evidence controverts an essential allegation of the Claim regarding the last transaction date. As a separate issue, the Trustee asserts that the Claim fails to establish an unbroken chain of title. The Claim indicates that Wells Fargo was the original creditor and then that the claim was transferred from National Credit Adjusters, LLC ("National") to Claimant. However, there is no documentation establishing the transfer of the rights in the claim from Wells Fargo to National. The objection is well-taken. *See In re Veal*, 450 B.R. 897, 920 (9th Cir. BAP 2011).

Thus, the burden to show the validity of Claim No. 7-2 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 7-2 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By
Leonard J Cravens

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#4.00 Motion RE: Objection to Claim Number 3 by Claimant Portfolio Recovery Associates, LLC

Also #1 - #8

EH__

Docket 96

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 14, 2018, Trustee filed Objection to Claim #3-1 (the "Objection") of Portfolio Recovery Associates, LLC ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (¶ 3:398), "account stated" (¶ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the Debtor and original creditor took place on November 17, 2009. Assuming the prima facie validity of the Claim, the last transaction date indicates that the statute of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro Chapter 7

limitations had not lapsed as of the Petition Date. To controvert the Claim's allegation regarding the last transaction date, the Trustee "must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040. To meet this burden, the Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been made for four years. The evidence is scant. However, absent opposition from the Claimant, the evidence controverts an essential allegation of the Claim regarding the last transaction date.

Thus, the burden to show the validity of Claim No. 3 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 3 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By
Leonard J Cravens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#5.00 Motion RE: Objection to Claim Number 6 by Claimant Collecto US Asset Managemnt, INC; Jefferson Capital Systems, LLC Assignee

Also #1 - #8

EH_

Docket 98

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 14, 2018, Trustee filed Objection to Claim #6-2 (the "Objection") of Collecto US Management Inc; Jefferson Capital Systems, LLC Assignee ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**
upon a motion for relief. *Id.*

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro Chapter 7

Debtor and original creditor is unavailable. The Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been made for four years. The evidence is scant. However, absent opposition from the Claimant, and given that the Claim fails to indicate the last transaction date, the evidence controverts an essential allegation of the Claim regarding the last transaction date.

Thus, the burden to show the validity of Claim No. 6-2 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 6-2 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By
Leonard J Cravens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#6.00 Motion RE: Objection to Claim Number 8 by Claimant Jefferson Capital Systems LLC

Also #1 - #8

EH__

Docket 101

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 14, 2018, Trustee filed Objection to Claim #8-2 (the "Objection") of Jefferson Capital Systems, LLC ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc.*, (In re *Medina*), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort.* (In re *Consol. Pioneer Mort.*), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the Debtor and original creditor is "N/A." The Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

made for four years. The evidence is scant. However, absent opposition from the Claimant, and given that the Claim fails to indicate the last transaction date, the evidence controverts an essential allegation of the Claim regarding the last transaction date. As a separate issue, the Trustee asserts that the Claim fails to establish an unbroken chain of title. The Claim indicates that Wells Fargo was the original creditor and then that the claim was transferred from RJM Acquisitions, LLC ("RJM") to Claimant. However, there is no documentation establishing the transfer of the rights in the claim from Wells Fargo to RJM. The objection is well-taken. *See In re Veal*, 450 B.R. 897, 920 (9th Cir. BAP 2011).

Thus, the burden to show the validity of Claim No. 8-2 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 8-2 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro
Leonard J Cravens

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#7.00 Motion RE: Objection to Claim Number 9 by Claimant LVNV Funding LLC

Also #1 - #8

EH__

Docket 102

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 14, 2018, Trustee filed Objection to Claim #9-1 (the "Objection") of LVNV Funding, LLC its successors and assigns as assignee of Arrow Financial Services, LLC ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the Debtor and original creditor was June 29, 2009, which exceeds the four year statute of limitations. As a separate issue, the Trustee asserts that the Claim fails to establish an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

unbroken chain of title. The Claim indicates that GE was the original creditor. At some point, the Claim was transferred to Claimant. However, there is no documentation establishing the transfer of the rights in the claim from GE to Claimant. The objection is well-taken. *See In re Veal*, 450 B.R. 897, 920 (9th Cir. BAP 2011).

Thus, the burden to show the validity of Claim No. 9-1 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 9-1 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By
Leonard J Cravens

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:13-27788 Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

#8.00 Motion RE: Objection to Claim Number 2 by Claimant Department Stores National Bank/Macys

Also #1 - #7

EH__

Docket 97

Tentative Ruling:

07/25/2018

BACKGROUND:

On October 28, 2013 ("Petition Date"), Porfirio and Maria Castro (collectively, "Debtors") filed for chapter 13 relief. On August 16, 2017, the case was converted to a case under chapter 7. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). On June 14, 2018, Trustee filed Objection to Claim #2-1 (the "Objection") of Department Stores National Bank/Macys ("Claimant").

Service was proper and no opposition has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... **Porfirio Macias Castro and Maria Lopez Castro**

Chapter 7

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Trustee asserts that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, the Claimant's documentation indicates that the last transaction between the Debtor and original creditor took place on November 17, 2009. Assuming the *prima facie* validity of the Claim, the last transaction date indicates that the statute of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro Chapter 7

limitations had not lapsed as of the Petition Date. To controvert the Claim's allegation regarding the last transaction date, the Trustee "must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040. To meet this burden, the Trustee has provided a declaration of the Debtors by which they assert under penalty of perjury that no payments have been made for four years. The evidence is scant. However, absent opposition from the Claimant, the evidence controverts an essential allegation of the Claim regarding the last transaction date.

Thus, the burden to show the validity of Claim No. 2 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Court is inclined to disallow Claim No. 2 as time barred.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Joint Debtor(s):

Maria Lopez Castro

Represented By
Leonard J Cravens

Movant(s):

Porfirio Macias Castro

Represented By
Leonard J Cravens

Maria Lopez Castro

Represented By
Leonard J Cravens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Porfirio Macias Castro and Maria Lopez Castro

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#9.00 CONT Motion to Quash and Motion for Protective Order

From: 8/30/17, 9/20/17, 11/1/17, 12/13/17, 2/7/18, 2/28/18, 3/28/18, 5/9/18,
6/6/18, 6/27/18

EH__

Docket 148

*** VACATED *** REASON: ORDER ENTERED 7/23/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dean L. Springer Sr. Pro Se

Joint Debtor(s):

Tami Jo Springer Pro Se

Movant(s):

Hilder & Associates Represented By
Lei Lei Wang Ekvall

Trustee(s):

Larry D Simons (TR) Represented By
Richard A Marshack
Sarah Cate Hays
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#10.00 CONT Motion for Turnover of Property

From: 4/11/18, 5/16/18

EH__

Docket 102

*** VACATED *** REASON: CONTINUED TO 9/26/18 AT 11:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lloyd Walker

Pro Se

Movant(s):

Robert Whitmore (TR)

Represented By
Cathy Ta
Caroline Djang

Trustee(s):

Robert Whitmore (TR)

Represented By
Cathy Ta
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:16-20966 Benjamin Tameifuna and Melenait L Tameifuna

Chapter 7

#11.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 34

Tentative Ruling:

07/25/2018

No opposition has been filed.

Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 2,807.27

Trustee Expenses: \$ 102.72

The application for compensation is approved and the trustee may submit on the tentative.

APPERANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Benjamin Tameifuna

Represented By
Joshua L Sternberg

Joint Debtor(s):

Melenait L Tameifuna

Represented By
Joshua L Sternberg

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:17-10720 Hiep Huu Phan

Chapter 7

#12.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 76

Tentative Ruling:

07/25/2018

No opposition has been filed.

Service was Proper.

The application for compensation of the Trustee and his Counsel have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 20,000

Trustee Expenses: \$ 93.31

Counsel Fees: \$16,840

Counsel Expenses: \$957.94

The applications for compensation are approved and the trustee and professionals may submit on the tentative.

APPERANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Hiep Huu Phan

Represented By

Toby T Tran

Trustee(s):

Karl T Anderson (TR)

Represented By

Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:18-10696 Audrey Beck

Chapter 7

#13.00 Motion Of United States Trustee To Disgorge Fees And Impose Damages And Fines Against Bankruptcy Petition Preparer Martin Rojas

Also # 14

EH__

Docket 34

Tentative Ruling:

07/25/2018

On 01/30/2018 ("Petition Date"), Audrey Beck ("Debtor") filed her petition for chapter 7 relief. On April 6, 2018, the case was dismissed due to the Debtor's failure to appear at the 341(a) meeting of creditors.

On April 17, 2018, the Debtor filed a motion to reopen her case indicating that she did not appear at the meeting of creditors because her attorney advised her not to appear.

On April 23, 2018, the Court issued an Order to Show Cause why Martin Rojas ("BPP") should not be sanctioned for improperly providing legal advice to the Debtor ("OSC"). The OSC was mailed but returned as undeliverable. An order reopening the case and vacating dismissal was entered on June 4, 2018.

On June 5, 2015, the Court issued an Order Continuing the OSC and resetting deadlines for a response by the BPP.

On June 29, 2018, the Office of United States Trustee ("UST") filed its Motion Of United States Trustee To Disgorge Fees And Impose Damages And Fines Against Bankruptcy Petition Preparer Martin Rojas ("Motion").

DISCUSSION

The BPP is an enjoined petition preparer previously adjudicated to be in contempt of court orders. Based on the BPP's pattern of egregious conduct as outlined

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Audrey Beck

Chapter 7

in the Motion, the UST requests the BPP be ordered to pay statutory damages of \$2,000, and fines directly to the UST in the sum of \$19,000.

The UST has provided evidence that the BPP received \$900 to prepare the Debtor's bankruptcy documents, \$100 to recover a payment to a prior petition preparer named John Davy, and \$400 for preparation of a living trust. The Beck Declaration details the legal advice provided by the BPP, that he held himself out to Debtor as an attorney, and the fact that he advised her not to attend the meeting of creditors. Separately, the Mehra Declaration details orders entered in other bankruptcy cases in which the BPP has been enjoined from providing bankruptcy petition preparer services and holding him in contempt for his failure to comply with prior orders.

On the merits, the UST has provided evidence to support a conclusion that Martin Rojas is a bankruptcy petition preparer pursuant to § 110. The evidence further supports a finding that the BPP failed to sign bankruptcy documents, failed to provide his identifying number, that he provided legal advice to the Debtor, and that he failed to disclose the fees he received.

TENTATIVE RULING

Based on the moving papers, the evidence submitted by the UST, and the failure of the BPP to file opposition which this Court deems as consent to the granting of the Motion pursuant to LBR 9013-1(h), the Court's tentative ruling is to GRANT the UST's Motion in its entirety, ordering the BPP to disgorge \$1,000 to the Debtor, to pay statutory damages of \$2,000 to the Debtor, and to pay fines directly to the UST in the sum of \$19,000.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Audrey Beck

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

CONT... Audrey Beck

Chapter 7

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq
Mohammad Tehrani

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

11:00 AM

6:18-10696 Audrey Beck

Chapter 7

#14.00 CONT OSC why Martin Rojas should not be sanctioned for improperly providing legal advice

From: 5/30/18

Also # 13

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Audrey Beck Pro Se

Movant(s):

Audrey Beck Pro Se

Trustee(s):

Karl T Anderson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#15.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/22/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Misty Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01309 Cisneros v. DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN

#16.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01309. Complaint by A. Cisneros against DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential Transfer (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

DOUGLAS J. ROGER, M.D., INC.

Represented By
Summer M Shaw

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#17.00 Motion For Summary Judgment

Also # 18

EH__

Docket 54

Tentative Ruling:

07/25/2018

BACKGROUND

On December 18, 2013, Nabeel Slaieh ("Debtor") filed his petition for chapter 7 relief. On March 24, 2014, W E Jon Albrecht ("Plaintiff") filed the instant complaint to determine dischargeability of debt pursuant to § 523(a)(6). On June 13, 2018, the Plaintiff filed his Motion for Summary Judgment ("Motion"). On July 3, 2018, the Debtor filed his opposition to the Motion ("Opposition"). On the same date, the Debtor filed a substitution of attorney by which the Debtor indicated his intent to represent himself *in propria persona* going forward.

As a threshold matter, the Court must address the manner in which the Opposition was filed. Prior to the filing of the Substitution of Attorney Form, the Debtor was represented by George Saba ("Saba"). However, per the State Bar of California website, Mr. Saba has not been eligible to practice law in California since December 2017. Pursuant to the Court's manual, Section 3.1(c) and Section 3.2(b), attorneys admitted to practice in the Central District of California, currently in good standing, are eligible to register as CM/ECF users with the rights to log in and file documents. Here, the Debtor, acting in pro per, is not eligible to file documents using CM/ECF and it was improper for Mr. Saba to use the CM/ECF system to improperly file a document for a party who he is no longer representing and who he is no longer able to represent given his ineligibility to practice law. Further, Section 3.2(d)(1) prohibits a registered user from knowingly permitting or causing to permit his or her

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

login and password to be utilized by anyone. Here, Mr. Saba has violated the Court's rules regarding CM/ECF filing. Based on the improper filing of the Opposition, the Court is inclined to issue an OSC why Mr. Saba's CM/ECF rights should not be suspended or cancelled pursuant to Section 3.2(d)(3) of the Court Manual.

Based on the foregoing, the Court strikes the Opposition as improperly filed. A reply to the Opposition was filed on July 11, 2018 ("Reply"), as well as separately filed objections to the Declaration of Defendant in support of the Opposition (Docket No. 172).

DISCUSSION

Summary Judgment

A court may grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. FRBP 7056 (incorporating FRCP 56). In determining whether to grant a motion for summary judgment, courts must view the record and all inferences drawn from it in the light most favorable to the nonmoving party. *Trunk v. City of San Diego*, 629 F.3d 1099, 1105 (9th Cir.2011).

Judicial Notice

In support of the Motion, Plaintiff requests that this Court take judicial notice of (1) The Certified Copy of Complaint for Malicious Prosecution, RJN, Ex. 1, (2) the Certified Copy of Summons filed January 25, 2011, RJN, Ex. 2, (3) the Certified Copy of Proof of Service of Summons, RJN, Ex. 3, and (4) the Copy of Judgment, RJN, Ex. 4. The Court takes judicial notice of these filings.

Nondischargeability under § 523(a)(6)

Section 523(a)(6) excepts from discharge debts arising from a debtor's willful

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

and malicious injury to another person. *Barboza v. New Form, Inc. (In re Barboza)*, 545 F.3d 702, 706 (9th Cir.2008). The willful and malice requirements must be analyzed separately, *Carillo v. Su (In re Su)*, 290 F.3d 1140, 1146–47 (2002), and the court must determine that both have been met, *Ormsby v. First Am. Title Co. of Nev. (In re Ormsby)*, 591 F.3d 1199, 1206 (9th Cir. 2010).

"A 'willful' injury is a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury." *Barboza*, 545 F.3d at 706, quoting *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). To satisfy the willfulness requirement, it must be shown that the debtor either had "a subjective intent to harm or a subjective belief that harm is substantially certain." *Su*, 290 F.3d at 1144. When determining the debtor's intent under § 523(a)(6), there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby*, 591 F.3d at 1206.

"A malicious injury involves '(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse.'" *Su*, 290 F.3d at 1146–47, quoting *Petralia v. Jercich (In re Jercich)*, 238 F.3d 1202, 1209 (9th Cir.2001). "Within the plain meaning of this definition, it is the wrongful act that must be committed intentionally rather than the injury itself." *Jett v. Sicroff (In re Sicroff)*, 401 F.3d 1101, 1106 (9th Cir.2005), citing *Murray v. Bammer (In re Bammer)*, 131 F.3d 788, 791 (9th Cir.1997)("This four-part definition does not require a showing of biblical malice, i.e., personal hatred, spite, or ill will. Nor does it require a showing of an intent to injure, but rather it requires only an intentional act which causes injury."). "Malice may be inferred based on the nature of the wrongful act." *Ormsby*, 591 F.3d at 1206, citing *Transamerica Comm. Fin. Corp. v. Littleton (In re Littleton)*, 942 F.2d 551, 554 (9th Cir.1991)(determining that, in the case of conversion, malice may be inferred).

In the instant action, the Plaintiff obtained a judgment ("Judgment") in State Court as against the Defendant based on a complaint for malicious prosecution (the "State Action"). The Plaintiff now moves under a theory of collateral estoppel for summary judgment finding that the Judgment is nondischargeable under § 523(a)(6).

Collateral Estoppel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

A bankruptcy court may grant summary judgment based on the issue preclusive effect of an existing state court judgment. *See Harmon v. Kobrin (In re Harmon)*, 250 F.3d 1240, 1245 (9th Cir.2001). In doing so, it must apply the forum state's issue preclusion law. *Id. See also* 28 U.S.C. § 1738. Here, California preclusion law applies.

In California, issue preclusion bars relitigation of an issue when: 1) the issue sought to be precluded is identical to that decided in a prior proceeding; 2) the issue was actually litigated in the prior proceeding; 3) the issue was necessarily decided in the prior proceeding; and 4) the decision in the prior proceeding is final and on the merits. *Lucido v. Superior Court*, 51 Cal.3d 335, 341 (1990). Additionally, in California, issue preclusion may only be applied if it furthers underlying public policies. *See id.* at 343.

The party asserting issue preclusion bears the burden of establishing these requirements. *Id.* at 341. To do so, "[the] party must produce a record sufficient to reveal the controlling facts and pinpoint the exact issues litigated in the prior action. Any reasonable doubt as to what was decided by a prior judgment should be resolved against allowing [issue preclusive] effect." *Kelly v. Okoye (In re Kelly)*, 182 B.R. 255, 258 (9th Cir.BAP1995), *aff'd*, 100 F.3d 110 (9th Cir.1996).

Here, the Plaintiff obtained a Judgment on a malicious prosecution action under California law. The Court now turns to whether 'malicious prosecution' satisfies the requirements for collateral estoppel under California law.

Application of law to cause of action for malicious prosecution

In California, the common law tort of malicious prosecution provides a remedy for individuals subjected to maliciously instituted criminal and civil proceedings. *In re Arden*, 2015 WL 4068962, at *9 (9th Cir. BAP 2015)(citing *Sheldon Appel Co. v. Albert Olier*, 47 Cal.3d 863, 871-72 (1989)). To establish a cause of action for malicious prosecution of a civil proceeding, the plaintiff must show "that the prior action (1) was commenced [or continued] by or at the direction of the defendant and was pursued to a legal termination in his [or her], plaintiff's, favor; (2) was brought without probable cause; and (3) was initiated [or continued] with

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

malice." *Id.*, quoting *Bertero v. Nat'l Gen. Corp.*, 13 Cal.3d 43, 50 (1974)(internal quotation marks omitted).

In *Arden*, the BAP specifically considered whether the tort of malicious prosecution satisfies both the willful and malicious prongs of § 523(a)(6):

"The 'malice' element of the malicious prosecution tort relates to the subjective intent or purpose with which the defendant acted in initiating the prior action." *Estate of C. Delores Tucker v. Interscope Records, Inc.*, 515 F.3d 1019, 1030 (9th Cir.2008) ("*Tucker*"), quoting *Sheldon Appel Co.*, 47 Cal.3d at 874 (internal quotation marks omitted). However, the malice required in malicious prosecution "is not limited to actual hostility or ill will toward [the] plaintiff but exists when the proceedings are instituted primarily for an improper purpose." *Albertson v. Raboff*, 46 Cal.2d 375, 383 (Cal.1956). *See also Tucker*, 515 F.3d at 1030, quoting *Sierra Club Found. v. Graham*, 72 Cal.App. 4th 1135, 1147 (1999)("Sierra Club ").

The California Supreme Court has explained:

[T]he principal situations in which the civil proceedings are initiated for an improper purpose are those in which (1) the person instituting them does not believe that his claim may be held valid; (2) the proceedings are begun primarily because of hostility or ill will; (3) the proceedings are initiated solely for the purpose of depriving the person against whom they are instituted of a beneficial use of his property; [or] (4) the proceedings are initiated for the purpose of forcing a settlement which has no relation to the merits of the claim.

Albertson, 46 Cal.2d at 383, quoting Rest., Torts § 676. Accordingly, in a malicious prosecution action, the proof may or may not establish a willful intent to injure on the part of the defendant.

Arden at *9-10.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

As underscored in *Arden*, willfulness is not a separate and distinct element of the tort of malicious prosecution, though willfulness may be inferred from the debtor's intent in commencing or continuing litigation. Moreover, " '[m]erely because a tort is classified as intentional does not mean that any injury caused by the tortfeasor is willful.' " *Ditto v. McCurdy*, 510 F.3d 1070, 1078 (9th Cir.2007), quoting *Miller v. J.D. Abrams Inc. (In re Miller)*, 156 F.3d 598, 604 (5th Cir.1998). Here, the Judgment obtained against Defendant/Debtor was a default judgment and although the BAP found that 'malicious prosecution' likely satisfies the malice requirement under § 523(a)(6), it also specifically found that the 'willfulness' element was not necessarily decided by the state court because 'willfulness' is not required to enter judgment on a malicious prosecution cause of action. In *Arden*, the jury instructions indicated that the specific question of intent to injure was not posed to the jury. As such, the willfulness requirement was not necessarily decided or actually litigated by the state court. Similarly, the Judgment obtained by Plaintiff Albrecht did not require the State Court to consider, let alone determine whether Defendant Slaieh intended injury to Plaintiff. The Plaintiff's Motion assumes the issue of intent was decided by the State Court. However, absent authority to distinguish the *Arden* case, whose reasoning this Court adopts as its own, the Motion does not satisfy the requirements for collateral estoppel because the Judgment is insufficient to establish the elements required under § 523(a)(6). It is possible that the issue of willfulness is subsumed by the state court's determination that punitive damages were appropriate. However, such a theory must be addressed with reference to the Ninth Circuit BAP's decision in *In re Plyam* that a California state court punitive damage award, standing alone, does not preclude relitigation of § 523(a)(6)'s "willful" intent requirement. *In re Sangha*, 678 F. App'x 561, 562 (9th Cir. 2017); *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 463–65 (9th Cir. BAP 2015) (holding that "under California law, the general definition of malice in fact encompasses less reprehensible states of mind" than § 523(a)(6)'s "willful" intent requirement).

Finally, although the Court has stricken the Opposition as improperly filed, the Court shall also address the one cognizable legal issue raised in the Opposition – namely, that the State Action Complaint was not personally served on him. As to this issue, the Court agrees with the Plaintiff that the Defendant's declaration fails to address whether and when he learned of the State Action. The declaration of Defendant is conspicuously silent on these facts and as such determined to be not credible on the issue of lack of service.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the Motion for additional briefing regarding the issue of "willfulness".

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Movant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#18.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01081. Complaint by W.E. Jon Albrecht against Nabeel Slaieh. willful and malicious injury))
HOLDING DATE

From: 10/19/16, 12/14/16, 2/15/17, 3/29/17, 6/7/17, 10/25/17, 4/25/18

Also # 17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

David Wood
Matthew Grimshaw

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#19.00 CONT Status Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

From: 11/2/16, 1/4/17, 3/1/17, 3/8/17, 6/7/17, 7/26/17, 9/13/17, 1/24/18, 3/7/18, 5/9/18, 5/30/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez
Adv#: 6:16-01176 Simons v. Navarro

Chapter 7

#20.00 CONT Motion for Summary Judgment Against Defendant Carolina Villalobos Navarro

From: 4/25/18, 5/16/18

Also #21 - #22

EH__

Docket 42

Tentative Ruling:

4/25/18

BACKGROUND

On April 12, 2016, Jose Hernandez ("Debtor") filed a Chapter 7 voluntary petition. On July 7, 2016, the Chapter 7 Trustee ("Plaintiff") filed a complaint against Carolina Navarro ("Defendant") seeking the avoidance and recovery of a fraudulent transfer. After default was entered against Defendant, on October 14, 2016, the parties stipulated to set aside default, and, that same day, Defendant filed her answer. On March 1, 2018, Plaintiff filed a motion for summary judgment. On April 4, 2018, Defendant filed her opposition.

Plaintiff alleges that on July 21, 2014, Debtor transferred certain real property located at 3510 Duffy St., San Bernardino, CA 92407 to Defendant for no consideration and that Debtor was insolvent at the time of the transfer or became insolvent as a result of the transfer. Defendant received a Chapter 7 discharge on January 26, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

DISCUSSION

I. Violation of Discharge Injunction

As a preliminary matter, Defendant argues that because she obtained her own discharge in January, the continuation of this proceeding violates her discharge injunction. Specifically, Defendant argues that her discharge extinguishes her personal liability and that Trustee's complaint seeks avoidance of the transfer and recovery of the property *or its value*. Defendant's opposition states:

Notwithstanding his heightened knowledge of the provisions of the Bankruptcy Code and bankruptcy jurisprudence, the Trustee has pursued the same claims and remedies against Defendant after her discharge was granted, relieving her of any personal liability on account of the Trustee's alleged claims and barring the Trustee from obtaining relief in this case. For example, the Trustee seeks judgment on his Fifth Claim, which as pled in the Complaint, alleges that "Plaintiff is entitled to recovery the Subject Property **or its value** from the Defendant Pursuant to § 550(a)."

[Dkt. No. 46, pg. 12-13].

Defendant's argument is misleading and lacks merit. Regardless of the relief requested in the complaint, which was filed before Defendant obtained a discharge, Plaintiff's motion for summary judgment has dropped the reference to "or its value" and only seeks recovery of the subject property. Nothing in the motion for summary judgment seeks to enforce a personal liability of the Defendant. Therefore, the Court rejects Defendant's argument.

II. Motion for Summary Judgment

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. Rule 56(c) (incorporated by FED. R.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez
BANKR. P. 7056).

Chapter 7

The moving party has the burden of establishing the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324; *see also* FED. R. CIV. P. Rule 56(e). The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

Plaintiff requests summary judgment on the second claim for relief (avoidance of constructively fraudulent transfer) and the fifth claim for relief (recovery of avoided transfer). 11 U.S.C. § 548(a)(1)(B) states, in pertinent part:

(a)(1) The trustee may avoid any transfer (including any transfer to or for the benefit of an insider under an employment contract) of an interest of the debtor in property, or any obligation (including any obligation to or for the benefit of an insider under an employment contract) incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition, if the debtor voluntarily or involuntarily --

(B)(i) received less than a reasonably equivalent value in exchange for such transfer or obligation; and

(ii)(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... **Jose Antonio Hernandez**
transfer or obligation

Chapter 7

Defendant does not dispute that there was a transfer of an interest of property within 2 years before the petition date. Defendant does, however, dispute the satisfaction of the other two elements, arguing that Defendant received reasonably equivalent value and was not rendered insolvent by the subject transfer. *See generally In re Fruehauf Trailer Corp.*, 444 F.3d 203, 210 (3rd Cir. 2006); *In re Southern Textile Knitters*, 65 Fed. Appx. 426, 436 (4th Cir. 2003) (outlining elements of § 548(a)(1)(B) action).

Regarding the requirement that reasonably equivalent value have been provided, Plaintiff asserts that the grant deed reflects that the transfer was a "bonafide gift and the grantor received nothing in return." In her opposition, Defendant argues that the language of the grant deed is inaccurate, and that she offered value in a variety of ways. Specifically, Defendant contends that she was a co-signer for the refinancing and "also provided consideration by contributing her wages to pay for household expenses and by providing domestic labor including cooking, cleaning, child-rearing, and running the parties' household." [Dkt. No. 46, pg. 17, lines 7-9]. With regard to the language on the grant deed, Defendant states that:

The Grant Deed was not prepared by Debtor or Defendant. Debtor and Defendant correctly advised the loan officer who handled the refinancing that Defendant was not paying cash to Debtor for her one-half interest. For this reason, Debtor and Defendant believe the loan officer or escrow agent who prepared the Grant Deed noted on the document that the Transfer was a gift.

[Dkt. No. 46, pg. 5, lines 1-5].

In the reply, Plaintiff contends that "[a]fter first stating that it was a gift and nothing was received, the Debtor and Defendant should be estopped from now claiming it was not a gift and reasonably equivalent value was provided for the Subject Transfer." [Dkt. No. 51, pg. 4, lines 13-15].

The Court concludes that the parol evidence rule applies here to preclude the consideration of evidence which contradicts the plain and unambiguous language of the deed. *See generally In re Khalil*, 2014 WL 1725811 at *6-11 (Bankr. C.D. Cal. 2014) (collecting cases providing comprehensive analysis of the parol evidence rule in the context of grant deeds deed). As was noted in *Khalil*:

If there is no ambiguity on the face of the document, and no reference to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

information or terms in the recorded document or from the circumstances of the conveyance that would lead a bona fide purchaser to inquire as to the intent and meaning of the instrument, then the bona fide purchaser is entitled to rely on the written record and is not charged with or bound by unstated meanings or by secret or collateral agreements that add to or alter the written record.

Id. at *10. While the above quotation is in the context of ownership interests in real property, rather than the nature of consideration, or lack thereof, in connection with a grant deed, the same underlying principle is applicable: "third parties, including the trustee and the estate's creditors, must be able to rely on the terms of recorded deed." *Id.* at *11. *See also id.* at *10 ("As a general rule, when any ambiguity is not evident from the face of the instrument (i.e., a "latent" ambiguity), the deed must be construed solely from an analysis of the plain meaning of the document itself, and extrinsic evidence is not admissible."); *Laux v. Freed*, 53 Cal. 2d. 512, 523 (Cal. 1960) ("[I]f the language of a deed is plain, certain and unambiguous, neither parol evidence nor surrounding facts and circumstances will be considered to add to, detract from, or vary its terms.").

Regarding the insolvency requirement, Plaintiff first argues that given the absence of reasonably equivalent value, Debtor's insolvency as a result of the transfer should be assumed; Plaintiff cites *United States v. Mazzeo*, 245 B.R. 435, 441 (E.D.N.Y. 1999). The Court declines to make such a presumption. The case cited by Plaintiff, and the related case law, deals with fraudulent transfer provisions under New York state law. *See, e.g., Kim v. Ji Sung Yoo*, 2017 WL 4382078 (S.D.N.Y. 2017) (noting presumption and collecting cases). No such burden shifting framework, however, exists under the Bankruptcy Code. *See* 5 COLLIER'S ON BANKRUPTCY ¶ 548.11[2] (16th ed. 2017) ("Under state law and the UFTA (and presumably the UVTA), a well-recognized exception permits the court to infer a proscribed financial state once the plaintiff has shown a lack of fair consideration or a lack of reasonably equivalent value. This shift should not apply to cases brought under section 548.") (footnotes omitted); *see also In re Galbreath*, 286 B.R. 185, 197 (Bankr. S.D. Ga. 2002) ("The burden for proving constructive fraud falls on the trustee who must show by a preponderance of the evidence that all requirements set out in § 548(a)(1)(B) have been met.")

Plaintiff next argues that Debtor's insolvency can be established through a review of the schedules. Essentially, Plaintiff argues that the schedules indicate that Debtor was insolvent as of the petition date, and that the Court can work backwards to conclude that Debtor was insolvent on the date of the transfer. As one bankruptcy court has stated:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

Since insolvency at a given point in time is often difficult to demonstrate by direct proof, courts permit the trustee to show that the debtor was insolvent at one point in time and then prove that the same condition existed at the time of the subject transfer. This method of proof has been labeled "retrojection," but it applies equally to situations in which the trustee starts at a point in time prior to the transfer. When the trustee chooses to use this method of proof it is essential that the trustee be able to show the absence of any substantial or radical changes in the assets or liabilities of the bankruptcy between the retrojection dates.

In re R. Purbeck & Assocs., Ltd., 27 B.R. 953, 955 (Bankr. D. Conn. 1983) (footnotes and quotation omitted). Plaintiff argues that the schedules reflect that Debtor had no meaningful unexempt assets as of the petition date while much of Debtor's unsecured debt was identified as having been incurred prior to the date of the transfer. Furthermore, Debtor's statement of financial affairs does not disclose any significant transfers of property between the date of the subject transfer and the petition date.

In Defendant's opposition, she appears to contend that Debtor's outstanding debt on the date of the subject transfer was \$210,282 and that Debtor's assets were valued at approximately \$224,000. The Court notes that these assertions do not demonstrate solvency – they demonstrate insolvency as that term is defined in the Code. 11 U.S.C. § 101(32)(A)(ii) exempts from the solvency requirement property which may be exempt under § 522. The assets listed in Debtor's schedules, and in Defendant's opposition, all appear to be assets capable of being exempted under § 522, thereby rendering Defendant statutorily insolvent. Even ignoring that fact, however, Defendant's opposition indicates that Debtor had \$53,186 in equity in the property; transferring a 50% interest in the property would have rendered Debtor insolvent even before removing property which can be exempted. As a result, the Court concludes that Plaintiff has demonstrated there is no genuine dispute regarding Debtor's insolvency on the date of the subject transfer.

III. Recovery

Plaintiff also seeks recovery of the subject property pursuant to 11 U.S.C. § 550. 11 U.S.C. § 550(a)(1) states:

- (a) Except as otherwise provided in this section, to the extent that a transfer is avoided under section 544, 545, 547, 548, 549, 553(b), or 724(a) of this title,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

the trustee may recover, for the benefit of the estate, the property transferred, or, if the court so orders, the value of such property, from –

- (1) the initial transferee of such transfer or the entity for whose benefit such transfer was made

Defendant opposes the requested recovery, although the legal basis for the opposition is less than clear. Defendant argues that "annulment of the Transfer would have the effect of returning the Property to a single ownership since Debtor was the sole owner. Therefore, recovery of the Transfer is unnecessary and provides no benefit to the estate." [Dkt. No. 46, pg. 18, lines 15-17]. The Court's interpretation of the Plaintiff's request is that Plaintiff is requesting an order indicating that the Property has retained to single ownership (the bankruptcy estate). Therefore, it does not appear there is really any legal dispute here, semantical differences aside.

IV. Withdrawal of Admissions

In light of the foregoing, the Court is inclined to deny Defendant's motion to withdraw admissions as moot. The Court need not rely on admissions by default in resolving the instant motion for summary judgment.

TENTATIVE RULING

The Court is inclined to GRANT the motion for summary judgment, avoiding the transfer as constructively fraudulent and permitting Trustee's recovery of such transfer. Defendant's motion to withdraw admissions is DENIED as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By

Jessica De Anda Leon

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Larry D Simons

Represented By
Frank X Ruggier

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#21.00 CONT Motion to Withdraw Alleged Admissions To Trustees Requests For Admission

From: 4/25/18, 5/16/18

Also #20 - # 22

EH__

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Frank X Ruggier

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#22.00 CONT Status Conference RE: Complaint to Avoid and Recover Fraudulent Transfer

From: 9/7/16, 11/9/16, 1/11/17, 3/8/17, 4/12/17, 5/17/17, 6/7/17, 7/26/17, 9/27/17, 11/29/17, 1/10/18, 4/25/18, 5/16/18

Also #20 - #21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#23.00 CONT Motion for Default Judgment

From: 5/30/18

Also # 24

EH__

Docket 46

***** VACATED *** REASON: CONTINUED TO 8/29/18 AT 2:00 PM**

Tentative Ruling:

5/30/18

BACKGROUND

On November 18, 2016, Javier & Carmen Lopez (collectively "Debtors"; individually, "Javier" and "Carmen") filed a Chapter 7 voluntary petition. On March 6, 2017, Amarillo College of Hairdressing ("Plaintiff") filed a non-dischargeability complaint against Javier pursuant to 11 U.S.C. § 523(a)(2)(A), (a)(4), and (a)(6). On July 12, 2017, the clerk entered default against Javier.

On October 17, 2017, Plaintiff filed a motion for leave to file an amended complaint to include Carmen as a defendant. On November 7, 2017, Debtors filed their opposition. On November 13, 2017, the Court granted the motion, and, on December 11, 2017, Plaintiff amended its complaint to include Carmen as a defendant. On February 26, 2018, the clerk entered default against Carmen.

On April 5, 2018, Plaintiff filed a motion for default judgment. According to Plaintiff,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

Javier, while employed as the Dean of Education at Plaintiff's Palm Desert campus, received, through direct deposit, twice his agreed upon salary for a period of one year. Plaintiff asserts that the direct deposit authorization form contained a provision which granted Plaintiff the right to correct any erroneous overpayments of funds. After alerting Javier of the erroneous double payment, Javier refused to voluntarily reimburse Plaintiff for the overpayment. Plaintiff also asserts that Javier was aware of the erroneous double payment during the time when the double payments were made.

On January 2, 2014, Plaintiff filed a state court complaint against Javier for breach of contract, fraud, and conversion. On September 15, 2015, the state court granted Plaintiff's motion for summary judgment as to all causes of action, and entered judgment in the amount of \$49,603.08.

DISCUSSION

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, Plaintiff served Debtors at the address listed on their bankruptcy schedules and served Debtor's attorney via ECF. Therefore, service is proper.

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes three causes of action, all related to non-dischargeability: (1) 11 U.S.C. § 523(a)(2)(A); (2) 11 U.S.C. § 523(a)(4); and (3) 11 U.S.C. § 523(a)(6). The above provisions read, in pertinent part:

- (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

- (2) for money, property, services, or an extension, renewal, or refinancing of creditor, to the extent obtained by –
 - (A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;
- (4) for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny;
- (6) for willful and malicious injury by the debtor to another entity or to the property of another entity;

The Court notes that it is, at best, unclear whether any of the three provisions are applicable to the facts here. For example, in *In re Sterling*, the bankruptcy court analyzed whether an employee's retention of overtime pay at double the contractual rate satisfied the either 11 U.S.C. § 523(a)(2)(A) or 11 U.S.C. § 523(a)(6). 479 B.R. 444 (Bankr. E.D. Mich. 2012). Respecting 11 U.S.C. 523(a)(2)(A), the court first noted that the provision can apply to "misleading omissions" or "a scheme to deprive or cheat another of property or a legal right." *Id.* at 449. The bankruptcy court noted, however, that omission or silence only establishes the requisite intent if the debtor had an affirmative duty to disclose. *Id.* (applying Michigan law and the silent fraud doctrine). After noting that the plaintiff had not identified any contractual duty to disclose, the bankruptcy court noted that: "[a] duty to disclose may also arise in equity," but ultimately concluded the following:

The present case does not present any circumstances that would give rise to such an equitable duty. To the contrary, Plaintiff was in a position of control and had at least equal if not superior knowledge, gained from repeated, but unavailing attempts to correct the problem. Plaintiff, as Defendant's employer, had access to the payroll information and, with the exercise of reasonable diligence, could have discovered the continuing overpayments at any time.

Id. at 450 (also questioning whether plaintiff's reliance on defendant's silence was justifiable because the information was in the control of plaintiff).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Here, neither the complaint nor the motion for default judgment include any allegation that Javier affirmatively misled Plaintiff, nor do they contain any basis upon which the Court could conclude that Javier had a contractual or an equitable duty to disclose the overpayments to Plaintiff. Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

11 U.S.C. § 523(a)(4) contains three different exceptions to dischargeability: (1) fraud or defalcation while acting in a fiduciary capacity; (2) larceny; and (3) embezzlement. Regarding fraud or defalcation while acting in a fiduciary capacity, the elements are: (1) the existence of an express trust; (2) the debt was caused by fraud or defalcation; and (3) the debtor acted as a fiduciary to the creditor at the time the debt was created. *See, e.g., In re Niles*, 106 F.3d 1456, 1459 (9th Cir. 1997). Clearly Plaintiff has not satisfied the standard for fraud or defalcation while acting in a fiduciary capacity because, among other things, Javier was not acting in a fiduciary capacity as to his salary and his salary was certainly not the corpus express trust. *See, e.g., Matter of Cantrell*, 88 F.3d 344, 347 (5th Cir. 1996) ("The court also correctly opined that, in the absence of an express trust and a recognizable corpus, 11 U.S.C. § 523(a)(4) is inapplicable.").

Plaintiff also does not appear to have satisfied the standard for larceny or embezzlement. "Larceny is the fraudulent and wrongful taking and carrying away of the property of another with intent to convert the property to the taker's use without the consent of the owner." 4 COLLIER'S ON BANKRUPTCY ¶ 523.10[2] (16th ed. 2009). Here, it appears doubtful that Javier could be considered to have "taken" the excess salary payments which Plaintiff caused to be directly deposited in Javier's bank account. Embezzlement, on the other hand, contains three elements: "(1) property rightfully in the possession of a nonowner; (2) nonowner's appropriation of the property to a use other than which it was entrusted; and (3) circumstances indicating fraud." *In re Littleton*, 942 F.2d 551, 555 (9th Cir. 1991). While there may be a colorable argument that embezzlement has occurred in this case, such an argument has not been detailed in the complaint or the motion for default judgment. Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(4).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Regarding § 523(a)(6) the elements are: "(1) willful conduct, (2) malice, and (3) causation." *See, e.g., In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995). Here, Plaintiff's complaint simply recites the legal standard, notes that the state court awarded a judgment based, in part, on fraud, and Plaintiff's motion for default judgment contains the material state court pleadings as an attachment. The Court deems the allegations in the complaint to be insufficient to establish non-dischargeability under § 523(a)(6). *See In re Sterling*, 479 B.R. 444, 452-455 (Bankr. E.D. Mich. 2012) (detailing § 523(a)(6) analysis in context of retention of salary overpayment). Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6).

Finally, the Court notes that it appears Plaintiff has assumed that the use of issue preclusion is appropriate in this case, but has not briefed the issue.

Issue preclusion applies in nondischargeability proceedings to bar the relitigation of factual issues that were determined in a prior state court action. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 284-85, n.11 (1991). To determine the issue-preclusive effect of a California state court's judgment, California preclusion law must be applied. *See* 28 U.S.C. § 1738; *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985); *Gayden v. Nourbakhsh (In re Nourbakhsh)*, 67 F.3d 798, 800 (9th Cir. 1995). Under California law, the party asserting issue preclusion has the burden of establishing the following "threshold" requirements:

- (1) the issue sought to be precluded must be identical to that decided in a former proceeding;
- (2) the issue must have been actually litigated in the former proceeding;
- (3) it must have been necessarily decided in the former proceeding;
- (4) the decision in the former proceeding must be final and on the merits; and,
- (5) the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Additionally, the application of issue preclusion requires a "mandatory 'additional' inquiry into whether imposition of issue preclusion would be fair and consistent with sound public policy." *In re Khaligh*, 338 B.R. 817, 824–25 (9th Cir. B.A.P. 2006). As stated by the California Supreme Court

We have repeatedly looked to the public policies underlying the doctrine before concluding that collateral estoppel should be applied in a particular setting.... Accordingly, the public policies underlying collateral estoppel—preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation—strongly influence whether its application in a particular circumstance would be fair to the parties and constitutes sound judicial policy.

Lucido v. Super. Ct., 51 Cal. 3d 335, 342–43 (Cal. 1990) (internal citations omitted). The Court requires further briefing on the appropriateness of issue preclusion in this case, including legal arguments explaining how the applicable state court causes of action (presumably fraud by concealment) translate to the non-dischargeability standards.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for further briefing.

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Movant(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#24.00 CONT Status Conference Re: Complaint by Amarillo College of Hairdressing, Inc., against Javier Lopez. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 5/11/17, 6/22/17, 8/17/17, 10/19/17, 11/9/17, 2/1/18, 2/8/18, 3/22/18, 5/30/18

Also # 23

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/29/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Eamon Jafari

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:17-14684 Timothy Wayne Lambert

Chapter 7

Adv#: 6:18-01026 United States Trustee for the Central District of v. Lambert et al

#25.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01026. Complaint by United States Trustee for the Central District of California, Region 16 against Timothy Wayne Lambert, Lisa Renee Lambert. (Fee Not Required). with adversary cover sheet Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Green, Everett)

From: 3/21/18, 4/25/18

EH__

Docket 1

Tentative Ruling:

07/25/2018

The UST has filed a Motion for Default Judgment which is set for hearing on August 1, 2018 at 11:00 a.m.

This Status Conference is continued to the same date and time.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Timothy Wayne Lambert

Represented By
Edgar P Lombera

Defendant(s):

Timothy Wayne Lambert

Pro Se

Lisa Renee Lambert

Pro Se

Joint Debtor(s):

Lisa Renee Lambert

Represented By
Edgar P Lombera

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Timothy Wayne Lambert

Chapter 7

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01035 Sonnenfeld v. Richardson

#26.00 CONT Status Conference re Notice of Removal RE: [1] Adversary case 6:18-ap-01035. Complaint by Cleo Sonnenfeld against Joshua C Richardson. Case No. RIC 1700456]; Attachments: # 1 Notice of Status Conference re Removal of Action Nature of Suit: 01 - Determination of removed claim or cause

From: 3/28/18, 6/13/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua C Richardson

Pro Se

Plaintiff(s):

Cleo Sonnenfeld

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:18-01123 First Home Bank v. Karadas

#27.00 Status Conference RE: [1] Adversary case 6:18-ap-01123. Complaint by First Home Bank against Sean Karadas. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(65 (Dischargeability - other)),(41 (Objection / revocation of discharge - 727(c),(d),(e))),(72 (Injunctive relief - other))(Kastan, Joshua)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:18-10208 Rolando Carlos Reyes
Adv#: 6:18-01117 Pringle v. Reyes

Chapter 7

#28.00 Status Conference RE: [1] Adversary case 6:18-ap-01117. Complaint by John P. Pringle against Reginald Reyes. (Charge To Estate - \$350.00). with Proof of Service Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)) (Iskander, Brandon)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/24/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rolando Carlos Reyes

Represented By
Walter Scott

Defendant(s):

Reginald Reyes

Represented By
Walter Scott

Joint Debtor(s):

Florencia Aquino Reyes

Represented By
Walter Scott

Plaintiff(s):

John P. Pringle

Represented By
Brandon J Iskander

Trustee(s):

John P Pringle (TR)

Represented By
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Rolando Carlos Reyes

Brandon J Iskander

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#29.00 CONT Defendants' Motion to Dismiss The Amended Adversary Complaint Under Fed. R. Civ. P. 12(B)(6) and Fed. R. Bank. P

From: 7/24/18

Also # 30

EH__

Docket 11

Tentative Ruling:

07/25/2018

Moving Defendant leads the analysis astray by conflating issues of standing to enforce the Consent Judgment with the question of standing of a Debtor-in-possession to prosecute a fraudulent conveyance action under § 548. However, that misdirection is rendered irrelevant once the focus shifts to the § 548 elements outlined in Plaintiff's opposition, and in particular on the glaring, inescapable conclusion that Plaintiff has failed to allege facts to support that a transfer occurred -- an essential element of a Section 548 cause of action.

Here the facts at issue pertain to the Defendants' alleged **failure to act** (at some point, although the Court is unclear of the basis for Plaintiff's allegation of a specific date for the transfer) to release or extinguish a junior lien against Debtor's property. But no specific affirmative act, or transfer of possession or ownership is alleged to have occurred. *See Bernard v. Sheaffer (In re Bernard)*, 96 F.3d 1279, 1282 (9th Cir. 1996) ("[A] transfer is a disposition of an interest in property. The definition is as broad as possible. ... Under this definition, any transfer of an interest in property is a transfer, including a transfer of possession, custody, or control even if there is no transfer of title, because possession, custody, and control are interests in property.") (citations omitted); *Greenspan v. Orick, Herrington & Sutcliffe LLP (In re Brobeck, Phleger & Harrison LLP)*, 408 B.R. 318, 338 (Bankr. N.D. Cal. 2009) ("Within the confines of these general principles, the general rule is that "[t]he hallmark of a 'transfer' is a change in the rights of the transferor with respect to the property after the transaction."); *In re Feiler*, 218 B.R. 957, 960 (Bankr. N.D. Cal. 1998), *aff'd*, 230 B.R.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

164 (B.A.P. 9th Cir. 1999), *aff'd*, 218 F.3d 948 (9th Cir. 2000) ("Within the context of a fraudulent transfer, the definition of transfer is sufficiently broad to include a transfer that results in a modification of form or value of property transferred or a deposit into or withdrawal from a bank account.") (citations omitted); *Kapila v. U.S. (In re Taylor)*, 386 B.R. 361, 369 (Bankr.S.D.Fla.2008) (debtor's waiver of an NOL carryback constitutes a transfer).

Here, Plaintiff simply hasn't alleged any change of rights in property after any particular transaction, nor has Plaintiff otherwise presented any authority for its proposition that the Defendants' failure to release the lien somehow constitutes a transfer. Basically, it appears here that what the estate MAY have is a right to enforce the Consent Judgment so as to compel extinguishment of the junior lien. But that question is not before the Court, and the Court takes no position on whether it is a viable cause of action or if the Debtor even has standing to prosecute it. For that reason, the Court is inclined to find that the Plaintiff has failed to state an actionable claim under the bankruptcy code, and therefore the Amended Complaint should be dismissed.

APPEARANCES REQUIRED

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Movant(s):

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#30.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01094. Complaint by Markus Anthony Boyd against U.S. BANK, SPECIALIZED LOAN SERVICING LLC, Series 2007-FFC First Franklin Mortgage Loan Trust. (Charge To Estate). (Attachments: # 1 Exhibit Exhibits to Complaint # 2 Exhibit Exhibits to Complaint # 3 Exhibit Exhibits to Complaint # 4 Exhibit Exhibits to Complaint # 5 Exhibit Exhibits to Complaint # 6 Exhibit Exhibits to Complaint # 7 Exhibit Exhibits to Complaint) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment)) (Gebelt, Nicholas)

From: 6/26/18, 7/24/18

Also # 29

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, July 25, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:14-24679 Richard Daguman Sabac and Lyn Cebrian Sabac

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Ford Fiesta, VIN: 3FADP4BJ7CM199341

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 45

Tentative Ruling:

07/31/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Richard Daguman Sabac

Represented By
Nicholas M Wajda

Joint Debtor(s):

Lyn Cebrian Sabac

Represented By
Nicholas M Wajda

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Richard Daguman Sabac and Lyn Cebrian Sabac

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#2.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 483 Grapevine Dr, Corona CA 92882

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

From: 4/24/18, 5/29/18

EH__

Docket 55

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Carl J Charlot and Jacinta S Charlot

Chapter 13

Movant(s):

Deutsche Bank Trust Company

Represented By
April Harriott
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:16-20967 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1657 VIA VERDE DRIVE Rialto, CALIFORNIA, 92377 Under 11 U.S.C. § 362.

MOVANT: WELLS FARGO BANK

CASE DISMISSED: 7/25/18

EH__

Docket 61

***** VACATED *** REASON: CASE DISMISSED 7/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Marc E Grossman

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Marc E Grossman

Movant(s):

WELLS FARGO BANK,

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:16-21236 Ronald A Waters and Trisha Waters

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 FORD F-150, VIN: 1FTF W1CT 7CFB 73990

MOVANT: MECHANICS BANK

EH__

Docket 58

Tentative Ruling:

07/31/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ronald A Waters

Represented By
Paul Y Lee

Joint Debtor(s):

Trisha Waters

Represented By
Paul Y Lee

Movant(s):

MECHANICS BANK, INC., a

Represented By
Vincent V Frounjian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Ronald A Waters and Trisha Waters

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:17-13649 Fernando Fabrigas, Sr. and Estela F. Fabrigas

Chapter 7

#5.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 231 Arden Street, Hemet, CA 92543

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 75

***** VACATED *** REASON: CONTINUED TO 10/30/18 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

FREEDOM MORTGAGE

Represented By
Jason C Kolbe
Nancy L Lee

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:17-13923 Suzanne Berry

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11242 Sweetwater Dr. Riverside, California 92505

MOVANT: CHAMPION MORTGAGE COMPANY (NATIONSTAR MORTGAGE LLC, DBA)

From: 6/26/18

EH__

Docket 26

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Suzanne Berry

Represented By
Christopher Hewitt

Movant(s):

Champion Mortgage Company

Represented By
Ashlee Fogle
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Suzanne Berry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:17-14186 Joshua Aguilar and Cynthia Rodriguez

Chapter 7

#7.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Toyota Corolla

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 43

Tentative Ruling:

07/31/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENIED as to § 362(d)(2) for lack of cause shown.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Joshua Aguilar

Represented By
Paul Y Lee

Joint Debtor(s):

Cynthia Rodriguez

Represented By
Paul Y Lee

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Joshua Aguilar and Cynthia Rodriguez

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:17-19771 Patricia Anne Goffney

Chapter 7

#8.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 6161 El Reposo Street San Bernardino, CA 92252

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 25

***** VACATED *** REASON: CONTINUED TO 8/28/18 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Anne Goffney

Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Nancy L Lee

Trustee(s):

Arturo Cisneros (TR)

Represented By
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-10140 Manuel James Ritchie

Chapter 13

#9.00 Amended Motion (related document(s): 29 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 278 Forest Circle, Crestline, CA 92325 .

MOVANT: NATIONSTAR MORTGAGE LLC

CASE DISMISSED: 7/25/18

EH__

Docket 31

***** VACATED *** REASON: CASE DISMISSED 7/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel James Ritchie

Represented By
Scott Kosner

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Angie M Marth
Kelsey X Luu

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-10467 Wayman L Guider

Chapter 13

#10.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2756 La Salle Pointe, Chino Hills, CA 91709

MOVANT: NATIONSTAR MORTGAGE LLC

From: 7/10/18, 7/24/18

EH__

Docket 34

***** VACATED *** REASON: ORDER ENTERED 7/26/18**

Tentative Ruling:

07/10/2018
Service: Proper
Opposition: Yes

The Debtor asserts that there is a sufficient equity cushion to protect Movant and requests an APO and opportunity to cure the missed May and June mortgage payments. The Debtor, however, has inadequately explained the reason for the defaults.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Wayman L Guider Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr. Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-14516 Gary Ray Osborn

Chapter 13

#11.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: sales proceeds from 1754 Valley Park Avenue, Hermosa Beach, CA 90254 per dissolution of marriage & statement of decision in state court action

MOVANT: CATHERINE OSBORN

EH__

Docket 16

***** VACATED *** REASON: CONTINUED TO 9/25/18 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Ray Osborn

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Catherine Osborn

Represented By
Robert S Altagen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-14739 Judith Ann Hunter

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 29064 Steamboat Dr, Sun City, California 92585-2622

MOVANT: QUICKEN LOANS, INC

EH__

Docket 10

Tentative Ruling:

07/31/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT relief pursuant to ¶¶ 3 and 6 of the prayer for relief. Request under § 362(d) (2) is DENIED based on the positive equity in the Property.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Judith Ann Hunter Pro Se

Movant(s):

Quicken Loans Inc. Represented By
Jamie D Hanawalt

Trustee(s):

Lynda T. Bui (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-14929 Donald Edward Marshall, Jr.

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 202 Delle Drive Crestline CA 92325

MOVANT: RICHARD PHELAN

EH__

Docket 9

Tentative Ruling:

07/31/2018
Service: Proper
Opposition: None

The real property declaration attached to the Motion is not signed. (Motion, p. 11). The Court is inclined to GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT as to ¶¶ 3 and 12. DENIED as to request for APO as moot.

The Movant shall file an amended real property declaration with holographic signature prior to lodging the order.

APPEARANCES WAIVED PROVIDED MOVANT HAS FILED AN AMENDED REAL PROPERTY DECLARATION. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Donald Edward Marshall, Jr.

Represented By
Alexander Pham

Movant(s):

Richard Phelan

Represented By
Neil B Katz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Donald Edward Marshall, Jr.

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-14945 Harish S. Sharma and Neha H. Sharma

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1945 N. CAMPUS AVE., SUITE C, UPLAND, CA 91784

MOVANT: THE COLONIES PACIFIC 19A, LLC

EH__

Docket 12

Tentative Ruling:

07/31/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY requests for assumption deadline and APO as moot. GRANT request to lift stay as to personal property on premises except that such order is limited to lifting of the stay and does not alter the Movant's obligation to comply with applicable state and local laws.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Harish S. Sharma

Represented By
Keith Q Nguyen

Joint Debtor(s):

Neha H. Sharma

Represented By
Keith Q Nguyen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Harish S. Sharma and Neha H. Sharma

Chapter 7

Movant(s):

THE COLONIES PACIFIC 19A,

Represented By
Ronald K Brown

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-15235 Davy Ortiz

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 12543 Carmel Knolls Drive Rancho Cucamonga, CA, 91739 Under 11 U.S.C. § 362.

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

EH__

Docket 9

Tentative Ruling:

07/31/18

Service: Proper

Opposition: None, Response indicating Debtor does not have knowledge about the Property

GRANT relief from the stay under §§ 362(d)(1), (d)(2) and (d)(4). Court finds that bankruptcy case was part of a scheme to hinder, delay and defraud creditors based on unauthorized transfers affecting this property. The Court does not find bad faith as to the Debtor. GRANT waiver of 4001(a)(3) stay. DENY confirmation that no stay is in effect for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Davy Ortiz

Pro Se

Movant(s):

HSBC Bank USA, National

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

CONT... Davy Ortiz

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

10:00 AM

6:18-16081 Rachael Dene Thomas

Chapter 7

#16.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 15526 Megan Ct., Fontana, CA 92336

MOVANT: 2014-2 IH BORROWER LP A DELAWARE LIMITED
PARTNERSHIP

EH__

Docket 8

Tentative Ruling:

07/31/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rachael Dene Thomas Pro Se

Movant(s):

2014-2 IH Borrower L.P., a Represented By
Scott Andrews

Trustee(s):

Howard B Grobstein (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

11:00 AM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#17.00 CONT Emergency motion for Order Authorizing Debtor to Honor Pre-Petition Contracts and Make Payments in the Ordinary Course of Business
FINAL HEARING

From: 7/17/18

EH ____

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#18.00 CONT Motion For Summary Judgment/Memorandum of Points and Authorities on the Preclusive Effect of Plaintiff's State Court Judgment

From: 7/18/18

Also #19

EH__

Docket 208

***** VACATED *** REASON: CONTINUED TO 10/10/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Movant(s):

Charles Edward Schrader

Pro Se

Plaintiff(s):

Charles Edward Schrader

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#19.00 CONT Status Conference RE: Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha . willful and malicious injury
HOLDING DATE

From: 7/8/15, 11/4/15, 3/2/16, 12/14/16, 12/13/17, 4/5/17, 6/7/17, 7/12/17, 8/2/17, 9/27/17, 10/4/17, 11/1/17, 12/6/17, 12/20/17, 2/28/18, 3/21/18, 6/20/18, 7/18/18

Also #18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/10/18 AT 2:00 PM**

Tentative Ruling:

02/28/2018

This hearing is vacated. The Status Conference is CONTINUED to March 21, 2018, at 2:00 p.m. The Court has provided notice to the parties of the continuance.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

CONT... Narinder Sangha

Chapter 7

Plaintiff(s):

Charles Edward Schrader Pro Se

Trustee(s):

Karl T Anderson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

Adv#: 6:18-01116 Forte v. B & B Family, Incorporated

#20.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01116. Complaint by Patricia Forte against B & B Family, Incorporated

From: 7/24/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

Defendant(s):

B & B Family, Incorporated

Represented By
Todd L Turoci

Plaintiff(s):

Patricia Forte

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#21.00 Motion for order confirming chapter 11 plan

Also #22

EH__

Docket 156

Tentative Ruling:

I. BACKGROUND

The Debtor is a California Corporation that operates a commercial plumbing business. The Debtor's President and sole owner is Joe Ruvalcaba ("Ruvalcaba"). The Debtor owns no real property. Its major assets are equipment and vehicles. The precipitating factors leading to the bankruptcy filing were high monthly payments with lenders (due to high interest rates), expenses related to breach of contract suits, and related holds placed on the Debtor's bank accounts.

II. DISCUSSION

The debtor carries the burden of proving that a Chapter 11 plan complies with the statutory requirements for confirmation under §§ 1129(a) & (b). In re Arnold and Baker Farms, 177 B.R. 648 (9th Cir. BAP (Ariz.) 1994). The debtor must show that the plan is confirmable by a preponderance of the evidence. See id. at 654; see also In re Monarch Beach Venture, Ltd., 166 B.R. 428 (C.D.Cal.1993).

1. Ballot Results:

The Debtors timely transmitted the Plan and Disclosure Statement to all known Persons who hold Claims and Interests that are impaired under the Plan and who are therefore entitled to vote on the Plan. The Debtors received (5) five timely ballots. The votes were tallied as follows:

- a. Class 1 Allowed Claims secured by Personal Residence: N/A
- b. Class 2 Impaired Secured Claims: Classes 2B – 2G
 - i. 2 ballots voted in favor, 100% of claims
- c. Class 3 Priority Claims:
 - i. 1 ballot in favor, 100% of claims

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

CONT...

AMJ Plumbing Specialists Corp.

Chapter 11

- d. Class 4 General Unsecured Claims,
 - i. 2 ballots voted in favor, 100% of claims

A court can confirm a plan without resort to cram down if all impaired classes accept the plan. Here, all impaired classes have accepted the plan. Thus, cramdown is not required.

2. Confirmation Requirements under 11 U.S.C. §1129(a)

The Plan addresses the requirements of Bankruptcy Code 1129(a) as follows:

1. 11 U.S.C. § 1129(a)(1): The Plan complies with all of the applicable provisions of the Bankruptcy Code, including sections 1122 and 1123.
2. 11 U.S.C. § 1129(a)(2): The Debtor has complied with all of the Bankruptcy Code's applicable provisions.
3. 11 U.S.C. § 1129(a)(3): Good faith in proposing a plan of reorganization is assessed by the bankruptcy judge and viewed under the totality of the circumstances. In re Jorgensen, 66 B.R. 104, 108-109 (9th Cir. BAP 1986). Good faith requires that a plan will achieve a result consistent with the objectives and purposes of the Code. Jorgensen, 66 B.R. at 109. It also requires a fundamental fairness in dealing with one's creditors. Id. The bankruptcy judge is in the best position to assess the good faith of the parties. Id. Here, having received no objections to confirmation, the Court finds that the First Amended Plan has been proposed in good faith pursuant to FRBP 3020(b)(2).
4. 11 U.S.C. § 1129(a)(4): Debtor asserts that his Counsel will file a Fee Application on or before the Effective Date of the Plan. This satisfies the Bankruptcy Code's requirement that payments for services or for costs and expenses in or in connection with a case, or in connection with a plan and incident to a case, must be approved by, or subject to the approval of, the Court as reasonable.
5. 11 U.S.C. § 1129(a)(5): Article III of the Plan regarding Means of Implementation requires Exhibits to the Disclosure Statement to disclose individuals that will serve as director/officers after compensation as well as insider compensation, etc. This provision does not appear to be addressed in the Plan and/or Disclosure Statement.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

CONT... AMJ Plumbing Specialists Corp.

Chapter 11

Debtor to address.

6. 11 U.S.C. § 1129(a)(6): does not apply to the instant case.

7. 11 U.S.C. § 1129(a)(7): Each Person who holds a Claim or Interest in a Class that is impaired under the Plan either: (a) has accepted the Plan; or (b) will receive or retain under the Plan property of a value, as of the Effective Date, that is not less than that Person would receive or retain if the Debtor were liquidated under chapter 7 of the Bankruptcy Code. The Debtor has demonstrated that all impaired interest holders have both accepted the plan, and will likely receive or retain under the Plan value that is not less than they would receive under a chapter 7 liquidation. Notably, unsecured creditors are expected to receive a 100% payout.

8. 11 U.S.C. § 1129(a)(8): Section 1129(a)(8) requires unanimity of all classes to consensually confirm a plan. That is, each impaired class must have affirmatively accepted the plan. The Ballot Tally above indicates that this requirement is satisfied because all impaired classes have affirmatively accepted the plan.

9. 11 U.S.C. § 1129(a)(9): Section 1129(a)(9)(A) requires that holders of administrative claims and gap claims be paid "cash equal to the allowed amount of such claim" on the "effective date of the plan," unless the holder of a particular claim agrees to different treatment. Here, the Plan provides for the payment of outstanding administrative fees upon approval of fees and on the effective date.

10. 11 U.S.C. § 1129(a)(10): This provision requires at least one class of claims that is impaired accept the plan. Classes 2, 3 and 4 have voted to accept the plan. Thus, this requirement is satisfied.

11. 11 U.S.C. § 1129(a)(11): Plan confirmation is not likely to be followed by either the liquidation or the further financial reorganization of the Reorganized Debtors or any successor to the Reorganized Debtors. The Issa Declaration at ¶¶ 28-32 provides sufficient evidence that the Debtor will have sufficient funds on the Effective Date to pay Administrative Claims, US Trustee Fees, Allowed Gap Claims, Allowed Priority Tax Claims, and Class 4 Non-Tax Claims. As the business is no longer operating, payment of Class 3 claims will depend on objections to claims, and any potential recovery from prosecution of causes of action. As such, the Court finds this

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

CONT... AMJ Plumbing Specialists Corp.

Chapter 11

requirement is satisfied.

12. 11 U.S.C. § 1129(a)(12): The treatment of Administrative Claims under the Plan satisfies the requirement of Bankruptcy Code section 1129(a)(12).

13. 11 U.S.C. § 1129(a)(13): does not apply to the instant case.

14. 11 U.S.C. § 1129(a)(14): does not apply to the instant case.

15. 11 U.S.C. § 1129(a)(15): does not apply to the instant case.

16. 11 U.S.C. § 1129(a)(16): The Plan provides for transfers in accordance with applicable nonbankruptcy law in the provision entitled "Article III, Means of Implementation, Funding". This provision is satisfied.

III. TENTATIVE RULING

As set forth above, the Debtor's First Amended Plan complies with the requirements of section 1129 except that the Debtor has not addressed the § 1129(a)(5) as required under the code. Debtor to address.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

Movant(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano
David Lozano
David Lozano
David Lozano
David Lozano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#22.00 CONT Confirmation of Chapter 11 Plan of Reorganization

From: 6/6/18, 7/24/18

Also #21

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

Movant(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano
David Lozano
David Lozano
David Lozano
David Lozano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#23.00 Second Motion for Order Authorizing Continued Use of Cash Collateral

EH__

Docket 370

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01100 Zamucen & Curren LLP v. Johnson

#24.00 Status Conference RE: [1] Adversary case 6:18-ap-01100. Complaint by Zamucen & Curren LLP against Vance Zachary Johnson . (d),(e))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

Plaintiff(s):

Zamucen & Curren LLP

Represented By
Patricia J Grace

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, July 31, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#25.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 4/24/18

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

10:00 AM

6:18-11678 Jess Wayne Markham and Marie B Markham

Chapter 7

#1.00 CONT Pro se Reaffirmation Agreement Between Debtor and Ally Bank; (2016 CHEVROLET TRAVERSE VIN# 1GNKRHKD1GJ234396), In the amount of \$25,099.68

From: 7/11/18

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jess Wayne Markham

Represented By
Stephen H Darrow

Joint Debtor(s):

Marie B Markham

Represented By
Stephen H Darrow

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:11-33601 John Vega and Carolyn Vega

Chapter 7

#2.00 CONT Motion to Approve Compromise Under Rule 9019 Chapter 7 Trustees Motion for Order (1) Approving Compromise of Products Liability Action, (2) Authorizing Employment of Audet & Partners LLP and Levin Simes LLP As Co-Special Counsel And Payment of Compensation to Co-Special Counsel; and (3) Granting Related Relief Including Disbursements From the Settlement Payment

From: 7/11/18

EH__

Docket 42

Tentative Ruling:

7/11/18

1/31/18

BACKGROUND

On July 21, 2011, John & Carolyn Vega ("Debtors") filed a Chapter 7 voluntary petition. On November 2, 2011, Debtors received a discharge and five days later the case was closed.

On March 1, 2017, UST filed a motion to reopen the case to investigate and administer litigation settlement proceeds. On December 12, 2017, the Chapter 7 trustee filed two motions to approve compromise. The first motion, between the estate and the debtors and primarily relating to the amount of Debtors' exemption in the proceeds, was granted on January 5, 2018. The second motion was set for hearing and is under consideration now.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

Pursuant to the instant compromise motion the Trustee requests: (1) approval of the compromise of the products liability action; (2) authorization to employ Audet & Partners LLP and Levin Simes LLP as co-special counsel and payment of their compensation; and (3) related relief, including approval of the settlement payment disbursements. No opposition to the instant compromise motion has been filed.

DISCUSSION

FED. R. BANKR. P. Rule 9019(a) states: "On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct." The Court may grant approval if it determines that the compromise is "fair and equitable." *See In re Berkeley Delaware Court, LLC*, 834 F.3d 1036, 1039 (9th Cir. 2016). In determining whether the compromise is fair and equitable, the Court applies a four-factor test. *See In re DiCostanzo*, 399 Fed. Appx. 307, 308 (9th Cir. 2010). The test was originally outlined in *In re A & C Props.*, and provides for consideration of

- (a) The probability of success in the litigation;
- (b) the difficulties, if any, to be encountered in the matter of collection;
- (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it;
- (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

784 F.2d 1377, 1381 (9th Cir. 1986) (quotation omitted). "The bankruptcy court has great latitude in approving compromise agreements." *In re Woodson*, 839 F.2d 610, 620 (9th Cir. 1988). Typically, "a compromise should be approved unless it falls below the lowest point in the range of reasonableness." *In re Art & Architecture Books of the 21st Century*, 2016 WL 1118742 at *25 (Bankr. C.D. Cal. 2016) (quotation omitted).

The proposed settlement here, however, presents a unique situation. The proposed settlement represents an "aggregate settlement" negotiated in the context of,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... **John Vega and Carolyn Vega**

Chapter 7

presumably, state or federal district court litigation. The proposed settlement has not been disclosed to the Court on the basis that it contains a confidentiality provision. Furthermore, Trustee motions lacks detail in its description of the situation. The nature, extent and value of Debtor's claim are completely unknown to this Court. The factual situation giving rise to Debtor's claim is unclear, and the Court lacks any ability to estimate the value of the claim. Furthermore, as a result of the absence of information, the Court lacks the information necessary to determine the reasonableness of the requested attorney's fees.

The Bankruptcy Code demonstrates a preference for public access to the proceedings. *See* 11 U.S.C. § 107 (2010). There are procedures by which certain documents, including settlements, can be classified as confidential. *See, e.g., In re Oldco M Corp.*, 466 B.R. 234 (Bankr. S.D.N.Y. 2012); *In re Hemple*, 295 B.R. 200 (Bankr. D. Vt. 2003). In order for the Court to apply the legal standards of 11 U.S.C. § 107, the Court must be given an opportunity to review the material and make a determination regarding whether the matter is entitled to confidentiality.

TENTATIVE RULING

The Court is inclined to DENY the motion or CONTINUE the matter for supplemental evidence and analysis.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Vega

Represented By
Jenny L Doling

Joint Debtor(s):

Carolyn Vega

Represented By
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... John Vega and Carolyn Vega

Chapter 7

Movant(s):

Lynda T. Bui (TR)

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:16-10048 Margaret Crain

Chapter 13

#3.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3300 Mary Ellen Dr, Riverside, California 92509-0816

MOVANT: WELLS FARGO BANK, N.A.

From: 5/15/18, 6/26/18

EH__

Docket 66

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Yes

Parties to apprise Court regarding extent of arrears and status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Margaret Crain

Represented By
Yelena Gurevich

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt
Jessica L Carter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Margaret Crain

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:14-16994 Yolanda Llamas

Chapter 13

#4.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1345 West F Street, Ontario, CA 91762

MOVANT: WELLS FARGO BANK

From: 6/26/18, Advanced from 8/31/18

EH__

Docket 38

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Yolanda Llamas

Represented By
Rebecca Tomilowitz

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Yolanda Llamas

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:13-26429 Iraj Maqsoudi

Chapter 7

#5.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 112

Tentative Ruling:

8/1/18

On October 3, 2013, Iraj Maqsoudi ("Debtor") filed a Chapter 7 voluntary petition. On January 14, 2014, Debtor obtained a discharge. On January 15, 2014, Trustee filed an application to employ Wesley H. Avery, APC ("Counsel") as general bankruptcy counsel. That application was approved by the Court on February 13, 2014.

On January 21, 2014, Trustee filed a complaint against Mandana Banihashem for: (1) avoidance and recovery of fraudulent transfer; (2) avoidance and recovery of preferential transfer; and (3) accounting and turnover. Ultimately, on September 4, 2015, Trustee prevailed on summary judgment with regard to nine of the eleven causes of action.

On January 30, 2014, Trustee filed a complaint Debtor (1) to revoke the Debtor's discharge; and (2) for an accounting and turnover. Ultimately, this adversary was voluntarily dismissed by Trustee on July 12, 2016.

On December 2, 2015, the Court approved Trustee's application to employ Neiman Realty ("Broker") as a real estate broker. On March 22, 2016, the Court approved the sale of certain real property located at 11889 Magnolia Ave., Riverside, CA 92503, which was the subject of the transfer adversary proceeding, for the amount of \$692,000.

On October 19, 2016, the Court approved Trustee's application to employ Donald Fife ("Accountant") as accountant.

On February 2, 2017, Counsel filed a fee application in the aggregate amount of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Iraj Maqsoodi

Chapter 7

\$158,944.97.¹ On April 3, 2017, Accountant filed a fee application in the aggregate amount of \$2,401.10. Pursuant to Court order entered April 3, 2017, the Court also allowed an administrative expense for the attorney for creditor Mustafa Mayar, who conducted an examination of Debtor in the case, in the total amount of \$8,491.02.

11 U.S.C. § 330(a)(3) (2005) provides factors to be considered in determining the reasonableness of requested compensation. After a review of Counsel's fee application, the Court has significant concerns with the amount requested, primarily based upon the excessiveness of the amounts billed, and the fact that the entire case was billed at \$475/hour without any time billed by associations or paralegals at lower rates. For example, the first day that Counsel worked on the case, January 13, 2014, Counsel lists the following time entries (with the amount charged):

- Telephone conference with the Trustee regarding new matter: \$95
- Review of encumbrances against commercial building and calculation of approximate fair market value: \$712.50
- Review of motion for relief from stay filed by judgment creditor: \$427.50
- Legal research in support of Trustee's opposition to motion for relief from stay filed by judgment creditor: \$237.50
- Preparation of Trustee's opposition to motion for relief from stay filed by judgment creditor, and preparation of Memorandum of Points and Authorities in support thereof: \$2,042.50
- Preparation of declarations in support of Trustee's opposition to motion for relief from stay filed by judgment creditor; telephone call with the Trustee's broker re same: \$1,330
- Review and analysis of Notice of Claims Bar Date: \$95
- Review of encumbrances against residence and calculation of approximate fair market value: \$570.

The Court notes the following concerns with Counsel's billing on the first day on the case. First, 4.3 hours for the opposition and points and authorities appears excessive, given that the documents contain two paragraphs, two additional sentences, and some "fill-in-the-blank" responses. Second, 2.8 hours for the declarations appears excessive, given that each declaration is approximately one-page long. Third, the totality of 11.6 hours for what constituted opposing the relief

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT...

Iraj Maqsoudi

Chapter 7

from stay and, possibly, some minor case research, appears excessive. This is especially true in light of the fact that by the time Counsel had completed the opposition to the relief from stay, it had billed 10.2 hours for the day. The opposition, however, was filed at 3:50 p.m., implying that the telephone conference with the Trustee must have started no later than 5:38 a.m., even if Counsel worked continuously on the matter thereafter.

The issues noted above are not the exception in the billing summary submitted by Counsel, but, rather, the trend. Similarly, on March 10th and 11, 2014, Counsel billed nine hours for opposing Debtor's motion to convert to Chapter 13; Trustee's opposition was not extensive and Debtor's schedules indicated he had no disposable income at the time. Likewise, on October 31-November 1, 2016, Counsel billed 7.4 hours for preparation of the fee application narrative, which is approximately five pages long and mostly form language. Finally, between May 28, 2015 and June 10, 2015, Counsel billed 21.8 hours for the preparation of the pleadings related to the summary judgment motion in the § 548 adversary proceeding, which appears to include more than seven hours billed for the preparation of the Trustee's real estate broker's declaration, a declaration which was approximately a page and contained various broker documents as exhibits.

Additionally, Counsel's billing entries appear to include excessive charges for relatively routine tasks. The following are some of the examples:

1/16/14 – "Review of the discharge of the Debtor" -- \$47.50
3/25/14 – "Review and analysis of tentative ruling for status conference" -- \$95
4/30/14—"Preparation of request for mediation and order thereon" (two entries) -- \$950
7/19/14 – "Review and analysis of Mediator's certificate" (two entries) -- \$95
10/14/15-10/15/14 –Preparation of status reports for two status conferences -- \$1,975
12/3/15 -- Preparation of two, relatively simple orders -- \$950

While the issues noted above may be representative of the concerns with Counsel's fee application, the issues are by no means limited to the entries listed above.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Iraj Maqsoudi

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Iraj Maqsoudi

Represented By
Thomas W Gillen - DISBARRED -
John F Brady

Trustee(s):

John P Pringle (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:16-18818 Henrico Guillermo Vidales and Guillermina Vidales

Chapter 7

#6.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 53

Tentative Ruling:

8/1/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,066.88
Trustee Expenses: \$ 52.02

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Henrico Guillermo Vidales

Represented By
Yolanda Flores-Burt

Joint Debtor(s):

Guillermina Vidales

Represented By
Yolanda Flores-Burt

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:16-11635 Sam Daniel Dason and Greeta Sam Dason

Chapter 7

#7.00 Application for Compensation for Brett Ramsaur, Trustee's Attorney, Period: 1/18/2017 to 2/28/2018, Fee: \$38910.50, Expenses: \$1554.36

EH__

Docket 183

Tentative Ruling:

8/1/18

On February 26, 2016, Sam & Greeta Dason ("Debtors") filed a Chapter 7 voluntary petition. On February 22, 2017, the Court approved the employment application of Ramsaur Law Office ("Applicant") to serve as Trustee's counsel. On March 6, 2017, the Court approved Trustee's application to employ GlassRatner as real estate broker. On March 7, 2017, the Court approved the application of Karl T. Anderson CPA, Inc. to serve as Trustee's accountant. Since the employment of these professionals, the Court has approved a Rule 9019 compromise [Dkt. No. 133] and two § 363 sale motions [Dkt. Nos. 146 & 172].

On July 11, 2018, Applicant filed the instant fee application.

Local Rule 2016-(1)(a)(2)(A) states, in part:

In all cases where the employment of more than one professional person has been authorized by the court, a professional person who files an application for interim fees must give other professional persons employed in the case not less than 45 days notice of the date and time of the hearing.

Here, there was more than one professional person employed, yet Applicant did not comply with the above rule. Therefore, the Court is inclined to CONTINUE the hearing to September 26, 2018, at 11:00 a.m. to comply with

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... **Sam Daniel Dason and Greeta Sam Dason**
the above rule.

Chapter 7

APPEARANCES WAIVED. Movant to file and service notice of continuance.

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:18-10740 Karin Olaya

Chapter 7

#8.00 Motion to Convert Case From Chapter 7 to 13

EH__

Docket 20

Tentative Ruling:

8/1/18

BACKGROUND

On January 31, 2018, Karin Olaya ("Debtor") filed a Chapter 7 voluntary petition. On June 29, 2018, Debtor filed a motion to convert case under 11 U.S.C. § 706(a). On July 3, 2018, the Court entered an order setting the matter for hearing [Dkt No. 21]. The Court's order identified service and notice requirements, which were not complied with, and also stated that: "The Debtor is to specifically address the request for conversion in light of Schedule J showing negative disposable income." No supplement or reply was filed by Debtor. On July 6, 2018, Trustee filed opposition to the conversion motion.

Debtor's schedules identify an interest in real property located at 12310 Columbia Ln., Mira Loma, CA 91752 (the "Property"). The schedules list the value of the property as \$565,000, a lien in the amount of \$334,150, a second lien in the amount of \$150,000 and an exemption of \$100,000. Trustee believes the Property is undervalued by approximately \$100,000, which would provide for equity in the Property above Debtor's exemption. Debtor's schedules I and J list disposable income of -\$50.32 per month.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Karin Olaya

Chapter 7

11 U.S.C. § 706(a) (2005) states:

The debtor may convert a case under this chapter to a case under chapter 11, 12, or 13 of this title at any time, if the case has not been converted under section 1112, 1208, or 1307 of this title. Any waiver of the right to convert a case under this subsection is unenforceable.

The Supreme Court has recently held that this right to conversion is not absolute. *Marrama v. Citizens Bank of Mass.*, 549 U.S. 365, 373-74 (2007); *see also In re Santos*, 561 B.R. 825, 829 (Bankr. C.D. Cal. 2017) ("Therefore, *Marrama* concluded that an individual whose potential Chapter 13 case was subject to dismissal or conversion under § 1307(c) was not entitled to a right to convert. . . . Because § 1307(c) provides for conversion or dismissal "for cause", it follows that the Court has the authority to deny conversion "for cause".).

Trustee identifies three reasons why conversion should be denied: (1) Debtor has no disposable income to fund a plan; and (2) the undervaluation of the Property and the instant conversion motion suggest Debtor is proceeding in bad faith.

While both of these reasons, independently and in combination, may contribute to a conclusion that there exists cause for dismissal or conversion pursuant to § 1307(c), the first reason is determinative in this situation. 11 U.S.C. § 1307(d) states: "Notwithstanding any other provision of this section, a case may not be converted to a case under another chapter of this title unless the debtor may be a debtor under such chapter." 11 U.S.C. § 109(e) requires an individual filing under Chapter 13 to be an "individual with regular income". And 11 U.S.C. § 101(30) defines "individual with regular income" as an: "individual whose income is sufficiently stable and regular to enable such individual to make payments under a plan under Chapter 13 of this title, other than a stockbroker or a commodity broker." Debtor's schedules, which identify a net income of -\$50.32, compel a conclusion that Debtor is not an "individual with regular income" within the meaning of the Code, and, therefore, Debtor is ineligible to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Karin Olaya

Chapter 7

be a Chapter 13 debtor at this time. Because Debtor is ineligible to be a Chapter 13 debtor, her case cannot be converted pursuant to § 706(d).

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Karin Olaya

Represented By
Edward T Weber

Movant(s):

Karin Olaya

Represented By
Edward T Weber

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:18-12834 Jose D. Gutierrez and Otilia Gutierrez

Chapter 7

#9.00 Motion for extension of time to file a complaint objecting to discharge

EH__

Docket 20

Tentative Ruling:

8/1/18

BACKGROUND

On April 6, 2018, Jose & Otilia Gutierrez ("Debtors") filed a Chapter 7 voluntary petition. The meeting of creditors was originally set for May 8, 2018. On July 9, 2018, UST filed a motion for an extension of time to file a complaint objecting to discharge. UST asserts that Debtor has connections to several business entities and has not yet adequately complied with UST's requests for financial records. The meeting of creditors has been continued several times.

DISCUSSION

FED. R. BANKR. P. Rule 4004(a) states:

- (1) In a chapter 7 case, a complaint, or a motion under § 727(a)(8) or (9) of the Code, objecting to the debtor's discharge shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). In a chapter 11 case, the complaint shall be filed no later than the first date set for the hearing on confirmation. In a chapter 13 case, a motion objecting to the debtor's discharge under § 1328(f) shall be filed no later than 60 days

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT...

Jose D. Gutierrez and Otilia Gutierrez

Chapter 7

after the first date set for the meeting of creditors under § 341(a). At least 28 days' notice of the time so fixed shall be given to the United States trustee and all creditors as provided in Rule 2002(f) and (k) and to the trustee and the trustee's attorney.

And FED. R. BANKR. P. Rule 4004(b) states:

(1) On motion of any party in interest, after notice and hearing, the court may for cause extend the time to object to discharge. Except as provided in subdivision (b)(2), the motion shall be filed before the time has expired.

(2) A motion to extent the time to object to discharge may be filed after the time for objection has expired and before discharge is granted if (A) the objection is based on facts that, if learned after the discharge, would provide a basis for revocation under § 727(d) of the Code, and (B) the movant did not have knowledge of those facts in time to permit an objection. The motion shall be filed promptly after the movant discovers the facts on which the objection is based.

Here, the delay in providing information adequate to assess the financial circumstances of Debtor constitutes sufficient cause to extend the deadline. *See* COLLIER ON BANKRUPTCY ¶ 4004.03[2] (16th ed. 2013) ("A debtor's delays in responding to discovery may be sufficient cause. Obviously, a delay in the meeting of creditors to a date close to or after the deadline may constitute such cause.") (*citing In re McCormack*, 244 B.R. 203 (Bankr. D. Conn. 2000)).

Moreover, Debtor's failure to oppose may be deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

The Court is inclined to GRANT the motion and EXTEND the deadline to file an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... **Jose D. Gutierrez and Otilia Gutierrez**
objection to discharge to September 7, 2018.

Chapter 7

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jose D. Gutierrez

Represented By
Keith Q Nguyen

Joint Debtor(s):

Otilia Gutierrez

Represented By
Keith Q Nguyen

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:17-19176 AF Howlader, Inc.

Chapter 7

#10.00 Motion RE: Objection to Claim Number 3 by Claimant Michael Snow

EH__

Docket 21

Tentative Ruling:

8/1/2018

BACKGROUND:

On November 3, 2017, AF Howlader, Inc. ("Debtor") filed a Chapter 7 voluntary petition. On June 1, 2018, Michael Snow ("Creditor") filed a proof of claim in the amount of \$3,250,000 ("Claim 3"). On June 27, 2018, Trustee filed an objection to Claim 3. On July 19, 2018, Creditor filed a response to Trustee's objection.

Trustee argues that it is unclear whether Debtor is liable for Claim 3, and additionally argues that Claim 3 is not supported by adequate supporting documentation. The Court notes that Trustee failed to use the Court's mandatory claim objection form.

Claim 3 states that it is based on a personal injury lawsuit, and Creditor attaches a copy of a state court complaint filed on October 25, 2016. Among the defendants listed in the state court complaint is Sporty Gift Shoppe ("SGS"). According to the state court complaint, Creditor purchased an e-cigarette from a retail kiosk of SGS which, after four days, exploded in his face, causing "severe facial bleeding and disfigurement." Trustee acknowledges that Debtor operated SGS, but asserts that the legal relationship between the two entities is unclear. Trustee further argues that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... AF Howlader, Inc.

Chapter 7

liability has not yet been established because the state court litigation is not complete.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... AF Howlader, Inc.

Chapter 7

ANALYSIS:

Here, Trustee has asserted that the legal relationship between Debtor and SGS is unclear, shifting the burden to Creditor to establish that Debtor is in fact liable for Claim 3. Creditor has responded by presenting Debtor's answer in state court, which establishes that SGS was the dba of Debtor. This is consistent with the results of Trustee's business entity search, which indicate that SGS was not a separate legal entity. As a result, the evidence compels the conclusion that Debtor and SGS are one and the same, and Trustee's argument should be rejected.

Trustee also asserts that Claim 3 should be disallowed because the state court has not yet issued judgment. 11 U.S.C. § 101(5) defines claim as:

- (A) right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or
- (B) right to an equitable remedy, for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured

11 U.S.C. § 502 enumerates categories of claims which will be disallowed. Pertinently, § 502(b)(1) states the following:

- (b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT...

AF Howlader, Inc.

Chapter 7

determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition and shall allow such claim in such amount, except to the extent that –

- (1) such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for a reason other than because such claim is contingent or unmatured;

And 11 U.S.C. § 502(c) states that:

(c) There shall be estimated for purposes of allowance under this section –

- (1) any contingent or unliquidated claims, the fixing of liquidation of which, as the case may be, would unduly delay the administration of the case; or
- (2) any right to payment arising from a right to an equitable remedy for breach of performance

The legal provisions recited above make clear that the fact that a claim is contingent, unliquidated or unmatured is not a basis for the disallowance of a claim, and Trustee's argument must be rejected.

TENTATIVE RULING

The Court is inclined to **OVERRULE** the objection. Trustee to inform Court whether it wishes to seek a valuation of Claim 3.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... AF Howlader, Inc.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

AF Howlader, Inc.

Represented By
Dina Farhat

Movant(s):

Steven M Speier (TR)

Pro Se

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:17-14684 Timothy Wayne Lambert

Chapter 7

Adv#: 6:18-01026 United States Trustee for the Central District of v. Lambert et al

#11.00 Motion for Default Judgment

Also #12

EH__

Docket 14

Tentative Ruling:

8/1/18

BACKGROUND

On June 4, 2017, Timothy and Lisa Lambert ("Debtors") filed a Chapter 7 voluntary petition. The Court extended the time to file a complaint objecting to discharge on two occasions: (1) on October 5, 2017 (Dkt. No. 17); and (2) on November 9, 2017 (Dkt. No. 26).

On January 19, 2018, UST filed a complaint against Debtor for denial of discharge pursuant to § 727(a)(2), (a)(3), (a)(4) and (a)(5), or, alternatively, for dismissal of the bankruptcy case pursuant to § 707(b)(3) and § 349. On April 12, 2019, default was entered against Debtors. On July 10, 2018, UST filed a motion for default judgment.

UST's complaint arises out of Debtors' ownership of a Michigan LLC called Rainbow Recovery & Transport ("Rainbow Recovery"). According to UST, Debtors "solicited individuals to provide funds to them or Rainbow Recovery based on misrepresentations," and then undertook various actions to hinder their creditors' collection efforts. UST also asserts that Debtors schedules and statement of financial

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Timothy Wayne Lambert

Chapter 7

affairs omitted various recreational vehicles purchased in 2017, omitted the sale of undeveloped real property, which also occurred in 2017, and omitted the sale of Rainbow Recovery, which, again, occurred in 2017, and, as a result of which, Debtors were received installment payments.

DISCUSSION

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT...

Timothy Wayne Lambert

Chapter 7

a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, Plaintiff properly served Debtors and their counsel at their addresses of record.

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes five causes of action: § 727(a)(2), (a)(3), (a)(4), (a)(5), and, alternatively, § 707(b)(3) and § 349. The memorandum of points and authorities in support of UST's motion for default judgment only explicitly addresses § 727(a)(4) and (a)(2), and implicitly contains a preference for § 727(a)(4), referring to § 727(a)(2) as alternative request.

Regarding § 727(a)(2)(A), that provision states:

- a) The court shall grant the debtor a discharge, unless –
 - (2) The debtor, with intent to hinder, delay, or defraud a creditor or an officer of the estate charged with custody of property under this title, has transferred, removed, destroyed, mutilated, or concealed,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT...

Timothy Wayne Lambert

Chapter 7

or has permitted to be transferred, removed destroyed, mutilated, or concealed –

(A) property of the debtor, within one year before the date of the filing of the petition

Here, UST has asserted a creditor of Debtors, Cal-Tenn, notified Debtors on February 17, 2017 of its intent to conduct a judgment examination. In the month before and after that notice, Debtors sold Rainbow Recovery for \$7,500, sold an acre of real property for \$6,100, sold their home and received \$50,637.57 in net proceeds, transferred funds from Rainbow Recovery's accounts to their personal accounts, and, while no date is identified, ostensibly purchased recreational vehicles. UST further alleges that none of the proceeds received by Debtors were applied to the debt owing Cal-Tenn or any of Debtors' other judgment creditors. Finally, UST asserts that Debtors engaged in the enumerated transactions with the intent to hinder, delay or defraud their creditors. Therefore, the elements of § 727(a)(2)(A) have been satisfied.

The Court need not reach the alternative requests of UST because judgment is proper pursuant to § 727(a)(2)(A).

3. Amount of Damages

Here, UST is not requesting any damages, and, therefore, no evidence is required establishing the amount of damages.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Timothy Wayne Lambert

Chapter 7

The Court is inclined to GRANT the motion, DENYING Debtor a discharge pursuant to 11 U.S.C. § 727(a)(2)(A).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Timothy Wayne Lambert

Represented By
Edgar P Lombera

Defendant(s):

Timothy Wayne Lambert

Pro Se

Lisa Renee Lambert

Pro Se

Joint Debtor(s):

Lisa Renee Lambert

Represented By
Edgar P Lombera

Movant(s):

United States Trustee for the Central

Represented By
Everett L Green

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

6:17-14684 Timothy Wayne Lambert

Chapter 7

Adv#: 6:18-01026 United States Trustee for the Central District of v. Lambert et al

#12.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01026. Complaint by United States Trustee for the Central District of California, Region 16 against Timothy Wayne Lambert, Lisa Renee Lambert. (Fee Not Required). with adversary cover sheet Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e)

From: 3/21/18, 4/25/18, 7/25/18

Also #11

EH__

Docket 1

Tentative Ruling:

07/25/2018

The UST has filed a Motion for Default Judgment which is set for hearing on August 1, 2018 at 11:00 a.m.

This Status Conference is continued to the same date and time.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Timothy Wayne Lambert

Represented By
Edgar P Lombera

Defendant(s):

Timothy Wayne Lambert

Pro Se

Lisa Renee Lambert

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 1, 2018

Hearing Room 303

11:00 AM

CONT... Timothy Wayne Lambert

Chapter 7

Joint Debtor(s):

Lisa Renee Lambert

Represented By
Edgar P Lombera

Plaintiff(s):

United States Trustee for the Central

Represented By
Everett L Green

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:13-16941 Timothy P Carroll and Terri Sue Carroll

Chapter 13

#1.00 Motion with Notice for Order to continue Case Administration of deceased Debtors Bankruptcy Estate and For Waiver of Financial management Class and Certification Requirements Under 11 U.S.C Sect 1328(a) and (h) and 11 U.S.C Sect 522(q)

EH__

Docket 108

Tentative Ruling:

08/02/18

The Motion seeks an order permitting continued case administration pursuant to FRBP 1016 and waiver of the application and certification requirements of Section 1328 and 522(q) owing to the death of the Joint Debtor, Timothy Carroll. In support, Terri Carroll has submitted a declaration signed under penalty of perjury attesting to her completion of plan payments and to the death of her spouse. Moreover, the Court notes that no objection or opposition to the Debtors' request has been filed.

Based on the foregoing, in particular given the completion of plan payments due under the terms of the confirmed plan, the Court finds that a discharge is warranted as to both Debtors and is in the best interest of all parties. The Motion is GRANTED. Case administration may continue pursuant to FRBP 1016 and Timothy Carroll is excused from compliance with §§ 1328 and 522(q) of the Code.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Timothy P Carroll

Represented By
Emilia N McAfee

Joint Debtor(s):

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Timothy P Carroll and Terri Sue Carroll

Chapter 13

Terri Sue Carroll

Represented By
Emilia N McAfee

Movant(s):

Timothy P Carroll

Represented By
Emilia N McAfee

Terri Sue Carroll

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:13-21620 Brooke Stone

Chapter 13

#2.00 Application for Compensation with attached Exhibit and Proof of Service for Jenny L Doling, Debtor's Attorney, Period: 2/6/2018 to 2/26/2018, Fee: \$315.00, Expenses: \$0.

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brooke Stone

Represented By
Jenny L Doling

Movant(s):

Brooke Stone

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:14-12516 John Alexander Jay

Chapter 13

#3.00 Application for Compensation with attached Declaration, Exhibit and Proof of Service for Jenny L Doling, Debtor's Attorney, Period: 3/15/2018 to 4/17/2018, Fee: \$1345.00, Expenses: \$35.00.

EH__

Docket 198

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Alexander Jay

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

John Alexander Jay

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:14-19524 Donnita M. Oliver

Chapter 13

#4.00 Application for Compensation with proof of service for Sundee M Teeple,
Debtor's Attorney, Period: to, Fee: \$350.00, Expenses: \$0.00.

EH__

Docket 90

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donnita M. Oliver

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Donnita M. Oliver

Represented By
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:16-16946 Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

#5.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 6/28/18

Also #6

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:16-16946 Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

#6.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

Also #5

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#7.00 Motion to Dismiss Adversary Proceeding (Third Amended Complaint)

EH__

Docket 97

Tentative Ruling:

08/02/2018

BACKGROUND

On September 12, 2016, Douglas and Anne Goodman (collectively, "Debtors" or "Defendants") filed their petition for chapter 13 relief.

On November 11, 2016, Mark and Natasha Reynoso (collectively, "Plaintiffs") filed a complaint seeking determination of the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(2)(A) (the "Complaint"). Specifically, Plaintiffs allege that in 2015, they purchased real property located at 1656 West Lisbon Street in Upland, CA (the "Property") from the Debtors, and that a sale was consummated on the misrepresentations of the Debtors' agent, Theresa Mann, that the Property was 3,231 square feet while Plaintiffs assert that the Property is actually 2,713 square feet (or a difference of 518 square feet). Plaintiffs also assert that they were led to believe that a water leak in the upstairs bathroom had been repaired. Plaintiffs allege that the Debtors knew or should have known that their agent was making false and misleading representations to Plaintiffs.

On February 3, 2017, the Court entered an order granting Defendants first motion to dismiss the Complaint, with leave to amend. A First Amended Complaint (the "FAC") was filed on February 28, 2017. On April 19, 2017, the Plaintiffs filed a First Amended Complaint captioned "Corrected" which indicated it had been corrected for typographical errors. (the "Corrected Complaint"). The Court denied Defendants' second motion to dismiss at a hearing on May 4, 2017. On June 5, 2017, the Defendants filed their Answer to the FAC ("Answer").

On March 9, 2018, the Defendants moved to dismiss the April 19, 2018,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Edward Goodman

Chapter 13

complaint. The Court granted the motion to dismiss the April 19, 2018, complaint with leave to amend. A second amended complaint was then filed on May 23, 2018 (the "SAC"). [Note: there is a dispute regarding whether the operative complaint is a second or third amended complaint due to the filing of the "corrected complaint" indicated above. For purposes of this hearing, the operative complaint is Docket No. 93]. Defendants now move to dismiss the SAC. No opposition has been filed by the Plaintiffs.

DISCUSSION

As a threshold matter, the Motion seeks relief pursuant to Rule 12(b)(6). However, given that the Defendants have filed an Answer to the FAC, the Court shall construe the Motion as a motion under Rule 12(c), a motion for judgment on the pleadings.

Civil Rule 12(c) standard

"After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings." Fed.R.Civ.P. 12(c). "Judgment on the pleadings is properly granted when, taking all allegations in the pleading as true, the moving party is entitled to judgment as a matter of law." *Knappenberger v. City of Phx.*, 566 F.3d 936, 939 (9th Cir.2009) (quoting *Merchants Home Delivery Serv., Inc. v. Frank B. Hall & Co.*, 50 F.3d 1486, 1488 (9th Cir.1995)).

On a Rule 12(c) motion, the court must accept as true all the material facts alleged in the complaint and must draw all reasonable inferences in favor of the non-moving party. *Fleming v. Pickard*, 581 F.3d 922, 925 (9th Cir.2009). In ruling on a Rule 12(c) motion, the court may not consider extrinsic evidence unless the motion is converted into a Rule 56 summary judgment. *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1550 (9th Cir.1989) (citing Fed.R.Civ.P. 12(c); *Bonilla v. Oakland Scavenger Co.*, 697 F.2d 1297, 1301 (9th Cir.1982)). However, a court may consider facts that are contained in materials of which the court may take judicial notice when considering a motion for judgment on the pleadings. *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n. 18 (9th Cir.1999) (quoting *Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir.1994)).

The crux of Defendants' argument for dismissal of the FAC is that Plaintiffs have not set forth the basis for a money judgment under state law. In the Court's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Edward Goodman

Chapter 13

tentative ruling on the motion to dismiss the FAC, the Court stated the following:

The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), aff'd, 760 F.3d 1038 (9th Cir. 2014). Here, although the Complaint is not explicit regarding the state law causes of action at issue, it appears implicit in the allegations that the Plaintiffs seek a monetary judgment as to a fraud or misrepresentation claim. Nonetheless, Plaintiffs should not have to guess at the state law basis of the debt for a money judgment.

Here, the SAC has added bases for calculation of damages under state law but has still not set forth the state law basis for the monetary judgment. Thus, the Plaintiffs have still not addressed the concerns raised by the Court and Defendants that they do not have sufficient notice of the basis for a monetary judgment such that the Defendants can adequately defend themselves in the action.

TENTATIVE RULING

Based on the foregoing, including the Plaintiffs failure to file opposition to the Motion to Dismiss which can be deemed as consent to the granting of the Motion pursuant to LBR 9013-1(h), the Court is inclined to GRANT the Motion dismissing the SAC with leave to amend, in order to provide the Plaintiffs with an opportunity to set forth the specific bases for monetary damages under state law such that the litigation can proceed.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Edward Goodman

Chapter 13

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Represented By
Edward T Weber

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

Anne Louise Goodman

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Edward Goodman

Chapter 13

Edward T Weber

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:16-19207 Marquis Vincent Campbell

Chapter 13

#8.00 Motion to vacate dismissal due to trustee's motion to dismiss

EH__

Docket 91

Tentative Ruling:

08/02/18

Debtor moves to vacate dismissal of the case due to the mistake of counsel in not calendaring the hearing on the Motion to Dismiss of the Trustee. The Trustee recommends conditional approval of the Motion if Counsel can certify to the Court at the hearing that she is holding \$15,240. Additionally, the Trustee requires that no later than July 5, 2018, the Debtor must submit copies of the 2017 federal and state tax returns and any refunds to the Trustee.

The Court is inclined to GRANT the Motion on Trustee's conditions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Marquis Vincent Campbell

Represented By
Eliza Ghanooni

Movant(s):

Marquis Vincent Campbell

Represented By
Eliza Ghanooni
Eliza Ghanooni
Eliza Ghanooni
Eliza Ghanooni

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Marquis Vincent Campbell

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:17-13063 Ethel N Odimegwu

Chapter 13

#9.00 Application for Compensation with proof of service for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$425.00, Expenses: \$0.00.

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:17-13165 Richard Ortiz and Dolores Ortiz

Chapter 13

#10.00 Motion to vacate dismissal

EH ____

Docket 38

Tentative Ruling:

08/02/18

Debtors move to vacate dismissal of the case due to the Debtors' alleged pneumonia which temporarily incapacitated them. The Trustee recommends conditional approval of the Motion if Counsel can certify to the Court at the hearing that she is holding \$1,613. Additionally, the Trustee requires that no later than July 15, 2018, the Debtors must submit copies of the 2017 federal and state tax returns and any refunds to the Trustee.

The Court is inclined to GRANT the Motion on Trustee's conditions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Ortiz

Represented By
Elena Steers

Joint Debtor(s):

Dolores Ortiz

Represented By
Elena Steers

Movant(s):

Richard Ortiz

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Richard Ortiz and Dolores Ortiz

Chapter 13

Elena Steers

Dolores Ortiz

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01127 Tarhuni v. Lakeview Loan Servicing, LLC et al

#11.00 Motion to Dismiss Adversary Proceeding for Lack of Standing; Lack of Subject Matter Jurisdiction; Discretionary Abstention; and Failure to State A Claim Upon Which Relief Can Be Granted filed by LoanCare, LLC and Lakeview Loan Servicing LLC

Also #12

EH__

Docket 4

Tentative Ruling:

08/02/2018

BACKGROUND

On March 29, 2018, Melanie Tarhuni ("Debtor") filed her petition for chapter 13 relief. On June 1, 2018, the Debtor (in pro per) filed the instant adversary proceeding against Lakeview Loan Servicing, LLC, FNF Servicing dba Loancare, LLC, Les Zieve, John Steele, Janaya Carter, and Zieve, Brodnax & Steele, LLP, a limited liability partnership ("Defendants").

The Debtor's bankruptcy case was dismissed on June 7, 2018, at the hearing on confirmation. On July 5, 2017, LoanCare, LLC and Lakeview Loan Servicing, LLC filed a Motion to Dismiss the Complaint ("Motion"). The Debtor filed her Opposition to the Motion on July 19, 2018. On July 26, 2018, LoanCare and Lakeview filed their reply.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT...

Melanie Tarhuni

Chapter 13

The dismissal of a bankruptcy case has several ramifications as set out in Bankruptcy Code Section 349. The Ninth Circuit has explained, "Section 349 of the Bankruptcy Code lists the various effects of dismissal of the underlying bankruptcy case; conspicuously absent from that list is automatic termination of jurisdiction of related cases." *In re Carraher*, 971 F.2d 327, 328 (9th Cir. 1992). The bankruptcy court may retain jurisdiction over a related proceeding subject to considerations of judicial economy, fairness, convenience and comity. *In re Casamont Inv'rs, Ltd.*, 196 B.R. 517, 522 (9th Cir. BAP 1996).

Here, the Debtor's underlying bankruptcy case was dismissed shortly after the initial filing. The instant adversary proceeding has been pending for two months during which no significant actions have been taken to advance the litigation. Given that the claims of the Debtor relate primarily to a determination of the lien rights of the Defendants under state law and to claims made pursuant to the FDCPA, which may be brought in the District Court and over which this Court cannot make final rulings pursuant to *Stern v. Marshall*, 564 U.S. 462, 131 S. Ct. 2594, 180 L. Ed. 2d 475 (2011), the Court has determined that the principles of judicial economy, fairness, convenience and comity do not favor this Court's retention of jurisdiction over the action.

As an alternative grounds for dismissal, the Court incorporates the findings related to jurisdiction into the Opposition's analysis regarding abstention and adopts the Opposition's analysis. The Court finds that abstention is appropriate in this case.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the Motion dismissing the instant adversary proceeding.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Melanie Tarhuni

Chapter 13

Party Information

Debtor(s):

Melanie Tarhuni Pro Se

Defendant(s):

Lakeview Loan Servicing, LLC Represented By
Jonathan C Cahill

FNF Servicing Inc Pro Se

Les Zieve Represented By
Jennifer Needs

John Steele Represented By
Jennifer Needs

Janaya Carter Represented By
Jennifer Needs

LoanCare, LLC Represented By
Jonathan C Cahill

Zieve, Brodnax & Steele, LLP Represented By
Jennifer Needs

Movant(s):

Lakeview Loan Servicing, LLC Represented By
Jonathan C Cahill

LoanCare, LLC Represented By
Jonathan C Cahill

Plaintiff(s):

Melanie Tarhuni Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01127 Tarhuni v. Lakeview Loan Servicing, LLC et al

#12.00 Status Conference RE: [1] Adversary case 6:18-ap-01127. Complaint by Melanie Tarhuni against Lakeview Loan Servicing, LLC , FNF Servicing Inc , Les Zieve , John Steele , Janaya Carter . (Fee Not Required). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) ,(71 (Injunctive relief - reinstatement of stay)) ,(91 (Declaratory judgment))

Also #11

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni

Pro Se

Defendant(s):

Lakeview Loan Servicing, LLC

Represented By
Jonathan C Cahill

FNF Servicing Inc

Pro Se

Les Zieve

Represented By
Jennifer Needs

John Steele

Represented By
Jennifer Needs

Janaya Carter

Represented By
Jennifer Needs

LoanCare, LLC

Represented By
Jonathan C Cahill

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Melanie Tarhuni

Chapter 13

Zieve, Brodnax & Steele, LLP

Represented By
Jennifer Needs

Plaintiff(s):

Melanie Tarhuni

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13172 Michelle Cadena Quinn

Chapter 13

#13.00 Motion to Avoid Junior Lien on Principal Residence with Real-Time Resolutions/GreenPoint Mortgage Funding Inc

Also #14

EH__

Docket 30

Tentative Ruling:

Hearing Date: 07/31/18

Summary of the Motion:

Notice: Proper

Opposition: None

Address: 3656 Valley Court, San Bernardino, CA 92407

First trust deed: \$452,471 with Seterus (Payoff Statement)

Second trust deed (to be avoided): \$127,972 with Real-Time Resolutions/GreenPoint Mortgage Funding, Inc. (Payoff Statement 4/20/18)

Fair market value (per appraisal and declaration): \$390,000

TENTATIVE

GRANT upon receipt of a chapter 13 discharge.

APPEARANCE IS WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued to the next Chapter 13 calendar.

PREVAILING PARTY SHOULD SUBMIT THE FORM ORDER WITHIN 7 DAYS, A BLANK COPY OF WHICH MAY BE DOWNLOADED FROM THE JUDGE'S FORMS SECTION ON THE COURT'S WEBSITE.

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Cadena Quinn

Chapter 13

Movant(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert
Steven A Alpert
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-15098 Fatana Aziz

Chapter 13

#14.00 Motion with Notice By United States Trustee To Dismiss Chapter 13 Case With A Re-Filing Bar; Memo of Ps and As; Decl of: Abram S. Feuerstein

EH__

Docket 8

Tentative Ruling:

08/02/18

BACKGROUND

On June 18, 2018 ("Petition Date"), Fatana Aziz (the "Debtor") filed a petition for chapter 13 relief.

On July 3, 2018, the Office of the United States Trustee ("UST") filed a Motion to Dismiss Chapter 13 Case with a Re-Filing Bar (the "Motion"). No opposition has been filed.

DISCUSSION

Section 1307(c) provides that after notice and a hearing, "the court may convert a case under [Chapter 13] to a case under chapter 7 of this title, or may dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause." 11 U.S.C. § 1307. "Section 1307(c) enumerates eleven non-exclusive grounds which may constitute 'cause' for dismissal." *In re Ellsworth*, 455 B.R. 904, 914 (9th Cir. BAP 2011). Although not specifically enumerated, "bad faith" may constitute "cause." *Id.* In determining whether a Chapter 13 petition has been filed in bad faith, a bankruptcy court should review the "totality of the circumstances." *In re Eisen*, 14 F.3d 469, 470 (9th Cir. 1994). In reviewing the totality of the circumstances, a court should consider:

- (1) whether the debtor misrepresented facts in his or her petition or plan, unfairly manipulated the Bankruptcy Code or otherwise filed the Chapter 13 petition or plan in an inequitable manner;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT...

Fatana Aziz

Chapter 13

- (2) the debtor's history of filings and dismissals;
- (3) whether the debtor's only purpose in filing for chapter 13 protection is to defeat state court litigation; and
- (4) whether egregious behavior is present.

In re Leavitt, 171 F.3d 1219, 1224 (9th Cir. 1999).

Here, the UST asserts as grounds for dismissal that the Debtor has filed three cases since 2016 (Case No. 16-20907, Case No. 17-17926, Case No. 18-15098). Two of the Debtor's prior cases were dismissed for failure to file information and the instant case was filed as incomplete with the balance of schedules due on July 2, 2018. As of the date of the filing of the Motion, the Debtor had not filed the missing schedules. Additionally, in the current case, the Debtor listed one creditor, Wells Fargo, which indicates that the sole reason for the filing is to frustrate Wells Fargo Bank.

Here, for the reasons set forth by the UST, based primarily on the history of filings, and the repeated conduct of the Debtor in failing to comply with Court-imposed deadlines, the Court finds that cause exists to dismiss the Debtor's case. Additionally, the Debtors apparent attempts to file bankruptcy for the sole purpose of forestalling creditors warrants a one-year bar under the Court's § 105 and § 349 authority as requested by the UST.

TENTATIVE RULING

Based on the foregoing, including the Debtor's failure to file opposition which this Court deems as consent to the granting of the Motion under LBR 9013-1(h), the Court is inclined to GRANT the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fatana Aziz

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Fatana Aziz

Chapter 13

Movant(s):

United States Trustee (RS)

Represented By
Mohammad Tehrani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#15.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18, 6/28/18, 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-12819 Adrian Lopez and Patricia Lopez

Chapter 13

#16.00 CONT Confirmation of Chapter 13 Plan

From: 6/7/18, 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Lopez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Patricia Lopez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-11993 Anisha Christel Wilson

Chapter 13

#17.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18, 6/28/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anisha Christel Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 13

#18.00 Motion for Setting Property Value

Also #19

EH__

Docket 48

Tentative Ruling:

08/02/18

BACKGROUND

On April 20, 2018, Ridge Robert ("Debtor") filed his petition for chapter 13 relief. Among the assets of the estate is a 2013 Toyota Camry (the "Camry"). On July 3, 2018, the Debtor filed his Motion to Value the Camry ("Motion"). No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtor asserts that the Camry's value, and thus its secured portion, should be determined to be \$6,600, with an unsecured deficiency claim for \$2,366. In support the Debtor has attached a copy of the Kelly Blue Book. However, the copy of the Kelly Blue Book printout attached to the Motion does not indicate pertinent facts of the Camry such as the make and model of the vehicle necessary to corroborate the Debtor's assertion of value.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Ridge B. M. Robert

Chapter 13

Finally, as to service, Wells Fargo was not properly served via FRBP 7004 to the attention of an officer and was also not served at the PO Box requested for bankruptcy-related notices on its proof of claim.

TENTATIVE RULING

The Court is inclined to CONTINUE the Motion for a hearing on August 30, 2018, at 11:00 a.m. for Debtor to provide supplemental documentation to corroborate the assertion of value as set forth above and for the Debtor to re-serve the Motion and supplemental documentation on Wells Fargo as indicated above. The deadline to file and serve the supplemental documents is August 9, 2018.

APPEARANCES WAIVED. Movant to file and serve notice of the continuance, a copy of the Motion, and supplemental documentation per the Court's instructions.

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Movant(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18, 6/28/18

Also #18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13483 JUANITA M ROMERO

Chapter 13

#20.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JUANITA M ROMERO

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13566 Marco Tulio Magana and Gloria Louisa Magana

Chapter 13

#21.00 Order to Show Cause Why Daniel King Should Not Be (2) Sanctioned; and (2) Ordered to Personally Appear at All Future Hearings

Also #22

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Magana

Represented By
Daniel King

Joint Debtor(s):

Gloria Louisa Magana

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13566 Marco Tulio Magana and Gloria Louisa Magana

Chapter 13

#22.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18, 7/19/18

Also #21

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marco Tulio Magana

Represented By
Daniel King

Joint Debtor(s):

Gloria Louisa Magana

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13742 Elizabeth Lucas

Chapter 13

#23.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth Lucas

Represented By
Steven A Wolvek

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13796 Charles Anthony Anunciation and Lisa Rhea Anunciation

Chapter 13

#24.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Anthony Anunciation

Represented By
Jeffrey B Smith

Joint Debtor(s):

Lisa Rhea Anunciation

Represented By
Jeffrey B Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-13970 Vadany Sophan

Chapter 13

#25.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadany Sophan

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14229 John Forest Harmon, Jr. and Margaret Anne Vieyra-

Chapter 13

#26.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Forest Harmon Jr.

Represented By
David Lozano

Joint Debtor(s):

Margaret Anne Vieyra-Harmon

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14246 Susan Fontecha

Chapter 13

#27.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Fontecha

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14257 Adam Casey Addison

Chapter 13

#28.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Casey Addison

Represented By
Nima S Vokshori
Luke Jackson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14336 Peter Najim

Chapter 13

#29.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14337 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#30.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14388 Jesus Pabloff and Virginia Pabloff

Chapter 13

#31.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Pabloff

Represented By
Tom A Moore

Joint Debtor(s):

Virginia Pabloff

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14467 Jose M. Cortez

Chapter 13

#32.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose M. Cortez

Represented By
Patricia A Mireles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14506 Lori Johnston

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lori Johnston

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14511 Carlos Villegas and Maria Guadalupe Villegas

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Villegas	Pro Se
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Joint Debtor(s):

Maria Guadalupe Villegas	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14516 Gary Ray Osborn

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Ray Osborn

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14531 Juan Jose Gutierrez and Diane Gutierrez

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Gutierrez

Represented By
M Wayne Tucker

Joint Debtor(s):

Diane Gutierrez

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14541 Norma Hermosillo Hernandez

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH ___

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norma Hermosillo Hernandez Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14553 Daniel Morales

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Morales

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#39.00 Motion for Setting Property Value re Creditor California Coast Credit Union

Also #40 - #41

EH__

Docket 14

Tentative Ruling:

08/02/18

BACKGROUND

On May 31, 2018, Gabriel and Jeneke Blanco (collectively, "Debtors") filed their petition for chapter 13 relief. Among the assets of the estate is a 2012 Honda Accord (the "Accord"). On June 15, 2018, the Debtors filed their Motion to Value the Accord ("Motion"). No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the Accord's value, and thus its secured portion, should be determined to be \$8,331, with an unsecured deficiency claim for \$9,285.31. In support the Debtor asserts that he consulted the Kelly Blue Book Report. However, a copy of the Kelly Blue Book report was not attached. Nor did the Debtors attach a certificate of title indicating the identity of the lienholder or a statement regarding the balance owed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

Despite these issues, the Court notes that Proof of Claim 6-1 with respect to the Accord confirms that the Claimant agrees that the value of the Accord is \$8,331. Thus, as the Court finds no dispute regarding the value of the collateral, the secured portion of the claim as determined to be \$8,331. Moreover, based on Claim 6-1, the unsecured deficiency claim is \$8,424.11.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the Motion as set forth above.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Joint Debtor(s):

Jeneke Nicole Blanco

Represented By
Norma Duenas

Movant(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Jeneke Nicole Blanco

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#40.00 Motion for Setting Property Value re Creditor Bank of the West

Also #39 - #41

EH__

Docket 15

Tentative Ruling:

08/02/18

BACKGROUND

On May 31, 2018, Gabriel and Jeneke Blanco (collectively, "Debtors") filed their petition for chapter 13 relief. Among the assets of the estate is a 2015 Heartland North Trail Caliber Series M-33BKSS (the "RV"). On June 15, 2018, the Debtors filed their Motion to Value the RV ("Motion"). No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the RV's value, and thus its secured portion, should be determined to be \$24,575, with an unsecured deficiency claim for \$5,047.70. In support the Debtor asserts that he consulted the NADA Guide. However, a copy of the NADA Guide report was not attached. Nor did the Debtors attach a Certificate of Title indicating the identity of the lienholder or a statement regarding the balance owed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

CONT... Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

As Claimant, Bank of the West, filed Proof of Claim No. 8-1, the Court can overcome the necessity of a Certificate of Title or statement regarding the balance owed. However, to meet their evidentiary burden, the Debtors must provide admissible evidence of the NADA guide report they consulted to determine the value of the RV.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to CONTINUE the Motion for Debtors to file and serve a supplemental Debtor declaration providing evidence of the NADA guide report consulted to establish fair market value.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Joint Debtor(s):

Jeneke Nicole Blanco

Represented By
Norma Duenas

Movant(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Jeneke Nicole Blanco

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

Also #39 - #40

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Joint Debtor(s):

Jeneke Nicole Blanco

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14611 Richard Caraveo, Jr.

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Caraveo Jr.

Represented By
L. Tegan Rodkey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14686 Cassandra Henderson

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cassandra Henderson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:00 AM

6:18-14689 Moises Cortez

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH ____

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moises Cortez

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:13-14560 David Sandoval and Mary Celine Sandoval

Chapter 13

#45.00 Trustee's Motion to Dismiss Case (AMENDED to add Attachment)

EH__

Docket 92

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Sandoval

Represented By
Bryant C MacDonald

Joint Debtor(s):

Mary Celine Sandoval

Represented By
Bryant C MacDonald

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:14-11597 Taylor J. Bretz

Chapter 13

#46.00 Trustee's Motion to Dismiss Case

EH__

Docket 210

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Taylor J. Bretz

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:14-20757 Robert A Ausler and Marie A Galloway

Chapter 13

#47.00 Trustee's Motion to Dismiss Case

EH__

Docket 124

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert A Ausler

Represented By
James T Lillard

Joint Debtor(s):

Marie A Galloway

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:15-13535 Gilbert Alfred Torrez, Sr. and Emily Torrez

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 7-31-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert Alfred Torrez Sr.

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Emily Torrez

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:15-13609 Steven Lee Gardner and Jennifer Ann Gardner

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH__

Docket 168

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Lee Gardner

Represented By
Dana Travis

Joint Debtor(s):

Jennifer Ann Gardner

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-11652 Janel M Faulks

Chapter 13

#50.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janel M Faulks

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-16263 Tanyua A Gates-Holmes

Chapter 13

#51.00 Trustee's Motion to Dismiss Case

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanyua A Gates-Holmes

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-16720 Luevina Henry

Chapter 13

#52.00 Trustee's Motion to Dismiss Case

EH__

Docket 154

***** VACATED *** REASON: CASE DISMISSED 7/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-18009 Carlos Garcia

Chapter 13

#53.00 Trustee's Motion to Dismiss Case

EH ____

Docket 104

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Garcia

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-18248 Juan Jose Franco

Chapter 13

#54.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Jose Franco

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-18372 Gene Ashley Heisser, Jr.

Chapter 13

#55.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gene Ashley Heisser Jr.

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-19240 Octavio Rubio Mata

Chapter 13

#56.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Octavio Rubio Mata

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:16-20773 Idalia Temblador-Baisa

Chapter 13

#57.00 CONT Trustee's Motion to Dismiss Case

From: 6/7/18, 6/28/18, 7/19/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Idalia Temblador-Baisa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#58.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 96

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED 7-31-18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-11456 Jose Alberto Lara-Pena and Yanisleidy Sanchez-Quinonez

Chapter 13

#59.00 Trustee's Motion to Dismiss Case

EH__

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alberto Lara-Pena

Represented By
Luis G Torres

Joint Debtor(s):

Yanisleidy Sanchez-Quinonez

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-13607 Fernando Ramos

Chapter 13

#60.00 Trustee's Motion to Dismiss Case

EH__

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Ramos

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-15347 Susan Violet Guillot

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Violet Guillot

Represented By
Dana Travis

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-15740 Mark Gehrig

Chapter 13

#62.00 Trustee's Motion to Dismiss Case

EH__

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#63.00 CONT Trustee's Motion to Dismiss Case - Delinquency

From: 6/4/18, 7/5/18

EH__

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-16699 Cindy Louise Lawson

Chapter 13

#64.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 6/28/18, 7/19/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#65.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 7/19/18

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:17-18669 Hector Rene Flores, Jr. and Mayra Cecilia Canchola

Chapter 13

#66.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hector Rene Flores Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Mayra Cecilia Canchola Vasquez

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:18-10741 Santiago A. Anonical, Jr. and Shallee V Anonical

Chapter 13

#67.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Shallee V Anonical

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:18-10852 Gilberto Linares

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/1/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilberto Linares

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

11:01 AM

6:18-11050 Manuel Garcia Marquez and Susan Louise Marquez

Chapter 13

#69.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Garcia Marquez

Represented By
Christopher Hewitt

Joint Debtor(s):

Susan Louise Marquez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

2:00 PM

6:17-20025 Robert Lee Thompson, Jr.

Chapter 7

Adv#: 6:18-01052 Gutierrez v. Thompson, Jr et al

#70.00 Status Conference RE: Counterclaim [19] Answer to Complaint and Affirmative Defenses to Complaint to Determine Dischargeability Pursuant to 11 U.S.C. § 523(a)(6) and COUNTERCLAIM of Shatara Adrienne Thompson for Defamation, Counterclaim by Robert Lee Thompson Jr, Shatara Adrienne Thompson against Beatriz M Gutierrez

Also #71

EH__

Docket 19

***** VACATED *** REASON: CONTINUED TO 8/29/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lee Thompson Jr.

Represented By
Nicholas M Wajda

Defendant(s):

Robert Lee Thompson Jr

Represented By
Robert S Lampl

Shatara Adrienne Thompson

Represented By
Robert S Lampl

Joint Debtor(s):

Shatara Adrienne Thompson

Represented By
Nicholas M Wajda

Plaintiff(s):

Beatriz M Gutierrez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

2:00 PM

CONT... Robert Lee Thompson, Jr.

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

2:00 PM

6:17-20025 Robert Lee Thompson, Jr.

Chapter 7

Adv#: 6:18-01052 Gutierrez v. Thompson, Jr et al

#71.00 CONT Status conference on Complaint filed on 3-1-18 to Determine Dischargeability of Debt Pursuant to 11 USC 523(a)(6)

From: 5/3/18

Also #70

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/29/18 AT 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lee Thompson Jr.

Represented By
Nicholas M Wajda

Defendant(s):

Robert Lee Thompson Jr

Represented By
Robert S Lampl

Shatara Adrienne Thompson

Represented By
Robert S Lampl

Joint Debtor(s):

Shatara Adrienne Thompson

Represented By
Nicholas M Wajda

Plaintiff(s):

Beatriz M Gutierrez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 2, 2018

Hearing Room 303

2:00 PM

CONT... Robert Lee Thompson, Jr.

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

6:18-15998 Sheikh Azeem Akhtar

Chapter 13

#1.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 14047 Blue Ash Ct, Eastvale CA 92880

MOVANT: SHEIKH AZEEM AKHTAR

CASE DISMISSED 8/7/18

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheikh Azeem Akhtar

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

#2.00 Motion for Order Approving Compromise of Controversy Between Larry D. Simons, Chapter 7 Trustee, and Debtor Jose Antonio Hernandez and Defendant Carolina Villalobos Navarro

EH__

Docket 23

Tentative Ruling:

8/14/2018

On July 12, 2018, the Chapter 7 Trustee filed its Motion to Approve Compromise Under Rule 9019 [Dkt. No. 23]. On August 2, 2018, the Court issued an order [Dkt. No. 26], setting the matter for hearing, and requiring Trustee to submit a supplemental declaration containing evidence of the value of the property sufficient to allow the Court to properly evaluate the motion.

On August 8, 2018, Trustee filed a supplemental declaration [Dkt. No. 30]. The Court having reviewing the contents of the motion and the supplemental declaration, notice being proper and no opposition having been filed, the Court finds that the compromise has satisfied the *A&C Property* factors. Therefore, the Court is inclined to GRANT the motion.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Trustee(s):

Larry D Simons (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

CONT...

Jose Antonio Hernandez

Frank X Ruggier

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#3.00 CONT Motion by Debtor to Sell Substantially All Assets of Debtor Free and Clear of Liens

From: 7/24/18

Also #4 & #5

EH__

Docket 328

Tentative Ruling:

7/24/18

BACKGROUND

On December 1, 2017, Auto Strap Transport, LLC ("Debtor") filed a Chapter 11 voluntary petition. On March 6, 2018, a chief restructuring officer, Stephen Douglass (the "CRO"), was appointed on an interim basis, and, on April 11, 2018, appointed on a final basis. Now, relying on the estimates of the CRO, Debtor believes it will be at least six months before Debtor can become profitable, and, therefore, "Debtor has determined the best option for its creditors is to sell its assets." [Dkt. No. 328, pg. 8, lines 24-26]. On June 26, 2018, Debtor filed a motion to sell substantially all assets of Debtor free and clear of liens (the "Motion").

The basic terms of the Motion are the following: Debtor proposes to sell to Nations Fund I, LLC ("Nations"), Debtor's largest secured creditor, all of Debtor's assets which are not subject to purchase money security interests or leases with creditors other than Nations (the "Assets").¹ The Motion contemplates Nations purchasing the Assets for the amount of \$3,200,000, of which \$2,950,000 is a credit bid, and \$250,000 in a cash payment to be predominantly used for payment of administrative

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

claims. Debtor estimates that the Assets have a fair market value of \$3,160,000.

DISCUSSION

11 U.S.C. § 363(b)(1) provides that Debtor may use, sell, or lease property of the estate outside of the ordinary course of business after notice and a hearing. The Court notes the following non-exclusive issues with the current version of the Motion:

A. Notice

FED. R. BANKR. P. Rule 6004(a) provides: "Notice of a proposed use, sale, or lease of property, than cash collateral, not in the ordinary course of business shall be given pursuant to Rule 2002(a)(2), (c)(1), (i), and (k) and, if applicable, in accordance with § 363(b)(2) of the Code." FED. R. BANKR. P. Rule 2002(a)(2) requires the Motion to be served on all creditors, which does not appear to have been done here. Specifically, the Court notes that the petition in the instant case identifies 111 parties to receive notice, however, the Motion appears to have been served on substantially less than half that many entities.

B. Fair Market Value and Marketing

Local Rule 6004-(1)(c)(2)(A) provides that the Motion "must be supported by a declaration of the movant establishing the value of the property and that the terms and conditions of the proposed sale, including the price and all contingencies, are in the best interest of the estate." While the Motion does include a declaration of Debtor's principal establishing a fair market value of \$3.16 million, the Motion does not include any breakdown of that valuation or the comparables upon which the valuation was based. Additionally, the old adage that "value is what someone is willing to pay" is pertinent here. Section III.G of the Motion suggests that the marketing effort was possibly inadequate, and tardy at best. Specifically, the future tense verbiage of the section indicates that Debtor did not engage in any marketing prior to filing the motion. Debtor also stated it would file a supplement seven days before the sale

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

hearing, however, such supplement was only filed the morning before the hearing, depriving the Court of ample time to review the submitted evidence. Additionally, Debtor did not submit the "due diligence package" it allegedly used in marketing. Finally, the late supplement filed indicates in paragraph 14 that a potential buyer has not yet rendered a decision on whether to overbid. Ultimately, in light of the evidence presented to the Court, the Court is unable to conclude that the rushed marketing effort is inadequate in light of the unusual and complex nature of the sale under consideration.

C. Miscellaneous Issues

-The Motion states that "Debtor is reviewing the tax consequences to the bankruptcy estate as a result of the proposed sale. Debtor will update the Court at the hearing as to the tax consequences, if any." [Dkt. No. 328, pg. 12, lines 4-5]. The Court intends to require that the estimation of tax consequences be included in the amended motion.

-The Motion fails to provide a breakdown of administrative, priority, and unsecured claims and the possible distribution to each class. At this stage of the case, and given the case's trajectory, it seems Debtor should possess a reasonably accurate estimate of the administrative claims in this case which would allow priority and unsecured creditors to determine the amount of any potential distribution, if any. Currently, the Motion's treatment of the distribution of the sales proceeds is vague; the Motion also confusingly refers to Nation's retaining a security interest in the cash component of the purchase amount, for reasons that are very unclear.

TENTATIVE RULING

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

CONT... Auto Strap Transport, LLC

Chapter 11

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#4.00 CONT Motion by Debtor to Assume, Assign, and Establish Cure Amounts For
Certain Executory Contracts And Unexpired Leases

From: 7/24/18

Also #3 & #5

EH__

Docket 354

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 14, 2018

Hearing Room 303

1:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#5.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18, 7/24/18

Also #3 & #4

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 15, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#1.00 CONT Status conference RE: [1] Adversary case 6:17-ap-01138. Complaint to Determine Non-Dischargeability of Debt by Phillip Musharbash , Violette Musharbash against Issa M Musharbbash , Amal Musharbbash

From: 9/20/17, 2/7/18, 3/7/18

EH__

Docket 1

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, August 20, 2018

Hearing Room 303

12:30 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#1.00 Emergency Motion for Order Extending The Deadline for the Debtor to File Schedules, Statement of Financial Affairs and Other Documents

Also #2 - #5

EH__

Docket 10

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, August 20, 2018

Hearing Room 303

12:30 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#2.00 Emergency Motion for Order Authorizing The Debtor To Keep Two Pre-Petition Bank Accounts Open For The Sole Purpose of Accepting Electronic Deposits

Also #1 - #5

EH__

Docket 9

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, August 20, 2018

Hearing Room 303

12:30 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#3.00 Emergency Motion for Order: (1) Authorizing Payment of PrePetition Payroll Obligations; and (2) Authorizing Debtor to Honor PrePetition Employment Procedures

Also #1 - #5

EH__

Docket 11

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, August 20, 2018

Hearing Room 303

12:30 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#4.00 Emergency Motion for Continuation of Utility Service and Approval of Adequate Assurance of Payment to Utility Company Under Section 366(b) , Notice of Motion and Motion in Individual Ch 11 Case for Order Authorizing Debtor to Provide Adequate Assurance of Payment to Utility Service Providers (11 U.S.C. Sec. 366)

Also #1 - #5

EH__

Docket 12

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, August 20, 2018

Hearing Room 303

12:30 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#5.00 Emergency Motion for Order: (1) Authorizing Debtors to Use Cash Collateral on Interim Basis; (2) Granting Adequate Protection to Secured Creditors; and (3) Scheduling a Final Hearing

Also #1 - #4

EH__

Docket 7

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-16220 Paul Sheldon Kirkwood

Chapter 13

#1.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 37244 Fallsgrove Murrieta, CA 92563; 2015 Ford F350 Super Duty Lariat 4WD SRW; 2012 Freightliner Cascadeas; 2015 Polaris Razor; 2005 Thor Wanderer 5th Wheel Trailer; 2011 Kia Rio Sedan LX

MOVANT: PAUL SHELDON KIRKWOOD

EH__

Docket 11

Tentative Ruling:

8/21/2018

The Court having review Debtor's motion, and finding that the presumption of bad faith under 11 U.S.C. § 362(c)(3)(C) does not arise in this case, and there being no opposition to the motion under consideration, the Court is inclined to GRANT the motion and CONTINUE the automatic stay as to all creditors.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Paul Sheldon Kirkwood

Represented By
Michael E Clark

Movant(s):

Paul Sheldon Kirkwood

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-16178 Eriberto A. Sandoval

Chapter 13

#2.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Personal

MOVANT: ERIBERTO SANDOVAL

EH__

Docket 14

Tentative Ruling:

8/21/2018

The Court having review Debtor's motion to continue the automatic stay, and finding sufficient cause to rebut the presumption of bad faith imposed by 11 U.S.C. § 362(c) (3)(C), the Court is inclined to GRANT the motion and CONTINUE the automatic stay as to all creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley

Movant(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15709 Michael Ray Augusta and Irma Jean Augusta

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 NISSAN VERSA, VIN: 3N1C N7AP 8GL8 28865 .

MOVANT: MECHANICS BANK

EH__

Docket 8

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Michael Ray Augusta

Represented By
Dana Travis

Joint Debtor(s):

Irma Jean Augusta

Represented By
Dana Travis

Movant(s):

MECHANICS BANK, a California

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

**CONT... Michael Ray Augusta and Irma Jean Augusta
Vincent V Frounjian**

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15617 Juan Vargas and Anabely E Vargas

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: Three 2012 Utility refrigerated trailers with 2011 Thermo King SB210 refrigeration units, VINs: 1UYVS2532CU255889, 1UYVS2534CU255893 and 1UYVS2537CU255810 .

MOVANT: BMO HARRIS BANK NA

EH__

Docket 14

***** VACATED *** REASON: ORDER ENTERED 7/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Joint Debtor(s):

Anabely E Vargas

Represented By
Todd L Turoci

Movant(s):

BMO HARRIS BANK N.A.

Represented By
Raffi Khatchadourian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15512 Santiago Hernandez and Maria J Garcia Hernandez

Chapter 7

#5.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Ford F150, VIN 1FTEW1CG1FKE30751

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 9

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Santiago Hernandez

Represented By
Luis Aguilar

Joint Debtor(s):

Maria J Garcia Hernandez

Represented By
Luis Aguilar

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Santiago Hernandez and Maria J Garcia Hernandez

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15284 Adonis Francisco

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40215 Buckwood Way, Murrieta, CA 92562

MOVANT DEUTSCHE BANK TRUST COMPANY AMERICAS AS TRUSTEE

Also #7

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adonis Francisco

Pro Se

Movant(s):

Deutsche Bank Trust Company

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15284 Adonis Francisco

Chapter 13

#7.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8855 Tamberly Way, Unit #D, Santee, CA 92071

MOVANT: CU MEMBERS MORTGAGE

Also #6

EH ____

Docket 42

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request for relief pursuant to § 362(d)(4), based on unauthorized transfers of interest. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Adonis Francisco

Pro Se

Movant(s):

CU Members Mortgage

Represented By
Edward A. Treder
Darlene C Vigil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Adonis Francisco

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15178 Shelly Lynn Agnoletto

Chapter 7

#8.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: (2014 Buick Verano Vin # 1G4PP5SK5E4177872)

MOVANT: ALLY FINANCIAL INC

EH__

Docket 10

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shelly Lynn Agnoletto

Represented By
Daniel King

Movant(s):

Ally Financial Inc.

Represented By
Adam N Barasch

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15162 Mourence Eugene Burris

Chapter 7

#9.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 36405 Flower Basket Rd, Winchester CA 92596

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 10

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Mourence Eugene Burris

Represented By
Carey C Pickford

Movant(s):

Freedom Mortgage Corporation

Represented By
Nancy L Lee

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-15115 Kevin DeShawn Fowler

Chapter 7

#10.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 15125 Stable Lane, Victorville, CA 92394

MOVANT: MORTGAGE SOLUTIONS OF COLORADO LLC

EH ____

Docket 9

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 13.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Kevin DeShawn Fowler

Represented By
Stephen D Brittain

Movant(s):

Mortgage Solutions of Colorado,

Represented By
Daniel K Fujimoto
Caren J Castle

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-14774 Jose Luis B. Guerrero

Chapter 7

#11.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6927 Cypress Grove Dr., Riverside, CA 92506

MOVANT: WILMINGTON SAVINGS FUND SOCIETY, FSB

EH ____

Docket 23

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief from § 1301(a) stay because this is a Chapter 7 proceeding and, therefore, that section is inapplicable. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jose Luis B. Guerrero

Represented By
Gary S Saunders

Movant(s):

Wilmington Savings Fund Society,

Represented By
Kristin A Zilberstein

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-14757 Jason Ortega and Sally Michelle Ortega

Chapter 7

#12.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Ford Flex, VIN 2FMGK5B80FBA09972

MOVANT: CAB WEST LLC

EH__

Docket 17

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY
alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jason Ortega

Represented By
Todd L Turoci

Joint Debtor(s):

Sally Michelle Ortega

Represented By
Todd L Turoci

Movant(s):

Cab West LLC

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Jason Ortega and Sally Michelle Ortega

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-14300 Hector Comparan Sarabia

Chapter 7

#13.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 3010 Wollyleaf Ct Perris, California 92571

MOVANT: BANK OF AMERICA NA

EH__

Docket 22

***** VACATED *** REASON: CASE DISMISSED 8/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hector Comparan Sarabia

Pro Se

Movant(s):

Bank of America, N.A.

Represented By
Diana Torres-Brito

Trustee(s):

Robert Whitmore (TR)

Represented By
Cathy Ta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-14283 Jennifer A. Lawton

Chapter 7

#14.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 32081, Rosemary St, Winchester, CA 92596

MOVANT: PENNYMAC LOAN SERVICES LLC

EH__

Docket 24

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: Yes

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jennifer A. Lawton

Represented By
Steven E Cowen

Movant(s):

PennyMac Loan Services, LLC

Represented By
Kelsey X Luu
Jamie D Hanawalt

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-13906 Ruby Lee Frazier

Chapter 13

#15.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 BMW X1 Utility 4D 28i AWD

MOVANT: FINANCIAL SERVICE VEHICLE TRUST

EH__

Docket 30

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ruby Lee Frazier

Represented By
Michael R Totaro

Movant(s):

Financial Services Vehicle Trust

Represented By
Cheryl A Skigin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-13117 Gonzalo Aguilar and Diane Vick

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 5710 Dairy Avenue, Long Beach, CA 90805

MOVANT: U.S. BANK, N.A.

EH__

Docket 26

***** VACATED *** REASON: CASE DISMISSED 6/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gonzalo Aguilar Pro Se

Joint Debtor(s):

Diane Vick Pro Se

Movant(s):

U.S. Bank, N.A., successor trustee to Represented By
Nancy L Lee

Trustee(s):

Arturo Cisneros (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-12170 Pamela Ann Harris

Chapter 13

#17.00 CONT Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Honda Accord

MOVANT: FINANCIAL PARTNERS CREDIT UNION

From: 7/24/18

EH__

Docket 31

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Pamela Ann Harris

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-11636 Amanuel Montrell Bradberry and Katrina Lashall

Chapter 13

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Hyundai Sonata .

MOVANT: CONSUMER PORTFOLIO SERVICES INC

EH__

Docket 27

***** VACATED *** REASON: STIPULATED APO ENTERED 8/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanuel Montrell Bradberry

Represented By
Gary S Saunders

Joint Debtor(s):

Katrina Lashall Bradberry

Represented By
Gary S Saunders

Movant(s):

Consumer Portfolio Services, Inc.

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-11128 Gilbert D Olivares

Chapter 13

#19.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Chevrolet Camaro, VIN:
1G1FA1RX0G0189667

MOVANT: AMERICREDIT FINANCIAL SERVICES INC dba GM FINANCIAL

EH__

Docket 32

*** VACATED *** REASON: STIPULATED APO ENTERED 8/13/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert D Olivares

Represented By
Scott Kosner

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-10883 Alexander Joo

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7335 Laurel Ave, Fontana, CA 92335

MOVANT: NATIONSTAR MORTGAGE LLC dba MR COOPER

EH__

Docket 29

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (4). GRANT waiver of Rule 4001(a)(3) stay. DENY request for relief from § 1301(a) stay because this is a Chapter 7 proceeding. GRANT requests under ¶¶ 2, 3 and 10. DENY requests under ¶¶ 8 and 11 for lack of cause shown. DENY request under ¶ 14 because it does not request any relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alexander Joo

Pro Se

Movant(s):

The Bank of New York Mellon

Represented By
Nancy L Lee

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:18-10127 David H Yopp

Chapter 7

#21.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9823 Willowbrook Road, Riverside, CA 92509

MOVANT: HSBC BANK NATIONAL ASSOC AS TRUSTEE FOR WELLS FARGO ASSET SECURITIES CORP, MORTGAGE PASS-THROUGH

EH__

Docket 29

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. DENY request for relief from § 1301(a) stay as moot because this case has been converted to Chapter 7. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

David H Yopp

Represented By
Julie J Villalobos

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... David H Yopp

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:17-20372 Anna C. Hopson and George E. Hopson

Chapter 13

#22.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 34299 Lamborn St Temecula, CA 92592 Under 11 U.S.C. § 362

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

EH__

Docket 49

***** VACATED *** REASON: ORDER ENTERED 8/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna C. Hopson

Represented By
Julie J Villalobos

Joint Debtor(s):

George E. Hopson

Represented By
Julie J Villalobos

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:17-15809 Beatrice A Diaz

Chapter 7

#23.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 21 Del Brienza, Lake Elsinore, CA 92532

MOVANT: REO PROPERTIES GROUP, INC.; ALLCITY REAL ESTATE INC.

EH__

Docket 62

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court notes that the subject real property was abandoned by Trustee pursuant to the "Notice of Proposed Abandonment of Property of the Estate" [Dkt. No. 32]. The Court notes that the motion requests confirmation that no stay is in effect.

11 U.S.C. § 362(a) outlines the scope of the automatic stay. The eight enumerated categories of actions stayed fall into two categories: (1) actions against property of the estate; (2) and actions to enforce a prepetition interest or collect on a prepetition claim. Notably, the automatic stay does not bar the enforcement of a postpetition interest or claim when such enforcement action does not involve property of the bankruptcy estate.

Here, the real property at issue was abandoned by Trustee and is, therefore, not property of the bankruptcy estate. Movant is the purchaser of the real property at a postpetition Trustee's sale and, therefore, Movant's interest in the real property did not arise prepetition and could not have been enforced prepetition. As a result, none of the categories of stayed acts outlined in § 362(a) are applicable to this situation.

Pursuant to the above, the Court is inclined to GRANT the request in ¶ 3 and confirm that the automatic stay was never in effect with regard to Movant and the subject

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Beatrice A Diaz

Chapter 7

matter of the motion. All other requests in the motion are DENIED as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Beatrice A Diaz

Pro Se

Movant(s):

REO PROPERTIES GROUP, INC.;

Represented By
Stephen C Duringer

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:17-15475 Shane Morgan

Chapter 13

#24.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 124 Lansing St., Eaton Rapids, Michigan 48827

MOVANT: SETERUS, INC

EH ____

Docket 30

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.
DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shane Morgan

Represented By
Christopher Hewitt

Movant(s):

Seterus, Inc. as the authorized

Represented By
James F Lewin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:17-15100 Kingpouangphet Sangasy and Keooudone Phrakousonh

Chapter 13

#25.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 29976 Via Puesta Del Sol, Temecula, CA 92591

MOVANT: WELLS FARGO BANK NA

EH ____

Docket 28

***** VACATED *** REASON: ORDER ENTERED 7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kingpouangphet Sangasy

Represented By
James T Lillard

Joint Debtor(s):

Keooudone Phrakousonh

Represented By
James T Lillard

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
John Chandler
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#26.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: 2013 Ford Flex, VIN 2FMGK5D8XDBD09383

MOVANT: FORD MOTOR CREDIT COMPANY

EH__

Docket 127

***** VACATED *** REASON: ORDER ENTERED 8/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William A. Mendez II

Represented By
Thomas J Polis

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith
Jennifer H Wang

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:17-12700 Eugene Alexis Padilla

Chapter 13

#27.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 420 Fenmore Drive, Barstow, CA 92311

MOVANT: FREEDOM MORTGAGE CORPORATION

EH __

Docket 31

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Eugene Alexis Padilla

Represented By
John F Brady

Movant(s):

Freedom Mortgage Corporation, its

Represented By
Kristin A Zilberstein
Merdaud Jafarnia
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:16-14868 Richard M. Orellano, II and Tiffany Orellano

Chapter 13

#28.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: (2013 Hyundai Elantra Vin # 5NPDH4AE6DH366954)

MOVANT: ALLY FINANCIAL INC

EH__

Docket 65

***** VACATED *** REASON: ORDER ENTERED 8/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard M. Orellano II

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Tiffany Orellano

Represented By
Patricia M Ashcraft

Movant(s):

Ally Financial Inc.

Represented By
Adam N Barasch

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:16-12982 Edward A. Moore, Jr. and Carole Moore

Chapter 13

#29.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 27581 Graystone Ln, Murrieta, CA 92563

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward A. Moore Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Carole Moore

Represented By
Paul Y Lee

Movant(s):

U.S. BANK NATIONAL

Represented By
DeMarcus Jones
Kelsey X Luu

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:16-12191 Valicia LaShawn Fennell

Chapter 13

#30.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1330 W 30TH ST San Bernardino, CA 92405

MOVANT: WELLS FARGO BANK

From: 6/5/18, 7/10/18

EH__

Docket 66

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/9/18**

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Valicia LaShawn Fennell

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:16-10048 Margaret Crain

Chapter 13

#31.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3300 Mary Ellen Dr, Riverside, California 92509-0816

MOVANT: WELLS FARGO BANK, N.A.

From: 5/15/18, 6/26/18, 8/1/18

EH__

Docket 66

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Yes

Parties to apprise Court regarding extent of arrears and status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Margaret Crain

Represented By
Yelena Gurevich

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt
Jessica L Carter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Margaret Crain

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:15-16128 Delkys Hyde

Chapter 13

#32.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 35571 Sugar Maple St Murrieta, CA 92563

MOVANT: BANK OF AMERICA, N.A.

From: 4/24/18, 6/5/18, 7/24/18

EH__

Docket 41

***** VACATED *** REASON: WITHDRAWAL FILED 7/30/18**

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: Yes

On March 29, 2018, Debtor filed a Motion for Authority to Sell the Property. Debtor has indicated that he intends to pay off the Movant and remainder of the chapter 13 plan through escrow. The Trustee has recommended approval of the sale. The Court is inclined to CONTINUE the matter for 30 days for Debtor to finalize sale.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Delkys Hyde

Represented By
David L Nelson

Movant(s):

Bank of America, N.A.

Represented By
Bonni S Mantovani
S Renee Sawyer Blume
Alexander G Meissner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Delkys Hyde

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:15-15840 Omar Edwin Rivera

Chapter 13

#33.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 28864 Pasito Street, Nuevo, CA 92567

MOVANT: MIDFIRST BANK

EH__

Docket 50

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Omar Edwin Rivera

Represented By
Rhonda Walker

Movant(s):

MidFirst Bank

Represented By
Mary Jane Sarne
Joseph C Delmotte
Kelsey X Luu
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... Omar Edwin Rivera

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:15-14652 Donald Ray Eskridge

Chapter 13

#34.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 14798 Ladybird Lane, Victorville, CA 92394

MOVANT: PENNYMAC LOAN SERVICES, LLC

From: 6/20/18, 7/24/18

EH__

Docket 53

***** VACATED *** REASON: CONTINUED TO 10/2/18 AT 10:00 AM.**

Tentative Ruling:

TENTATIVE RULING:

Service: Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donald Ray Eskridge

Represented By
Paul Y Lee

Movant(s):

PennyMac Loan Services, LLC

Represented By
John D Schlotter
Karrollanne K Cayce
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:14-24084 Michael Lee Barnes and Belinda Ann Barnes

Chapter 13

#35.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 25917 Fran Lou Drive, Moreno Valley, CA 92557

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH __

Docket 114

***** VACATED *** REASON: ORDER ENTERED 8/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Lee Barnes

Represented By
Todd L Turoci

Joint Debtor(s):

Belinda Ann Barnes

Represented By
Todd L Turoci

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Leslie M Klott
Sheereen Middleton
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

6:14-12516 John Alexander Jay

Chapter 13

#36.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 45 Camino Real, Rancho Mirage, CA 92270

MOVANT: MTGLQ INVESTORS LP

From: 7/24/18

EH__

Docket 200

***** VACATED *** REASON: ORDER ENTERED 8/15/18**

Tentative Ruling:

TENTATIVE RULING:

7/24/2018

Service: Proper

Opposition: Yes

Debtor's confirmed plan provided for Debtor to surrender his interest in the real property at issue, and the plan does not treat Movant's claim. Therefore, as to Debtor, Movant has established cause for relief from the automatic stay.

As to Movant's request for relief from the co-debtor stay, the Court notes that the co-debtor at issue here, Debtor's former spouse, appears to have been served with the motion and failed to file opposition, which the Court can deem consent to the relief requested pursuant to Local Rule 9013-(1)(h). More importantly, 11 U.S.C. §1301(c) (2) provides that the Court must grant relief from the co-debtor stay if "the plan filed by the debtor proposes not to pay such claim." Therefore, relief from the co-debtor stay is appropriate.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

10:00 AM

CONT... John Alexander Jay

Chapter 13

Debtor(s):

John Alexander Jay

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

MTGLQ Investors, LP

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#37.00 Order (1) Setting Scheduling Hearing and Case Management Conference and
(2) Requiring Status Report

EH ____

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#38.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 5/8/18

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#39.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3095 Ocelot Circle, Corona, CA 92882

MOVANT: WELLS FARGO BANK, N.A.

From: 7/24/18

EH__

Docket 71

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2,3, and 12.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

#40.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 12/13/16, 3/7/17, 5/30/17, 7/25/17, 9/26/17, 10/31/17, 11/7/17, 5/15/18

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01109 David M. Goodrich, Chapter 11 Trustee v. Titanium Resource Company,

#41.00 CONT Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against Titanium Resource Company, Inc., a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 - preference, 13 Recovery of money/property - 548 fraudulent transfer

From: 7/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Titanium Resource Company, Inc., a

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01110 David M. Goodrich, Chapter 11 Trustee v. Larson, D.C., an individual

#42.00 CONT Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against John Larson, D.C., an individual. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers, Avoidance of Improper Distributions, and Unjust Enrichment and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 preference, 13- Recovery of money/property - 548 fraudulent transfer

From: 7/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

John Larson, D.C., an individual

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01111 David M. Goodrich, Chapter 11 Trustee v. American Express Company, a

#43.00 Status Conference RE: **3rd Party Complaint** [4] Answer to Complaint and Affirmative Defenses to Plaintiff's Complaint, and Third-Party Claim Against John C. Larson, Third-Party Complaint by American Express Company, a New York Corporation dba American Express, American Express Travel Related Services, Inc., a New York corporation dba American Express against John C. Larson

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

American Express Company, a New

Pro Se

American Express Travel Related

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01111 David M. Goodrich, Chapter 11 Trustee v. American Express Company, a

#44.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01111. Complaint by David M. Goodrich, Chapter 11 Trustee against American Express Company, a New York Corporation dba American Express, American Express Travel Related Services, Inc., a New York corporation dba American Express. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

From: 7/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

American Express Company, a New

Pro Se

American Express Travel Related

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01112 David M. Goodrich, Chapter 11 Trustee v. Source Medical Billing &

#45.00 CONT Status Conference RE: Complaint by David M. Goodrich, Chapter 11 Trustee against Source Medical Billing & Collection, Inc, a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer))

From: 7/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Source Medical Billing &

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01113 David M. Goodrich, Chapter 11 Trustee v. Netrova, Inc., a California

#46.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01113. Complaint by David M. Goodrich, Chapter 11 Trustee against Netrova, Inc., a California corporation. (Charge To Estate). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Werth, Steven)

From: 7/10/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Netreva, Inc., a California

Represented By
Lazaro E Fernandez

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#47.00 Motion for approval of chapter 11 disclosure statement

Also #48

EH__

Docket 78

Tentative Ruling:

8/21/18

I. PROCEDURAL BACKGROUND

On January 26, 2018, Markus Boyd ("Debtor") filed a Chapter 11 voluntary petition. On February 13, 2018, the Court entered an interim order approving use of cash collateral. On March 6, 2018, the Court entered orders (1) authorizing Debtor to provide adequate assurance of payment to utility service providers and; (2) approving a budget. On March 26, 2018, the Court authorized the employment of Nicholas Gebelt as counsel for Debtor. On April 26, 2018, the Court disallowed four claims of American Express (claim numbers 2 and 4-6).

On June 22, 2018, Debtor filed its disclosure statement and Chapter 11 plan. On August 7, 2018, UST filed a limited objection to Debtor's disclosure statement.

II. DISCLOSURE STATEMENT

In addition to the disclosure statement, the following exhibits are included: (1)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

"Treatment of Claims/Interests" (Exhibit A); (2) "Executory Contracts & Unexpired Leases" (Exhibit B); (3) "Cash Flow Projections" (Exhibit C); (4) "Recent Financial History" (Exhibit D); (5) "Secured Claims" (Exhibit E); (6) "General Unsecured Claims, in Class 4A or 4B" (Exhibit F); "Liquidating Analysis" (Exhibit G); "Endnotes/Continuation Sheets" (which includes a supplement) (Exhibit H). Debtor has used the Court's optional disclosure statement form and worksheets, and, therefore, the format of the disclosure statement is adequate.

The Chapter 11 Plan's proposed effective date is October 21, 2018. There are four classes of claims and four listed categories of unclassified claims¹:

- 1) Class 1: Arrears secured by real property -- \$174,971.67 claim, Debtor proposes to pay over 60 months. Debtor's Exhibit A contains a row for arrears on the second and third deeds of trust, but does not identify any amount owing.
- 2) Class 2: Additional claims secured by real property – Debtor lists three different claims within this class. Debtor proposes to continue paying his mortgage (identified as \$772,733.45)², over 230 months and at 2% interest. Debtor proposes to cure his delinquency on HOA dues over 60 months. Debtor has included a row for, presumably, future HOA dues but no amount is listed. Nor is it clear that this class is truly unimpaired.
- 3) Class 3: Priority claims: Debtor's plan does not list any claims in class 3
- 4) Class 4: General Unsecured – \$45,151.20, Debtor proposes to pay over 60 months.
 - 1) Type 1: UST fees (\$650) – paid in full on effective date
 - 2) Type 2: Taxes (IRS) – approximately \$80k, paid over 51 months
 - 3) Type 3: Taxes (FTB) –\$5,651.86, paid over 51 months
 - 4) Type 4: Nicholas Gebelt's fees (\$30k)—paid in full on effective date

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

5) Type 5: Accountant's fees – none listed

III. LEGAL ANALYSIS

A. Adequate Information

A Chapter 11 disclosure statement is required to contain "adequate information" pursuant to 11 U.S.C. § 1125(b). Section 1125(f)(2) provides that: "the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28." The Central District of California has devised a disclosure statement template, Form 3017-1.CH11.DISCLSR.STMT, which Debtor generally adopted as to format.

As to the substance of a disclosure statement, 11 U.S.C. § 1125(a)(1) defines "adequate information" as:

information of a kind, and in sufficient detail as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan, but adequate information need not include such information about any other possible or proposed plan and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

The type of information required varies with the circumstances. *See, e.g., In re Jeppson*, 66 B.R. 269, 292 (Bankr. D. Utah 1986) (listing nineteen categories of information commonly required); *see also In re Malek*, 35 B.R. 443, 443-44 (Bankr. E.D. Mich. 1983) (listing minimum requirements).

While Debtor has utilized Court approved forms and has clearly delineated the treatment of the varying claims, the disclosure statement simply lacks the information necessary to evaluate Debtor's financial situation and determine the probability of the plan's success. First of all, as noted by UST, Debtor's practice appears to have been not to withhold taxes on earned income. Second of all, the limited financial information provided by Debtor indicates his income fluctuates drastically. The four months of "recent financial history" (Exhibit D) including in the disclosure statement note the following monthly receipts:

- 1) \$4,559 (February) (the corresponding monthly operating report lists receipts of \$51.89)
- 2) \$32,591 (March)
- 3) \$15,541 (April)
- 4) \$35,626 (May)

Additionally, a monthly operating report for June, filed after the disclosure statement, identifies receipts in the amount of \$1,801.11. The limited financial history provided supports UST's assertion that: "Debtor's tax liabilities are a significant risk factor given that the monthly operating reports reflect that the Debtor averages between \$18-\$19,000 in monthly net income – much less than the \$30,000 reported in the Disclosure Statement's cash flow projections." Indeed, using that \$18-\$19,000 figure, if one assumes that the receipts are before tax and that Debtor will ultimately be unsuccessful in the pending adversary proceeding, it would appear that the proposed plan may be infeasible. In any event, the financial information provided in the disclosure statement is grossly inadequate for an evaluation of the prospects of the proposed plan. The information simply does not allow for a reasonably accurate estimation of Debtor's income and expenses moving forward.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 21, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#48.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/20/18

Also #47

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-11992 Sharon R. Walters

Chapter 7

#1.00 CONT Reaffirmation Agreement Between Debtor and JPMorgan Chase Bank
NA Re: 2015 Chrysler 200

From: 7/11/18

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon R. Walters

Represented By
Emilia N McAfee

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-13433 Ashley Rico

Chapter 7

#2.00 Reaffirmation Agreement Between Debtor and Wells Fargo Dealer Services re
2011 Hyundai Sonata

EH ____

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley Rico

Represented By
Terrence Fantauzzi

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-13538 Barbra Kyung Sook Kim

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Infiniti Financial Services; (14 INFINITI QX60 VIN# 5N1AL0MM6EC544920), In the amount of \$28,776.01

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbra Kyung Sook Kim

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-13717 Kim Michele Schroeder

Chapter 7

#4.00 Reaffirmation Agreement Between Debtor and American Honda Finance Corporation re 2018 Honda Civic

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kim Michele Schroeder

Pro Se

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-14102 Bertha Babcock

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation RE: 2018 Toyota Corolla

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bertha Babcock

Pro Se

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-14702 Brianna Lee Phye

Chapter 7

#6.00 Reaffirmation Agreement Between Debtor and Balboa Thrift & Loan re 2013
Toyota Tacoma Double Cab PreRunner Pickup 4D 6 ft

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brianna Lee Phye

Represented By
Christopher L Hoglin

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-15144 Rose Marie Kelly

Chapter 7

#7.00 Reaffirmation Agreement Between Debtor and VW Credit Inc re 2013 Volkswagen Jetta

Also #8

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rose Marie Kelly

Represented By
Daniel King

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

10:00 AM

6:18-15144 Rose Marie Kelly

Chapter 7

#8.00 Reaffirmation Agreement Between Debtor and Gateway One Lending & Finance
Re: 2012 Ford Truck F150 Pickup Supercrew FX2 2WD.

Also #7

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rose Marie Kelly

Represented By
Daniel King

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:18-15388 Cabrini Haynes

Chapter 7

#9.00 Order to show cause re dismissal for failure to comply with rule 1006(B) -
Installments

EH __

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cabrini Haynes

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:16-19150 Charles David Arthur and Claire Bigornia Blanza Arthur

Chapter 7

#10.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 70

Tentative Ruling:

08/22/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$6,083.61

Trustee Expenses: \$425.47

Accountant Fees: \$2,890.50

Accountant Costs: \$390.30

Attorney Fees: \$4,353.50

Attorney Costs: \$1,796.34

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Charles David Arthur

Represented By
Anerio V Altman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Charles David Arthur and Claire Bigornia Blanza Arthur

Chapter 7

Joint Debtor(s):

Claire Bigornia Blanza Arthur

Represented By
Anerio V Altman

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:17-19529 Daniel J. Clark and Sheryl J. Clark

Chapter 7

#11.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 33

Tentative Ruling:

08/22/2018

No opposition has been filed.

Service was Proper.

The Final Report of the Trustee has been set for hearing on sufficient notice. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 362.25

Trustee Expenses: \$ 29.40

The Final Report is approved and the trustee may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Daniel J. Clark

Represented By
Timothy S Huyck

Joint Debtor(s):

Sheryl J. Clark

Represented By
Timothy S Huyck

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Daniel J. Clark and Sheryl J. Clark

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:17-15809 Beatrice A Diaz

Chapter 7

#12.00 Order Setting for Hearing on Motion to Convert Case from Chapter 7 to 13

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beatrice A Diaz

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:18-15038 Maria E Sanchez

Chapter 7

#13.00 Motion to vacate dismissal

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria E Sanchez	Pro Se
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Movant(s):

Maria E Sanchez	Pro Se
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Trustee(s):

Arturo Cisneros (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-23186 Richard C Cox, Jr

Chapter 7

#14.00 Motion for Turnover of Insurance Renewal Commissions

EH __

Docket 150

***** VACATED *** REASON: CONTINUED TO 9/12/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard C Cox Jr

Represented By
Summer M Shaw

Movant(s):

Helen R. Frazer (TR)

Represented By
Leonard M Shulman
Brandon J Iskander
Lynda T Bui

Trustee(s):

Helen R. Frazer (TR)

Represented By
Leonard M Shulman
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#15.00 Motion to Disallow Claims No. 10 filed by Gouvis Engineering Consulting Group, Inc. as Not Allowable Against Estate

Also #16 - #20

EH__

Docket 108

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 10 ("Claim") of Gouvis Engineering Consulting Group, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, which is an entity that is not the Debtor and therefore is not entitled to allowance as a claim. The Objection was properly served and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Trustee has pointed to facts tending to defeat the claim by virtue of the fact that Claimant's own supporting documentation evinces a contractual relationship with Paul Minnick as representative of MCG Development Company, Inc., not on behalf of the Debtor. Absent evidence of a relationship between the Debtor and Claimant, the Claimant has failed to establish the existence of a claim against the Debtor's estate.

TENTATIVE RULING

The Court is inclined to SUSTAIN the Objection and DISALLOW Claim No. 10 in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC
its entirety.

Chapter 7

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#16.00 Motion to Disallow Claims No. 1 filed by Milligan Beswick Levine & Knox, LLP as Not Allowable Against the Estate

Also #15 - #20

EH__

Docket 98

***** VACATED *** REASON: CONTINUED TO 10/3/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#17.00 Motion to Allow Claim 3 filed by San Bernardino County Tax Collector as Fully Secured, Not Entitled to a Dividend

Also #15 - #20

EH__

Docket 100

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 3 ("Claim") of San Bernardino Tax Collector (the "Claimant"). The Trustee's Objection asserts that the Claim is fully secured and not entitled to a dividend from the Estate.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

TENTATIVE RULING

The supporting documentation indicates that the Claim is secured by vacant land in San Bernardino County. The Trustee requests that the Claim be allowed as fully secured but not entitled to a dividend from the estate. Based on the lack of prejudice to the Claimant and the Claimant's failure to file response or opposition which this Court deems as consent pursuant to LBR 9013-1(h), the Court is inclined to SUSTAIN the objection and ALLOW the Claim as a fully secured claim not entitled to a dividend.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#18.00 Motion to Allow Claim 7 filed by Norman A. Musselman as Fully Secured, Not Entitled to a Dividend

Also #15 - #20

EH__

Docket 102

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 7 ("Claim") of Norman Musselman (the "Claimant"). The Trustee's Objection asserts that the Claim is fully secured and not entitled to a dividend from the Estate.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

TENTATIVE RULING

The Claim indicates that it is secured by a Recorded Deed of Trust and Note and that the fair market value of the Property at issue exceeds the amount of the Claim such that it is fully secured. The Trustee requests that the Claim be allowed as fully secured but not entitled to a dividend from the estate. Based on the lack of prejudice to the Claimant and the Claimant's failure to file response or opposition which this Court deems as consent pursuant to LBR 9013-1(h), the Court is inclined to SUSTAIN the objection and ALLOW the Claim as a fully secured claim not entitled to a dividend.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#19.00 Motion to Disallow Claims No. 8 filed by Sake Consulting Engineers, Inc. as Not Allowable Against the Estate

Also #15 - #20

EH__

Docket 104

***** VACATED *** REASON: CONTINUED TO 9/26/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#20.00 Motion to Disallow Claims No. 9 filed by Erwin L. Seifert as Not Allowable Against the Estate

Also #15 - #19

EH__

Docket 106

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 9 ("Claim") of Erwin L. Seifert (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it regards an employment contract between Claimant and MCG Development. The Objection was properly served and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Trustee asserts that the Claim regards an employment contract between Claimant and MCG Development, not the Debtor. However, a separate Agreement dated May 27, 2014, between the Debtor and Claimant appears to indicate that although the employment contract was created between MDG Development and Claimant, the Debtor separately executed a Note and Deed of Trust in favor of Claimant to secure the obligations under the employment agreement in recognition that Claimant's employment contract with MDG was "for the benefit of Manors ...". (Objection at 18).

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

Based on the Agreement between Debtor and Claimant, which the Trustee has not addressed, the Court is inclined to **OVERRULE** the Objection without prejudice on the basis that the Agreement appears to form a basis for enforcement of the Claim against the Debtor's estate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27610 Baleine LP

Chapter 7

#21.00 Motion RE: Objection to Claim Number 1,5,8,11 by Claimant 1: Franchise Tax Board; Claimant 5: First Niagara Bank, NA; Claimant 8: First Niagara Bank, NA; Claimant 11: Franchise Tax Board

Also #22 & #23

EH__

Docket 513

Tentative Ruling:

08/22/2018

BACKGROUND:

Creditor Revere Financial Corporation ("RFC") filed its omnibus objection to Claim No. 1 and 11 of the Franchise Tax Board ("FTB") and to Claim No. 5 and 8 of First Niagara Bank ("FNB") on July 18, 2018 (the "Objection"). A response to the Objection was filed by FTB on August 8, 2018. On August 15, 2018, RFC filed its reply ("Reply"). FNB filed no opposition or response.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT...

Baleine LP

Chapter 7

giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

As a threshold matter, following the filing of Opposition by the FTB, RFC withdrew its Objection to the claims of the FTB in its Reply. The Objection is thus taken off calendar as to the FTB claims.

As to FNB, RFC has provided evidence to refute that FNB maintains any secured claims related to the real properties located at 1331 East Main Street, in Rochester, NY (the "Main Street Property") or 920 Winton Ave, in Rochester, NY (the "Winton Property") because the Baleine Trustee has sold these properties. FNB, for its part, received proper service and notice of the Objection but failed to respond or otherwise to amend its claim to indicate that following the sale anything remains of its claims. Here, given that RFC has provided evidence that the liens underlying Claims No. 5 and 8 were likely satisfied when the Main Street and Winton Properties were sold, the Court is inclined to SUSTAIN the Objection as to these claims and disallow them in their entirety.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Baleine LP

Chapter 7

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objections of RFC as to FNB, and DISALLOW Claims 5 and 8 of FNB in their entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Baleine LP

Represented By
Summer M Shaw

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr
Sue-Ann L Tran

Trustee(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27610 Baleine LP

Chapter 7

#22.00 Motion RE: Objection to Claim Number 4 by Claimant Home Depot Credit Services. and Request for Initial Status Conference

Also #21 & #23

EH__

Docket 510

Tentative Ruling:

08/22/2018

Given the lack of supporting documentation and failure of Home Depot to file opposition or response, which the Court deems as consent to the granting of the relief requested, pursuant to LBR 9013-1(h), the Court is inclined to SUSTAIN the Objection in its entirety.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Baleine LP

Represented By
Summer M Shaw

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr
Sue-Ann L Tran

Trustee(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27610 Baleine LP

Chapter 7

#23.00 Motion RE: Objection to Claim Number 2 by Claimant American Express Bank, FSB. and Request for Initial Status Conference

Also #21 & #22

EH__

Docket 507

Tentative Ruling:

08/22/2018

BACKGROUND:

Creditor Revere Financial Corporation ("RFC") filed its objection to Claim No. 2 of American Express Bank, FSB ("AMEX") on July 18, 2018 (the "Objection"). A response to the Objection was filed by the Chapter 7 trustee, Larry Simons ("Trustee") on August 8, 2018. On August 15, 2018, RFC filed its reply ("Reply").

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT...

Baleine LP

Chapter 7

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

AMEX filed Claim No. 2, an unsecured debt totaling \$4,768.94, for credit card charges on December 27, 2013. RFC objects to the claim on the following grounds:

1. There is insufficient supporting evidence to support the claim; and
2. The claim is likely an avoidable transfer.

RFC requests that pursuant to LBR 3007, the initial hearing be treated as a preliminary status conference to allow the parties with an opportunity to conduct discovery regarding disputed issues/facts.

The Trustee's Limited Opposition is limited to pointing out the de minimis amount of Claim No. 2 and to request that the Court not permit an extended briefing schedule.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Baleine LP

Chapter 7

Here, the Court finds that based on AMEX's failure to file opposition or response, which the Court deems as consent to the granting of the relief requested pursuant to LBR 9013-1(h), in addition to the insufficiency of the supporting documentation attached to the Claim, that the Objection should be sustained.

TENTATIVE RULING

For the forgoing reasons, the Objection is SUSTAINED in its entirety.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Baleine LP

Represented By
Summer M Shaw

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr
Sue-Ann L Tran

Trustee(s):

Larry D Simons (TR)

Represented By
Carmela Pagay
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27611 Douglas Jay Roger

Chapter 7

#24.00 Motion RE: Objection to Claim Number 5 by Claimant Frankel & Reichman, LLP.
and Request for Initial Status Conference

Also #25

EH__

Docket 974

Tentative Ruling:

08/22/2018

BACKGROUND:

Creditor Revere Financial Corporation ("RFC") filed its objection to Claim No. 5 of Frankel & Reichman, LLP ("F&R") on July 18, 2018 (the "Objection"). A response to the Objection was filed by the Douglas Jay Roger ("Debtor") on August 8, 2018 ("Response").

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... **Douglas Jay Roger**

Chapter 7

Fin., Inc., (In re Medina), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, based on the failure of F&R to file opposition or response which this Court deems as consent to the granting of the relief requested pursuant to LBR 9013-1(h).

TENTATIVE RULING

For the foregoing reasons, the Objection is SUSTAINED in its entirety.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Jay Roger

Chapter 7

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr
Sue-Ann L Tran
Jeanne C Wanlass

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27611 Douglas Jay Roger

Chapter 7

#25.00 Motion RE: Objection to Claim Number 11,13,14,15,21,24 by Claimant 11: Internal Revenue Service; Claimant 13: Franchise Tax Board; Claimant 14: Internal Revenue Service; Claimant 15: Employment Development Dept.; Claimant 21: Danny Joe Coats; and Claimant 24: Kajan Mather & Barish
Withdrawal of claim No. 14 Filed 8/8/18

Also #24

EH__

Docket 969

Tentative Ruling:

08/22/2018

BACKGROUND:

Creditor Revere Financial Corporation ("RFC") filed its omnibus objection on July 18, 2018 to the following claims:

1. Claim No. 15 of EDD for lack of evidence;
2. Claim No. 13 of the Franchise Tax Board ("FTB") for lack of evidence;
3. Claim No. 11-1 and 14 of the IRS for lack of evidence;
4. Claim No. 21 of Danny Coats as untimely; and
5. Claim No. 24 of Kajan Mather & Barish APC ("KMB") as untimely.

Responses to the Objection were filed by the Douglas Jay Roger ("Debtor"), the chapter 7 trustee, Helen Frazer ("Trustee"), and the United States of America ("IRS").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Jay Roger

Chapter 7

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

As a threshold matter, the Court agrees that the claims of Danny Coats and KMB were untimely filed after the February 25, 2014, deadline for filing proofs of claim. Additionally, neither party filed any opposition or response to the Objection. The Court is inclined to SUSTAIN the Objection disallowing Claim No. 21 and Claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Jay Roger

Chapter 7

No. 24 in their entirety. Additionally, as to the IRS, Claim No. 14 has been withdrawn as of August 8, 2018. As to the FTB, the Court agrees with RFC that Claim No. 22 of the FTB supersedes Claim No. 13 and thus pursuant to FRBP 3007(d)(3), Claim No. 13 shall be disallowed in its entirety.

Claim No. 15-1 of the EDD filed by the Debtor has no prima facie validity as it attached no supporting documentation and is silent as to the amount owed and relevant time period covered. Debtor has indicated that it will be withdrawing Claim No. 15 if no response is filed by the EDD. No response has been filed by the EDD.

Finally, as to Claim No. 11 of the IRS, the IRS has filed an amended claim (Claim 11-2) and thus RFC's objection regarding lack of evidence is moot. In its Reply, RFC requests that the Court stay proceedings on RFC's Objection to Claim No. 11, require Roger and the IRS to liquidate Claim 11-2 in the tax court, and order the chapter 7 trustee to hold any proposed distributions that the trustee intends to make to the IRS. These requests are not properly before the Court and as such, the Court need not rule on them at this time.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objection as to the following claims: Claim No. 21, Claim No. 24, and Claim No. 13. The Objection is OVERRULED as to Claim No. 11 and 14 as moot. Finally, as to Claim No. 15, the Objection is SUSTAINED based on the failure of EDD to file opposition or response which this Court deems as consent pursuant to LBR 9013-1(h) and based on the insufficiency of documentation.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas Jay Roger

Chapter 7

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr
Sue-Ann L Tran
Jeanne C Wanlass

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#26.00 Omnibus Objection by Revere Financial Corporation to Claim Number 6 by EDD; Claim Number 7 by State Board of Equalization; Claim Number 8 by FTB; and Claim Number 13 by KMB, because claims are untimely, lack evidence, and/or were satisfied/released/amended

Also #27 & #28

EH __

Docket 697

Tentative Ruling:

08/22/2018

BACKGROUND:

Creditor Revere Financial Corporation ("RFC") filed its omnibus objection on July 18, 2018 to the following claims:

1. Claim No. 6 of EDD for lack of evidence;
2. Claim No. 7 of the State Board of Equalization ("SBE") for lack of evidence;
3. Claim No. 8 of the Franchise Tax Board ("FTB") for lack of evidence; and
4. Claim No. 13 of Kajan, Mather, and Barish APC ("KMB") as untimely.

Response to the Objection was filed by the Douglas Jay Roger ("Debtor") on August 8, 2018.

APPLICABLE LAW:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

As a threshold matter, the Court agrees that the claim of KMB, filed on 09/28/2016, after the July 20, 2015, claims bar date must be disallowed as time barred. The Objection is thus SUSTAINED as to Claim No. 13.

As to the remaining claims of the SBE, FTB, and EDD (collectively, the "Claimants"). The Debtor filed its claims having failed to attach any supporting

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

evidence, having failed to specify any amount, and having failed to provide even a relevant time period for amounts incurred. Moreover, as underscored by RFC, the Claimants have had several years to amend and supplement their claims. In its limited opposition to the Objection, the Debtors only evidence to support the claims is an amended IRS claim which purportedly supports an inference that the Debtor must also owe monies to the Claimants. Debtor then asks this Court to continue the hearing for 90 days for resolution of the IRS claim which Debtor insinuates will permit calculation of the Claimants' claims. However, RFC makes a persuasive argument that Claimants filed no amendments following the IRS's initial filing of its amended claim on April 17, 2015, and there is no evidence to support a finding that Claimants are likely to supplement their claims now. The Claimants were properly served with the Objection and have remained silent, which the Court deems as consent to the requested relief. Based on the lack of prima facie evidence of validity as to the claims, RFC's Objection to the legal sufficiency of the claims is well taken and having failed to meet the Claimant's ultimate burden. As such, the Court is inclined to SUSTAIN the Objection as to Claimants and disallow Claim No.'s 6, 7 and 8 in their entirety.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objection in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Franklin R Fraley Jr**

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#27.00 Preliminary Objection by Revere Financial Corporation to Proof of Claim Number 4 by Claimant American Express Bank, FSB. and Request for Initial Status Conference

Also #26 & #28

EH __

Docket 694

Tentative Ruling:

08/22/2018

BACKGROUND:

Creditor Revere Financial Corporation ("RFC") filed its objection to Claim No. 4 of American Express Bank, FSB ("AMEX") on July 18, 2018 (the "Objection"). A response to the Objection was filed by AMEX on August 6, 2018. AMEX requests that the Court permit AMEX to withdraw its claim or, in the alternative, consents to the Objection being sustained.

TENTATIVE RULING

The Court is inclined to SUSTAIN the Objection based on AMEX's consent.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Michael S Kogan
George Hanover

Chapter 7

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

#28.00 Status Conference re: Second Joint Motion and Moving Memorandum by Chapter 7 Trustee and Revere Financial Corporation for Order Approving Settlement between Chapter 7 Trustee and Revere Financial Corporation

Also #26 & #27

EH __

Docket 521

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat
Adv#: 6:15-01303 Cisneros v. AMERICAN EXPRESS

Chapter 7

#29.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01303. Complaint by A. Cisneros against AMERICAN EXPRESS. (Charge To Estate \$350). For Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 1/13/16, 3/23/16, 5/25/16, 6/29/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17 9/13/17, 12/13/17, 2/14/18, 5/16/18, 6/11/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/28/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

AMERICAN EXPRESS

Represented By
Robert S Lampl
Chad V Haes

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#30.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/31/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Misty Perry Isaacson**

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01308 Cisneros v. BWI CONSULTING, LLC et al

#31.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01308. Complaint by A. Cisneros against BWI CONSULTING, LLC, Black and White, Inc., BLACK AND WHITE BILLING COMPANY, BLACK AND WHITE INK, MEHRAN DEVELOPMENT CORPORATION. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 1/13/16, 3/23/16, 5/25/16, 7/27/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18, 5/16/18, 6/11/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/28/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

BWI CONSULTING, LLC	Pro Se
Black and White, Inc.	Pro Se
BLACK AND WHITE BILLING	Pro Se
BLACK AND WHITE INK	Pro Se
MEHRAN DEVELOPMENT	Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01309 Cisneros v. DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN

#32.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01309. Complaint by A. Cisneros against DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential Transfer (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

DOUGLAS J. ROGER, M.D., INC.

Represented By
Summer M Shaw

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#33.00 CONT Status Conference RE: Amended Complaint (First) by Revere Financial Corporation and Jerry Wang, as State-Court Appointed Receiver by Franklin R Fraley Jr on behalf of Revere Financial Corporation, a California corporation against Revere Financial Corporation, a California corporation. (Attachments: # 1 Exhibit 1-8)

From: 4/25/18, 6/13/18

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 10/31/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By

Laurel R Zaeske

Arjun Sivakumar

Carmela Pagay

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01199 Revere Financial Corporation v. Bank of Southern California, N.A.

#34.00 CONT Status Conference RE: [60] Amended Complaint (Third) by Franklin R Fraley Jr on behalf of Revere Financial Corporation against Bank of Southern California, N.A.. (Fraley, Franklin)

From: 7/11/18

EH__

Docket 60

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Bank of Southern California, N.A.

Represented By
Kathryn M.S. Catherwood

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:13-30625 John Martin Mata

Chapter 7

Adv#: 6:18-01089 Mata et al v. National Collegiate Student Loan Trust 2006-1 et a

#35.00 CONT-Status Conference RE: [1] Adversary case 6:18-ap-01089. Complaint by John Martin Mata, Livier Mata against National Collegiate Student Loan Trust 2006-1, NATIONAL COLLEGIATE STUDENT LOAN TRUST 2006-4, National Collegiate Student Loan Trust 2007-1. (Charge To Estate) - Filing Fee Not Required. Determination of Discharge Under 11 U.S.C. Sect 523(a)(8) Nature of Suit: 63 - Dischargeability - 523(a)(8), student loan, 91 - Declaratory judgment

From: 6/27/18

EH ____

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Martin Mata

Represented By
Michael E Clark

Defendant(s):

National Collegiate Student Loan

Represented By
Damian P Richard

NATIONAL COLLEGIATE

Represented By
Damian P Richard

National Collegiate Student Loan

Represented By
Damian P Richard

Joint Debtor(s):

Livier Mata

Represented By
Michael E Clark

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... John Martin Mata

Chapter 7

Plaintiff(s):

John Martin Mata

Represented By
Michael E Clark
Austin C Smith

Livier Mata

Represented By
Michael E Clark
Austin C Smith

Trustee(s):

Helen R. Frazer (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:18-01096 Pringle v. Bank of the West

#36.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01096. Complaint by John Pringle against Bank of the West. (Charge To Estate). Complaint for: (1) Avoidance of Transfers Pursuant to 11 U.S.C. §§ 544(b)(and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05; (2) Avoidance of Transfers Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

From: 6/27/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 8/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Bank of the West

Pro Se

Plaintiff(s):

John Pringle

Represented By
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#37.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18, 3/21/18, 4/11/18, 6/13/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-15043 Sandra Lou Harter

Chapter 7

Adv#: 6:18-01040 Cisneros v. Harter et al

#38.00 CONT Status Conference Re: Complaint by A. Cisneros against Joseph Harter, Connie Flach, John Rose, Tammy Rose, Brennan Rose, KayLynne Rose. (Charge To Estate - \$350.00) .- Complaint for: 1) Declaratory Relief; 2) Turnover of Property; and 3) Sale of Interest of Co-Owner in Property of the Estate [11 U.S.C. §§ 363 and 542] - Nature of Suit: 91 - Declaratory judgment, 11 Recovery of money/property - 542 turnover of property, 31 - Approval of sale of property of estate and of a co-owner - 363(h)
(Defendant Connie Flach Dismissed 6/5/18)
(Defendant John Rose Dismissed 6/20/18)
(Defendant Tammy Rose Dismissed 6/20/18)
(Defendant Brennan Rose Dismissed 6/20/18)
(Defendant KayLynne Rose Dismissed 6/20/18)

From: 4/25/18, 6/27/18

EH__

Docket 1

Tentative Ruling:

08/22/2018

The Status Conference is CONTINUED to October 17, 2018, 2:00 p.m. per the Plaintiff's request for time to finalize a settlement.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Sandra Lou Harter

Represented By
Carey C Pickford

Defendant(s):

Joseph Harter

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Sandra Lou Harter

Chapter 7

Todd L Turoci

John Rose

Represented By
Dina Farhat

Tammy Rose

Represented By
Dina Farhat

Brennan Rose

Represented By
Dina Farhat

KayLynne Rose

Represented By
Dina Farhat

Plaintiff(s):

A. Cisneros

Represented By
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-19010 Sara Durham

Chapter 7

Adv#: 6:18-01020 SCE Federal Credit Union v. Durham

#39.00 CONT Status Conference Re: Complaint by SCE Federal Credit Union against Sara Durham. (14),(14A) priority tax claims)), 62 - Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud

From: 3/21/18, 6/27/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Durham

Represented By
Edgar P Lombera

Defendant(s):

Sara Durham

Pro Se

Plaintiff(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-19042 Trending Up

Chapter 7

Adv#: 6:18-01078 Simons (TR) v. Parks et al

#40.00 Motion for Default Judgment against Robert and Barbara Parks

Also #41

EH __

Docket 10

Tentative Ruling:

08/22/2018

BACKGROUND

On October 30, 2017, Trending Up ("Debtor") filed for chapter 7 relief. Larry Simons is the duly appointed chapter 7 trustee ("Trustee"). The Debtor's Statement of Financial Affairs indicates that transfers totaling \$36,000 were made to Mr. and Mrs. Parks (collectively, the "Parks" or "Defendants") of 975 Kostka Lane in Florissant, MO 63031 (the "Kostka Address").

On April 3, 2018, the Trustee filed suit against the Parks seeking avoidance and recovery of preferential transfers, preservation of the same, and disallowance of claims (the "Complaint"). On April 4, 2018, the Trustee filed his executed summons indicating service on the Parks at the Kostka Address. On May 17, 2018, the Trustee requested entry of default as against the Parks. The Clerk entered default on the same date. On July 30, 2018, the Trustee filed his Motion for Default Judgment (the "Motion").

On August 9, 2018, the Parks filed Opposition to the Motion ("Opposition"). On August 15, 2018, the Trustee filed his reply ("Reply").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Trending Up

Chapter 7

DISCUSSION

The Opposition asserts that the Trustee failed to obtain personal jurisdiction because he did not validly serve the Parks at their correct address. The Opposition underscores that Trustee realized he did not have their correct address because he later apparently served the Parks at their residence in early August.

FRBP 7004(b)(1) requires service of a summons and complaint by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession. Fed. R. Bankr. P. 7004. In their declaration, the Parks assert that they have never used the Kostka Address and that it has never been their work or home address. (Parks Decl.s).

In his Reply, the Trustee asserts that the address was served on the Parks based on the following facts: (1) the Debtor listed the Kostka Address on the SOFA; (2) Debtor's CEO, the daughter of the Defendants, confirmed that the address in the SOFA was accurate when she was questioned at the meeting of creditors; and (3) prior correspondence to the Kostka Address addressed to the Defendants was not returned, thus Trustee had reason to believe the address was accurate.

Here, the Trustee does not dispute that the Kostka Address is neither the Parks' residence nor that they are not employees or officers of the Debtor such that service on them at the Kostka Address could be proper under Rule 7004. Thus, based on the evidence presented by the Defendants, the Court finds that service of the summons and Complaint was improper. The Motion must be denied on that basis. However, as to dismissal of the case, the Trustee is correct that improper service does not require the court to dismiss an action where service may still be obtained given that the Trustee asserts the time limit for filing the action has not expired. *Grammenos v. Lemos*, 457 F.2d 1067, 1070 (2d Cir. 1972) (internal citations omitted).

Finally, the Opposition asserts that the Trustee's refusal to withdraw the Motion after being notified that he had improperly served the Parks, constitutes an

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Trending Up

Chapter 7

abuse of process. On these grounds, the Opposition seeks an award of fees and costs in an amount of \$1,200 for having had to file opposition to the Motion. However, pursuant to §105(a), the Court's inherent power to award sanctions requires that the litigant must have "engaged in bad faith or willful disobedience of a court's order." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45-47 (1991). In *Chambers*, the Court left no question that a court may levy fee-based sanctions when a party has acted in bad faith, vexatiously, wantonly, or for oppressive reasons, delaying or disrupting litigation, or has taken actions in the litigation for an improper purpose. Here, the record does not support a finding that the Trustee had the requisite bad faith. Instead, the Trustee relied upon the statements of the Parks' own daughter and on the bankruptcy petition in determining to serve the Defendants at the Kostka address. Moreover, the Court is not inclined to award fees on a request in an opposition to a motion. The Defendants are free to seek sanctions via request for an order to show cause pursuant to LBR 9020.

TENTATIVE RULING

For the foregoing reasons, the Motion is denied without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Trending Up

Represented By
Daniel King

Defendant(s):

Robert Parks

Represented By
Kathleen P March

Barbara Parks

Represented By
Kathleen P March

Movant(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Trending Up

Chapter 7

Larry D Simons (TR)

Pro Se

Plaintiff(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-19042 Trending Up

Chapter 7

Adv#: 6:18-01078 Simons (TR) v. Parks et al

#41.00 CONT Status Conference Re: Complaint by Larry D Simons (TR) against Robert Parks, Barbara Parks. (Charge To Estate) Nature of Suit: 12 - Recovery of money/property - 547 preference

From: 6/5/18

Also #40

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trending Up

Represented By
Daniel King

Defendant(s):

Robert Parks

Represented By
Kathleen P March

Barbara Parks

Represented By
Kathleen P March

Plaintiff(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:18-11717 Jordan Halston Amini

Chapter 7

Adv#: 6:18-01132 Marquez v. Amini

#42.00 Status Conference RE: [1] Adversary case 6:18-ap-01132. Complaint by Gustavo Marquez against Jordan Halston Amini . false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jordan Halston Amini Pro Se

Defendant(s):

Jordan Halston Amini Pro Se

Plaintiff(s):

Gustavo Marquez Represented By
Curtis M King

Trustee(s):

Steven M Speier (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#43.00 CONT Motion to Dismiss Adversary Proceeding

From: 7/11/18

Also #44

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#44.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Mina Farah against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18, 7/11/18

Also #43

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Wayne W Suojanen

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#45.00 CONT Motion to Dismiss Adversary Proceeding

From: 7/11/18

Also #46

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#46.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Anis Khalil against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18, 7/11/18

Also #45

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Wayne W Suojanen

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#47.00 Motion to Dismiss Adversary Proceeding for Failure to State A Claim

Also #48 & #49

EH__

Docket 27

Tentative Ruling:

08/22/2018

BACKGROUND

On December 8, 2017, Mark Bastorous and Bernadette Shenouda (collectively, "Debtors") filed their petition for chapter 7 relief. Subsequent to the filing, five adversary suits were filed by various plaintiffs alleging that the Debtors engaged in fraudulent business transactions in connection with their real estate business activities.

On March 12, 2018, the instant adversary proceeding ("Complaint") was filed by Chienan Chen and Chun-Wu Li ("Plaintiffs") against the Debtors and 3 Columnar Ladera LLC, Mike Bareh, and MB Capital Group LLC (collectively, "Defendants"). An amended complaint was filed by the Plaintiffs on April 8, 2018 (the "FAC"). On May 25, 2018, the after Defendants filed their first motions to dismiss, the parties stipulated to permit the filing of a Second Amended Complaint the ("SAC") and the motions to dismiss were taken off calendar. The SAC was filed on June 15, 2018.

On June 29, 2018, the Debtors filed a motion to dismiss the SAC ("Motion"). Plaintiffs filed their Opposition to the Motion on August 8, 2018 ("Opposition"). Debtors filed their reply on August 15, 2018 ("Reply"). The SAC seeks a determination of nondischargeability under §§ 523(a)(2)(A) and (a)(6).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

LEGAL STANDARD

In reviewing a motion to dismiss under Rule 12(b)(6), a court may only consider the complaint, documents incorporated by reference in the complaint, and matters of judicial notice. *United States v. Ritchie*, 342 F.3d 903, 908 (9th Cir. 2003). A court accepts the plaintiff's factual allegations in the complaint as true and construes them in the light most favorable to the plaintiff. *Shwarz v. United States*, 234 F.3d 428, 435 (9th Cir. 2000). "Dismissal can be based on the lack of a cognizable legal theory or the absence of sufficient facts alleged under a cognizable legal theory." *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1988).

Rule 12(b)(6) must be read in conjunction with Rule 8(a), which requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2); see *Ileto v. Glock*, 349 F.3d 1191, 1200 (9th Cir. 2003). "While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). To plead sufficiently, a plaintiff must proffer "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678. Accordingly, "where the claim is plausible—meaning something more than a sheer possibility, but less than a probability—the plaintiff's failure to prove the case on the pleadings does not warrant dismissal." *OSU Student All. v. Ray*, 699 F.3d 1053, 1078 (9th Cir. 2012) (internal quotation marks omitted).

Rule 9(b) of the Federal Rules of Civil Procedure ("Rule 9(b)") provides that "[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake." Fed. R. Civ. P. 9(b). This is because allegations of fraud "must be specific enough to give a defendant notice" of its allegedly fraudulent conduct so that the defendant "may defend against the charge." *MacDonald v. Ford Motor Co.*, 37 F. Supp. 3d 1087, 1092 (N.D. Cal. 2014) (citing *Semegen v. Weidner*, 780 F.2d 727, 731 (9th Cir. 1985)). As a general matter, allegations sounding in fraud "must satisfy the particularity requirement of Rule 9(b)." *Kearns v. Ford Motor Co.*, 567 F.3d 1120, 1125 (9th Cir. 2009) (citing *Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1103–04 (9th Cir. 2003).)

While Rule 9(b) requires that Plaintiffs allege fraud with particularity, "knowledge[] and other conditions of a person's mind may be alleged generally." Fed. R. Civ. P. 9(b). In other words, "[t]he requirements of Rule 9(b) may be 'relaxed as to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

matters peculiarly within the opposing party's knowledge,' if the plaintiffs cannot be expected to have personal knowledge of the facts prior to discovery." *In re Gupta Corp. Sec. Litig.*, 900 F. Supp. 1217, 1228 (N.D. Cal. 1994) (citing *Wool v. Tandem Computers, Inc.*, 818 F.2d 1433, 1439 (9th Cir. 1987).) Similarly, for allegations based upon "information and belief" to be facially plausible, either the facts on which the allegations are based must be "peculiarly within the possession and control of the defendant," or the belief must be "based on factual information that makes the inference of culpability plausible." *Vavak v. Abbott Labs., Inc.*, 2011 WL 10550065, at *2 (C.D. Cal. June 17, 2011) (quoting *Arista Records, LLC v. Doe 3*, 604 F.3d 110, 120 (2d Cir. 2010).) "To satisfy Rule 9(b), a pleading must identify the who, what, when, where, and how of the misconduct charged, as well as what is false or misleading about [the purportedly fraudulent] statement, and why it is false." *Mui Ho v. Toyota Motor Corp.*, 931 F. Supp. 2d 987, 992 (N.D. Cal. 2013) (quoting *Cafasso, United States ex rel v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1055 (9th Cir. 2011)) (internal quotation marks omitted) (formatting in original).

DISCUSSION

As a threshold matter, the Debtors assert that the SAC is insufficient because the Plaintiffs have not "made a connection to the underlying non-bankruptcy law cause of action supporting the request for money judgment". (Mot. at p. 5). The prayer for relief, however, belies Debtors' contention in that the Plaintiffs plainly seek a nondischargeability determination as to the debts represented by the \$150,000 and \$100,000 loans allegedly made by Chen and Li, respectively. Moreover, Counts 1 and 2 of the SAC explicitly make reference only to nondischargeability claims. However, the Debtors are correct that to the extent that the SAC seeks compensatory damages, the Court's eventual judgment will not award such fees absent a request for and determination regarding a money judgment. Absent such a request, the Court's final ruling shall be limited to the entry of a judgment as to the nondischargeability claims.

The remainder of the Motion asserts in generalized fashion that the SAC fails to plead sufficient factual content to support the claims under §§ 523(a)(2)(A) and (a) (6) arguing in essence that the SAC's failure to specifically enumerate how each allegation ties to the elements of the nondischargeability claims should be fatal. Here, the SAC plainly satisfies the Rule 8(a) and Rule 9 standards and sets forth a plain statement indicating how the Defendant Bastorous and his "alter ego" companies engaged in a scheme to induce investors into lending funds for real estate projects while omitting and/or misrepresenting the true uses of the funds loaned. The

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

allegations in the SAC plausibly assert that Bastorous and Bareh obtained the loans from Plaintiffs by misrepresentations, fraud and/or that they caused willful and malicious injury to the Plaintiffs.

Finally, the Court finds that the SAC only in conclusory fashion makes reference to Bernadett Shenouda. As such, the Court is inclined to GRANT the Motion as to Shenouda without prejudice. Additionally, although the SAC makes reference to § 523(a)(4) in ¶ 24, this claim is not otherwise referenced in the complaint and as such, the Court infers that the Plaintiffs opted not to pursue a claim for nondischargeability on this basis.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to DENY the Motion in its entirety as to Defendant Bastorous but to GRANT the Motion in its entirety as to Defendant Shenouda.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag
Jason E Goldstein

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#48.00 Motion to Dismiss Count Three of the Second Amended Complaint - the Sole Claim for Relief Alleged Against Mr. Bareh, or in the Alternative, Dismiss or Strike the Claim for Punitive Damages

Also #47 & #49

EH ____

Docket 32

Tentative Ruling:

08/22/2018

BACKGROUND

On December 8, 2017, Mark Bastorous and Bernadette Shenouda (collectively, "Debtors") filed their petition for chapter 7 relief. Subsequent to the filing, five adversary suits were filed by various plaintiffs alleging that the Debtors engaged in fraudulent business transactions in connection with their real estate business activities.

On March 12, 2018, the instant adversary proceeding ("Complaint") was filed by Chienan Chen and Chun-Wu Li ("Plaintiffs") against the Debtors and 3 Columnar Ladera LLC, Mike Bareh, and MB Capital Group LLC (collectively, "Defendants"). An amended complaint was filed by the Plaintiffs on April 8, 2018 (the "FAC"). On May 25, 2018, the after Defendants filed their first motions to dismiss, the parties stipulated to permit the filing of a Second Amended Complaint the ("SAC") and the motions to dismiss were taken off calendar. The SAC was filed on June 15, 2018.

On June 29, 2018, the Defendant Mike Bareh filed a motion to dismiss Count Three of the SAC ("Motion"). Plaintiffs filed their Opposition to the Motion on August 9, 2018 ("Opposition"). Defendant filed his reply on August 15, 2018

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

("Reply"). Count Three of the SAC seeks a judgment against Defendant and nondebtor Bareh finding fraud was committed against Plaintiffs and a money judgment in the amount of the total investment made by Plaintiffs plus interest and liability for violations of various Securities laws.

DISCUSSION

The burden of establishing subject matter jurisdiction rests on the party asserting that the court has jurisdiction. *McNutt v. GM Acceptance Corp.*, 298 U.S. 178, 182–83 (1936). Bankruptcy courts have subject matter jurisdiction over proceedings "arising under title 11, or arising in or related to cases under title 11." 28 U.S.C. § 1334(b); *see also id.* 28 U.S.C. § 157(b)(1). The Court has neither "arising under" nor "arising in" jurisdiction over Defendant Bareh because the claims asserted against him do not arise under title 11, nor are they created or determined by the bankruptcy code. Thus, the only possible basis for this Court's jurisdiction over Defendant Bareh is "related to" jurisdiction.

"A bankruptcy court's 'related to' jurisdiction is very broad, including nearly every matter directly or indirectly related to the bankruptcy." *Sasson v. Sokoloff (In re Sasson)*, 424 F.3d 864, 868 (9th Cir.2005) (internal quotation marks omitted).

The Ninth Circuit has adopted the definition of "related to" jurisdiction expressed by the Third Circuit in *Pacor, Inc. v. Higgins*, 743 F.2d 984, 994 (3rd Cir.1984). *See In re Fietz*, 852 F.2d 455, 457 (9th Cir.1988). Under that formulation, a civil proceeding is "related to" the bankruptcy if its outcome could conceivably have any effect on the bankruptcy estate. The proceeding need not be against the debtor or the debtor's property. It is sufficient if the "outcome could alter the debtor's rights, liabilities, options, or freedom of action (either positively or negatively) and which in any way impacts upon the handling and administration of the bankruptcy estate." *Fietz*, 852 F.2d at 457 (9th Cir.1988) (quoting *Pacor*, 743 F.2d at 994).

The United States Supreme Court has also recognized the definition of "related to" jurisdiction formulated in *Pacor*. The Court noted that although Congress intended the "related to" language to evidence a jurisdictional "grant of some breadth," it was not intended to be "limitless." *Celotex Corporation v. Edwards*, 514 U.S. 300, —, —,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

115 S.Ct. 1493, 1499, 131 L.Ed.2d 403 (1995).

Here, there is no evidentiary record to indicate what effect a ruling on the securities fraud claims might have on the Debtors' bankruptcy estate. The Debtors are named as defendants in the SAC but only as to the Plaintiffs' nondischargeability claims. There is no analysis of how judgment in favor of the Plaintiffs as against Bareh would have any impact on the substantive rights of the Debtors or the estate. *In re ACI-HDT Supply Co.*, 205 B.R. 231, 237 (9th Cir. BAP 1997). Plaintiffs have not demonstrated, for example, that Debtors could be bound by res judicata or collateral estoppel based on entry of judgment against Bareh on the claims asserted. Absent such analysis and evidence, the Plaintiffs have failed to meet their burden to establish this Court's subject matter jurisdiction over Bareh.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion as to Bareh and DISMISS Count 3. Dismissal is without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag
Jason E Goldstein

MB Capital Group LLC

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... **Mark Bastorous**
Bernadette Shenouda

Represented By
Thomas F Nowland

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mike Bareh

Represented By
Mirco J Haag
Jason E Goldstein

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#49.00 CONT Status Conference re Amended Complaint by Douglas L Mahaffey on behalf of Chienan Chen, Chun-Wu Li against Bernadette Shenouda, 3 Columnar Ladera LLC, Mike Bareh, Mark Bastorous, MB Capital Group LLC.

From: 5/9/18, 6/6/18

Also #47 & #48

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag
Jason E Goldstein

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#50.00 Motion to Dismiss Adversary Proceeding for Failure to State A Claim

Also #51

EH__

Docket 17

Tentative Ruling:

08/22/2018

BACKGROUND

On December 8, 2017, Mark Bastorous and Bernadette Shenouda (collectively, "Debtors" or "Defendants") filed their petition for chapter 7 relief.

On March 12, 2018, Mona and Rafet Gerges and St. Mary Properties, LLC (collectively, Plaintiffs") filed their complaint for dischargeability determination under §§ 523(a)(2), (a)(4), and (a)(6) and for a finding of Alter Ego liability and an award of attorneys' fees and costs (the "Complaint"). The Complaint alleges generally that the Plaintiffs made loans in the original amount of \$540,000 plus interest at 1.66% every six months (the "Advances") to Defendants' wholly owned entity, MRM Investment Group Inc. ("MRM") and by deposits with Defendants' wholly owned corporate entity Professional Investment Group, LLC ("PIG"), secured by real property located at 2311 S. 6th Avenue, Arcadia, CA 91006 (the "Arcadia Property").

The Court dismissed the Complaint with leave to amend on May 16, 2018. The First Amended Complaint was filed on June 15, 2018 (the "FAC"). On June 29, 2018, the Debtors filed their Motion to Dismiss the FAC ("Motion"). The Plaintiffs filed their Opposition on August 7, 2018 ("Opposition"). A reply by the Debtors was filed on August 15, 2018 ("Reply").

DISCUSSION

Civil Rule 12(b)(6) standards

Under Civil Rule 12(b)(6), made applicable in adversary proceedings through

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Rule 7012, a bankruptcy court may dismiss a complaint if it fails to "state a claim upon which relief can be granted." In reviewing a Civil Rule 12(b)(6) motion, the trial court must accept as true all facts alleged in the complaint and draw all reasonable inferences in favor of the plaintiff. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). However, the trial court need not accept as true conclusory allegations in a complaint or legal characterizations cast in the form of factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56, 127 S.Ct. 1955, 167 L.Ed.2d 929 (2007); *Hartman v. Gilead Scis., Inc. (In re Gilead Scis. Sec. Litig.)*, 536 F.3d 1049, 1055 (9th Cir. 2008).

To avoid dismissal under Civil Rule 12(b)(6), a plaintiff must aver in the complaint "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). It is axiomatic that a claim cannot be plausible when it has no legal basis. A dismissal under Civil Rule 12(b)(6) may be based either on the lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory. *Johnson v. Riverside Healthcare Sys.*, 534 F.3d 1116, 1121 (9th Cir.2008).

Rule 9(b)

Allegations regarding fraud are subject to a heightened pleading standard. Civil Rule 9(b), made applicable to adversary proceedings by Rule 7009, requires that a plaintiff must state "with particularity the circumstances constituting fraud...." The Ninth Circuit has provided guidance for the "with particularity" requirement by stating that to comport with Civil Rule 9(b) the complaint must (1) specify the averred fraudulent representations; (2) aver the representations were false when made; (3) identify the speaker; (4) state when and where the statements were made; and (5) state the manner in which the representations were false and misleading. *Lancaster Cmty. Hosp. v. Antelope Valley Hosp. Dist.*, 940 F.2d 397, 405 (9th Cir.1991).

Because fraud encompasses a wide variety of circumstances, the requirements of Civil Rule 9(b)—like Civil Rule 8(a)(2)—should provide all defendants with sufficient information to formulate a response. Therefore, the complaint cannot lump multiple defendants together but must "inform each defendant separately of the allegations surrounding [its] alleged participation in the fraud." *Swartz v. KPMB LLP*, 476 F.3d 756, 764–65 (9th Cir. 2007).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

However, in *Cooper v. Pickett*, 137 F.3d 616, 627 (9th Cir.1997), the Ninth Circuit acknowledged that "[e]very transaction alleged to be fraudulent does not have to be detailed in the complaint." Instead, the Rule 9(b) requirement is satisfied where the Complaint sets forth an explanation as to why the transactions were false or misleading. *See Cooper v. Pickett*, 137 F.3d at 625; *see also In re Dreier LLP*, 453 B.R. 499, 508-09 (Bankr. S.D.N.Y. 2011) ("Under appropriate circumstances, multiple transactions will be collapsed and treated as steps in a single transaction for analysis under the fraudulent conveyance laws.").

FRAUD AND WILLFUL AND MALICIOUS INJURY

Allegations regarding fraud or misrepresentation are subject to a heightened pleading standard. Civil Rule 9(b), made applicable to adversary proceedings by Rule 7009, requires that a plaintiff must state "with particularity the circumstances constituting fraud...." The Ninth Circuit has provided guidance for the "with particularity" requirement by stating that to comport with Civil Rule 9(b) the complaint must (1) specify the averred fraudulent representations; (2) aver the representations were false when made; (3) identify the speaker; (4) state when and where the statements were made; and (5) state the manner in which the representations were false and misleading. *Lancaster Cmty. Hosp. v. Antelope Valley Hosp. Dist.*, 940 F.2d 397, 405 (9th Cir.1991).

Because fraud encompasses a wide variety of circumstances, the requirements of Civil Rule 9(b)—like Civil Rule 8(a)(2)—should provide all defendants with sufficient information to formulate a response. Therefore, the complaint cannot lump multiple defendants together but must "inform each defendant separately of the allegations surrounding [its] alleged participation in the fraud." *Swartz v. KPMB LLP*, 476 F.3d 756, 764–65 (9th Cir. 2007).

In the FAC, Plaintiffs more clearly set forth that they were induced to invest in the Defendants' real estate enterprises based both on affirmative misrepresentations regarding the uses for which the Plaintiffs' investments would be employed by the Defendants. (FAC at ¶19) and based on omissions regarding material facts relevant to the transactions (FAC at ¶14) such as the failure to disclose that a Deed of Trust in favor of the Plaintiffs would be junior to another Deed of Trust (a fact which ultimately resulted in elimination of the Plaintiff's Deed of Trust via foreclosure. The

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

FAC also clarifies that with respect to the Office Property, that the Defendants allegedly knew but failed to disclose that there was a delinquency owed to Wells Fargo Bank, whose lien was senior in priority to the lien granted to the Plaintiffs. (FAC at ¶¶32-33). The FAC then goes on to detail at least three other instances in which Defendants failed to disclose material facts regarding other encumbrances on properties that were senior to the interests conveyed to Plaintiffs by the Defendants to secure loans from them.

In sum, the Court finds that the FAC sufficiently details facts which plausibly set forth claims for actual fraud/misrepresentation and willful and malicious injury under §§ 523(a)(2) and (a)(6).

DECLARATORY RELIEF and ATTORNEY FEES AND COSTS

The sole grounds advanced for dismissal of the Third and Fourth Claims is that assuming the Court dismisses the First and Second Claims, these claims cannot stand alone. Given that the Court is inclined to DENY the Motion as to the First and Second Claims, the Court also is inclined to DENY the Motion as to the Third and Fourth Claims for lack of cause shown.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to DENY the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#51.00 CONT Status Conference Re: Adversary case 6:18-ap-01064. Complaint by Mona Gerges, Rafet Gerges, St. Mary Properties, LLC against Mark Bastorous, Bernadette Shenouda. False pretenses, False representation, actual fraud, 67- Dischargeability - 523(a)(4); Fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), Willful and malicious injury

From: 5/9/18, 5/16/18, 7/11/18

Also #50

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01057 Whitson et al v. Bastorous

#52.00 CONT Status Conference RE: Adversary case 6:18-ap-01057. Complaint by Blaine Whitson, Susan Whitson, Union Home Loan Profit Sharing Plan, Gurpaljit Deoll, Benny Winefeld, RM Holdings, LLC against Mark Bastorous. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 5/9/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Blaine Whitson

Represented By
Benjamin Taylor

Susan Whitson

Represented By
Benjamin Taylor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 22, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Union Home Loan Profit Sharing

Represented By
Benjamin Taylor

Gurpaljit Deoll

Represented By
Benjamin Taylor

Benny Winefeld

Represented By
Benjamin Taylor

RM Holdings, LLC

Represented By
Benjamin Taylor

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01127 Tarhuni v. Lakeview Loan Servicing, LLC et al

#1.00 Motion to Dismiss Adversary Proceeding filed by Defendants Zieve, Brodnax & Steele, LLP; Les Zieve; John Steele; and Janaya Carter

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni Pro Se

Defendant(s):

Lakeview Loan Servicing, LLC Represented By
Jonathan C Cahill

FNF Servicing Inc Pro Se

Les Zieve Represented By
Jennifer Needs

John Steele Represented By
Jennifer Needs

Janaya Carter Represented By
Jennifer Needs

LoanCare, LLC Represented By
Jonathan C Cahill

Zieve, Brodnax & Steele, LLP Represented By
Jennifer Needs

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Melanie Tarhuni

Chapter 13

Movant(s):

Les Zieve

Represented By
Jennifer Needs

John Steele

Represented By
Jennifer Needs
Jennifer Needs

Janaya Carter

Represented By
Jennifer Needs
Jennifer Needs

Zieve, Brodnax & Steele, LLP

Represented By
Jennifer Needs

Plaintiff(s):

Melanie Tarhuni

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01129 Tarhuni v. Home Loan Investment Bank FSB et al

#2.00 Status Conference Re: Complaint (Fee Not Required) by Melanie Tarhuni against Home Loan Investment Bank FSB , US Department of Hud , Everett A Barton Jr. Nature of Suit: 21 - Validity, priority or extent of lien or other interest in property, 71 - Injunctive relief - reinstatement of stay, 91 - Declaratory judgment

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni	Pro Se
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Defendant(s):

Home Loan Investment Bank FSB	Represented By Angie M Marth
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US Department of Hud	Pro Se
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Everett A Barton Jr	Pro Se
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Plaintiff(s):

Melanie Tarhuni	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:14-25050 Gilbert Joe Holguin and Mary Cruz Holguin

Chapter 13

**#3.00 Motion To Waive Requirement of Application for Discharge for Debtor 1;
Declaration of Debtor 2 in Support**

EH__

Docket 32

Tentative Ruling:

8/23/18

BACKGROUND

On December 17, 2014, Gilbert & Mary Holguin ("Debtors") filed a Chapter 13 voluntary petition. On January 28, 2015, Debtors' Chapter 13 plan was confirmed.

On August 2, 2018, Debtors filed a motion to waive requirement of application for discharge for Gilbert Holguin ("Gilbert"). The motion indicates that Gilbert passed away in September 2016. On August 6, 2018, Trustee filed comments indicating approval on the condition that a death certificate be provided.

DISCUSSION

The material relief requested in the motion at issue is a request for certain discharge requirements, outlined in 11 U.S.C. § 1328, to be waived for Gilbert. One court, in considering the applicability of the § 1328 certification requirements to a deceased debtor, stated the following: "The fact that a debtor has died does not necessarily preclude entry of a discharge. However, for a discharge to be granted, a debtor must

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Gilbert Joe Holguin and Mary Cruz Holguin Chapter 13

still meet the requirements of 11 U.S.C. § 1328." *In re Bouton*, 2013 WL 5536212 at *1 (Bankr. S.D. Ga. 2013). The Court in *Bouton* avoided the requirements by noting that the instructional course requirement is waived for deceased debtors pursuant to § 109(h)(4).

11 U.S.C. § 1328(a) and (h) outline certain requirements which must be satisfied in order for a Chapter 13 debtor to obtain a discharge. 11 U.S.C. § 1328(a) states, in pertinent part:

- (a) Subject to subsection (d), as soon as practicable after completion by the debtor of all payments under the plan, and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid . . .

There does appear to be at least one bankruptcy court that specifically addressed the applicability of the § 1328(a) and (h) requirements to a deceased debtor in a jointly filed Chapter 13 case, *In re Levy*, 2014 WL 1323165 (Bankr. N.D. Ohio 2014). Notably, the Court stated the following:

Only two documents now stand between the deceased debtor and a discharge: the certifications regarding DSO obligations and § 1328(h). Since further administration was possible, the question becomes whether there is anything either so personal or unique about the end-of-case requirements to prevent either waiver or satisfaction of the requirements by another on behalf [of] a deceased debtor.

Id. at *2. Summarily, the court in *Levy* reached the following conclusion:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Gilbert Joe Holguin and Mary Cruz Holguin

Chapter 13

Since the § 1328(a) certification appears to fall under the latter category [not altering liability on a debt], the court finds no reason that the DSO certification requirement cannot be undertaken by another in appropriate circumstances. The requirement therefore does not impede "further administration" contemplated under Rule 1016.

Similarly, the court reaches the same conclusion about § 1328(h), albeit along slightly divergent reasoning.

Id. at *3. The Court agrees with the result reached in *Levy*. If the certification requirements imposed by § 1328 (a) & (h) invariably required an action to be taken by the debtor personally, the purpose of FED. R. BANKR. P. Rule 1016, which permits the continued administration of a Chapter 13 case when appropriate, would be frustrated.

Finally, the *Levy* stated the following:

For the purposes of filing end of the case documents, the court finds that a person with specific knowledge of the deceased debtor's finances may act on behalf of the debtor in completing the § 1328(a) and (h) certifications. To establish knowledge, the person must file an affidavit outlining a sufficient factual foundation in order to establish a fitting record.

Id. at *4. In accordance with *Levy*, the Court will not outright waive a requirement imposed by the Bankruptcy Code, but will allow the requirement to be satisfied by an individual with "specific knowledge of the deceased debtor's finances."

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Gilbert Joe Holguin and Mary Cruz Holguin

Chapter 13

In accordance with the above, the Court is inclined to GRANT the motion (assuming a death certificate is provided to the Chapter 13 Trustee) only to the extent of allowing a qualified individual to complete the § 1328 requirements on behalf of Debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gilbert Joe Holguin

Represented By
Sunita N Sood

Joint Debtor(s):

Mary Cruz Holguin

Represented By
Sunita N Sood

Movant(s):

Gilbert Joe Holguin

Represented By
Sunita N Sood

Mary Cruz Holguin

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:16-12349 Juventino Cabrera Ramos and Julie Ann Ramos

Chapter 13

#4.00 Debtor's Motion for Authority to Refinance Real Property LBR 3015-1(p)

EH ____

Docket 47

Tentative Ruling:

8/23/18

BACKGROUND

On March 16, 2016, Juventino & Julie Ramos ("Debtors") filed a Chapter 13 voluntary petition. On June 14, 2016, Debtors' Chapter 13 plan was confirmed.

On July 6, 2018, Debtors filed a motion for authority to refinance real property. Pursuant to the refinancing, Wells Fargo Bank, N.A. ("Wells Fargo"), the current holder of the first trust deed, will be paid in full, and American Pacific Mortgage will be granted a first trust deed securing a claim of \$364,672. On July 10, 2018, Trustee filed comments indicating approving. On July 19, 2018, Wells Fargo filed a conditional non-opposition. On August 2, 2018, Debtors set the matter for hearing.

DISCUSSION

Wells Fargo's conditional non-opposition contains the following conditions:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT...

Juventino Cabrera Ramos and Julie Ann Ramos

Chapter 13

- 1) Creditor's Claim shall be paid off in full before satisfying any other lien on the Property;
- 2) Creditor shall be permitted to submit an updated payoff demand to the applicable escrow or title company facilitating the refinance so that Creditor's Claim is paid in full at the time the refinance of the Property is finalized.
- 3) In the event that the refinance of the Property does not take place, Creditor shall retain its Lien for the full amount due under the Subject Loan; and
- 4) To the extent that the Debtors dispute any amounts which Creditor claims are owed on the Subject Loan, that the undisputed amount of Creditor's Claim be paid at the close of the refinance and for the disputed amount of Creditor's claim to be segregated in an interest bearing account with an additional \$10,000 in proceeds pending further Order of the bankruptcy court to allow for Creditor's potential recovery of any of its reasonable attorney's fees and costs incurred to the extent that Creditor successfully establishes its right to the disputed amount due on its Claim.

TENTATIVE RULING

The Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juventino Cabrera Ramos

Pro Se

Joint Debtor(s):

Julie Ann Ramos

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Juventino Cabrera Ramos and Julie Ann Ramos

Chapter 13

Movant(s):

Juventino Cabrera Ramos Pro Se

Julie Ann Ramos Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:16-14476 Juan Rene Fullen, Jr.

Chapter 13

#5.00 CONT Motion to Authorize Loan Modification (LMM) Agreement and Modify Loan on Real Property (LBR 9013-1 (o))

From: 7/19/18

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Rene Fullen Jr.

Represented By
Luis G Torres

Movant(s):

Nationstar Mortgage LLC

Represented By
Brandye N Foreman
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:17-11261 Ernie Macias

Chapter 13

#6.00 CONT Order to show cause why Alon Darvish should not be held in contempt of court pursuant to 11 U.S.C. Sect 105 and Federal Rule of Bankruptcy Procedure 9020

CASE DISMISSED 3/13/17

From: 11/30/17, 1/25/18, 4/12/18, 6/14/18

EH__

Docket 30

Tentative Ruling:

11/30/17

BACKGROUND

On February 21, 2017, Ernie Macias ("Debtor") filed his petition for chapter 13 relief. The Debtor's case was filed by Alon Darvish ("Darvish"). On March 13, 2017, the Debtor's case was dismissed for failure to file information.

On March 24, 2017, the Office of the United States Trustee ("UST") filed a Motion to Disgorge Attorney's Fees ("Disgorgement Motion"). On June 13, 2017, the Court granted in part and denied in part the UST's Disgorgement Motion (the "Disgorgement Order"). The Disgorgement Order required Darvish to file his disclosure of compensation, and to disgorge fees received from the Debtor back to him.

On September 20, 2017, the UST filed its Motion For An Order To Show Cause Why Alon Darvish Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020 (the "Motion for OSC"). The Motion for OSC specifically asserted that Darvish had failed to comply with any part of the Disgorgement Order. The UST's Motion for OSC further asserted that Darvish had repeatedly failed to disclose compensation and had been sanctioned for such conduct under similar circumstances in at least 6 other cases. (Motion for OSC at 9).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

On October 20, 2017, the Court granted the Motion for OSC and ordered Darvish to show cause why he should not be held in contempt (the "OSC"). Darvish filed his response to the OSC on November 16, 2017 ("Response"). On November 21, 2017, the UST replied to the Response.

DISCUSSION

In his Response, Darvish indicated that his practice includes the filing of skeletal petitions for chapter 13 debtors for the purpose of stopping foreclosures. He indicated that when such skeletal petitions are filed, his software does not file the Disclosure of Compensation. Darvish asserts that he is a solo practitioner who is overwhelmed and understaffed and who is trying to rectify the issues in his practice. In Reply, the UST objects particularly to Darvish's failure to outline specific steps he intends to take to remedy the issues at his firm. The UST is also concerned that Darvish has essentially admitted that his practice includes the filing of abusive petitions intended solely to avoid foreclosures. The UST requests that the Court continue the matter for Darvish to set forth specific remedial actions as ordered. The UST also requests that the Court separately consider whether a separate order to show cause is justified based on Darvish's inherently abusive prevention practice.

TENTATIVE RULING

The Court agrees with the UST that Darvish's explanation is insufficient. Darvish's Response indicates clearly the reason for the failure to file disclosure of compensation forms. Despite this fact, he does not explain the ongoing failure to file these forms, particularly where he has previously been sanctioned for failing to disclose his compensation. The ongoing failure to file required documents, despite having already been sanctioned, supports the UST's request for a specific plan of remediation. Absent such plan, Darvish may simply continue to rely on his thus far unreliable bankruptcy filing software.

Separately, the UST's concern regarding Darvish's practice of filing skeletal petitions is well-taken. In particular, if Darvish is advising his clients to file abusive petitions to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

delay foreclosure, such conduct may warrant further sanctions/discipline.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ernie Macias

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:17-12149 Irma Dalia Cantu

Chapter 13

#7.00 Motion to vacate dismissal

EH__

Docket 63

Tentative Ruling:

8/23/18

BACKGROUND

On March 18, 2017, Irma Cantu ("Debtor") filed a Chapter 13 voluntary petition. On June 15, 2018, Debtor's Chapter 13 plan was confirmed.

Three days later, Trustee filed a motion to dismiss for failure to submit tax returns or refunds. Debtor did not file an opposition to the motion. After no appearance was made on behalf of Debtor at the motion to dismiss, the case was dismissed on July 25, 2018.

The day before the case was formally dismissed, Debtor filed a motion to vacate a dismissal order which did not yet exist. On July 25, 2018, Trustee filed comments indicating conditional approval of the motion.

DISCUSSION

Debtor relies on FED. R. CIV. P. Rule 60(b)(1), incorporated into bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Irma Dalia Cantu

Chapter 13

proceedings by FED. R. BANKR. P. Rule 9024, which allows for relief from an order based on "mistake, inadvertence, surprise, or excusable neglect."

The legal basis for Debtor's assertion that the dismissal order should be vacated is that Debtor's counsel inadvertently did not appear at the hearing due to an office error. It is well established, however, that "an attorney's ignorance and carelessness does not provide grounds for Rule 60(b) relief." *In re Mercado*, 144 B.R. 879, 886 (Bankr. C.D. Cal. 1992) (citing *Bershad v. McDonough*, 469 F.2d 1333, 1337 (7th Cir. 1972)). And the mere assertion that counsel did not fulfill its duties, but that such carelessness was inadvertent, is clearly inadequate to support Rule 60(b) relief. *See, e.g., In re ACME Motors, Inc.*, 125 B.R. 702, 703 (Bankr. D.R.I. 1991).

"Rule 60(b) relief is extraordinary." *Id.* Yet, in this court, a request for relief from a Chapter 13 dismissal order has become ordinary. On occasion, the requests are legally sound. Here, however, the evidence provided simply indicates that Debtor's counsel did not attend the hearing for reasons that are unclear or unstated.

The Seventh Circuit has stated that:

[T]he clients are principals, the attorney is an agent, and under the law of agency the principal is bound by his chosen agent's deeds. The rule is that *all* of the attorney's misconduct (except in the cases where the act is outside the scope of employment or in cases of excusable neglect) becomes the problem of the client. A lawyer who inexcusably neglects his client's obligations does not present exceptional circumstances.

Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc., 570 F.3d 845, 848 (7th Cir. 2009). "Although attorney carelessness can [in certain circumstances] constitute 'excusable neglect' under Rule 60(b)(1), attorney inattentiveness to litigation is not excusable, no matter what the resulting consequences the attorney's somnolent

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Irma Dalia Cantu

Chapter 13

behavior may have on a litigant." *Easley v. Kirmsee*, 382 F.3d 693, 698 (7th Cir. 2004) (collecting cases).

TENTATIVE RULING

The Court is inclined to GRANT the motion conditioned on compliance with the Trustee's conditions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens

Movant(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:17-17934 Ignacio Figueroa and Nadia Elizabeth Figueroa

Chapter 13

#8.00 Motion RE: Objection to Claim Number 5 by Claimant Alderson Law Firm

EH__

Docket 41

Tentative Ruling:

8/23/18

BACKGROUND:

On September 21, 2017, Ignacio Figueroa ("Debtor") filed a Chapter 13 voluntary petition. On November 13, 2017, Debtor's Chapter 13 plan was confirmed.

The claims bar date was January 24, 2018. On June 11, 2018, Alederson Law Firm ("Creditor") filed an unsecured claim in the amount of \$240,402.04 ("Claim 5"). On June 29, 2018, Debtor filed an objection to Claim as untimely.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Ignacio Figueroa and Nadia Elizabeth Figueroa
upon a motion for relief. *Id.*

Chapter 13

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b)(9) provides that failure to timely file a claim is grounds for disallowance of the claim. Creditor cites § 726(a)(3) as a basis for allowance of a tardily filed claim, but that section is only applicable to Chapter 7 cases. Creditor's legal analysis refers to state law and state cases, which have no bearing on bankruptcy law and bankruptcy cases.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Ignacio Figueroa and Nadia Elizabeth Figueroa

Chapter 13

The Court will SUSTAIN the objection and DISALLOW Claim 5 in its entirety.

APPERANCES REQUIRED.

Party Information

Debtor(s):

Ignacio Figueroa

Represented By

Ghada Helena Philips

Joint Debtor(s):

Nadia Elizabeth Figueroa

Represented By

Ghada Helena Philips

Movant(s):

Ignacio Figueroa

Represented By

Ghada Helena Philips

Nadia Elizabeth Figueroa

Represented By

Ghada Helena Philips

Ghada Helena Philips

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

#9.00 Application for Compensation/Amended Application (related document(s): 138 Application for Compensation for additional legal fees incurred and Notice of Motion for Caroline S Kim, Debtor's Attorney, Period: 12/12/2017 to 6/29/2018, Fee: \$12,986.00, Expenses: \$. filed by Debtor Sean Phillip Coy) and Notice of Amended Application for Attorney Fees

CASE DISMISSED 7/11/18

Also #10 & #11

EH__

Docket 144

Tentative Ruling:

8/23/18

On December 13, 2017, Sean Coy ("Debtor") filed a Chapter 13 voluntary petition. Ultimately, on July 11, 2018, the case was dismissed. Subsequent to dismissal, Debtor's counsel, Kim Law Group, P.C. ("Counsel") filed three separate fee applications relating to three different legal matters. On July 24, 2018, Trustee filed comments requesting a hearing on all three applications, although Trustee did not indicate its position on the requested fees.

I. *Fee Application #1* (Dkt. No. 138, amended by Dkt No. 142, then withdrawn by Dkt. No. 143, then amended against by Dkt. No. 144):

It appears that this application requests fees relating to two categories: (1) basic services; and (2) non-basic services. Counsel states that Debtor agreed to pay \$6,000 pursuant to the RARA but has, to date, only paid \$1,036, leaving \$4,964 unpaid. Counsel also requests an additional \$3,745 for non-basic services, billed at a rate of \$350/hour. The Court notes that, pursuant to the RARA filed in this case [Dkt. No. 32], Debtor agreed to pay \$6,000 for basic services, and the guidelines permit a maximum fee of \$6,000 for basic

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT...

Sean Phillip Coy

Chapter 13

services. In the absence of any opposition to this request, given that the amount requested falls within the range permitted by this district, and given the billing records submitted as Attachment A to the application, the Court is inclined to approve the \$4,964 fees requested for basic services.

The second categories of fees requested, fees for non-basic services, relate to fees related to work on a pending adversary proceeding. The Court notes that Debtor was not a party in the adversary proceeding; instead, both parties in the adversary proceeding were lienholders, although Debtor was directly involved in the discovery conducted. Nevertheless, Counsel billed \$1,575 for review of pleadings filed in the case. Given that Debtor was not a party in the adversary proceeding, the Court finds these "review" entries to be unreasonable. The Court is inclined to approve the remaining \$2,170 in fees which were related to discovery in the proceeding.

II. Fee Application #2 (Dkt. No. 145)

The second fee applications requests \$1,250 for a motion to avoid lien (Dkt. No 46). The Court notes that the amount requested is the presumptively reasonable fee in the Court Manual. In the absence of any opposition to this request, the Court is inclined to approve the presumptively reasonable request of \$1,250.

III. Fee Application #3 (Dkt. No. 146)

The third fee application requests \$2,378.96 for an opposed motion to avoid lien (Dkt. No. 111). The Court has reviewed Counsel's billing entries and, in the absence of any opposition to this request, the Court is inclined to approve this fees in their entirety.

Tentative Ruling:

The Court is inclined to approve the fees requested in docket number 144 in a reduced amount of \$7,134, and approve the second and third fee applications in their entirety.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Sean Phillip Coy

Chapter 13

APPERANCES REQUIRED.

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

#10.00 Application for Compensation for additional legal fees incurred and Notice of Motion for Caroline S Kim, Debtor's Attorney, Period: to, Fee: \$1250.00

CASE DISMISSED 7/11/18

Also #9 & #11

EH__

Docket 145

Tentative Ruling:

See #9

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:17-20229 Sean Phillip Coy

Chapter 13

#11.00 Application for Compensation for additional Legal Fees and Notice of Motion for Caroline S Kim, Debtor's Attorney, Period: 6/1/2018 to 6/28/2018, Fee: \$2,378.00

CASE DISMISSED 7/11/18

Also #9 & #10

EH__

Docket 146

Tentative Ruling:

See #9

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Movant(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-10761 Ronald Wayne Cloyd

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18, 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-11640 Zuleima Rosado

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zuleima Rosado

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:14-20002 Steven W Moll

Chapter 13

#14.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH __

Docket 98

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven W Moll

Represented By
Gary J Holt

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:14-22637 Michelle Ann Maki

Chapter 13

#15.00 Motion for Hardship Discharge

EH __

Docket 63

Tentative Ruling:

8/23/18

BACKGROUND

On February 2, 2012, Michelle Maki ("Debtor") filed a Chapter 13 voluntary petition. On February 9, 2015, Debtor's Chapter 13 plan was confirmed. Subsequently, there were two orders to modify the plan.

On May 21, 2018, Debtors filed a motion for hardship discharge. The basis for the hardship discharge is that Debtor's cousin, who had been contribution \$1,200 to Debtor as a joint-tenant at Debtor's residence, passed away on October 12, 2017. On May 22, 2018, Trustee filed an objection to the motion. On July 23, 2018, Debtor filed a reply.

DISCUSSION

11 U.S.C. § 1328(b) states:

(b) Subject to subsection (d), at any time after the confirmation of the plan and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT...

Michelle Ann Maki

Chapter 13

after notice and a hearing, the court may grant a discharge to a debtor that has not completed payments under the plan only if –

- (1) the debtor's failure to complete such payments is due to circumstances for which the debtor should not justly be held accountable;
- (2) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 of this title on such date; and
- (3) modification of the plan under section 1329 of this title is not practicable.

The first and third standard are discretionary standards. The second standard is a mechanical standard referred to as the "best interests of creditors test". Debtors stated they have met the test because their Chapter 13 plan indicates that Chapter 7 liquidation would not result in any payment to unsecured creditors. Trustee disputes this assertion, arguing that Debtor's second property, located in Arizona, was undervalued on the schedules, and, therefore, there is nonexempt equity available for distribution to unsecured creditors in a hypothetical Chapter 7 proceeding. While Debtor's reply provides significant documentation, the material provided is less than clear and is not authenticated. Therefore, the Court would require clear evidence of the value of the property located at 2245 Del Rey Dr., Bullhead City, AZ 86442.

Trustee argues that "Debtor has failed to demonstrate that the proposed failure to complete payments under the plan is due to circumstances for which the debtor should not be held accountable." The loss of income is, in this situation, clearly a factor beyond Debtor's control. The evidence provided in the motion, however, fails to establish any steps taken by Debtor to remarket the property which was the basis for the rental income. Such evidence would be required to establish that the first prong has been satisfied.

Trustee also argues that "Debtor has failed to demonstrate that modification of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT...

Michelle Ann Maki

Chapter 13

plan under 11 U.S.C. 1329 is not practicable." The Court notes that the motion, as an attachment, contains amended Schedules I/J, however, those schedules were not filed separately on the docket. Furthermore, as noted by Trustee, the home costs outlined on Schedule J contradict the home costs identified in the motion's declaration. For these reasons, the Court concludes that the third prong has not been satisfied at this time.

Trustee also argues that Debtor has failed to provide copies of her 2017 tax returns. The Court notes that there is a pending motion to dismiss on that basis currently set for November 8, 2018. Compliance with this duty would be a prerequisite to any hardship discharge.

Trustee argues that Debtor is asking in bad faith because she was previously permitted to retain tax refunds through a stipulation. The Court disagrees on this point. The order approving the stipulation essentially modified the terms of the plan. Functionally, this stipulation resulted in the equivalent of a suspension of plan payments, to be paid through the plan at a later date. There is no clear reason why such deferred payments would have to be reimbursed prior to a hardship discharge being granted. The failures regarding the reduced mortgage payment, however, do appear to suggest bad faith.

Last, the Court does not accept that a failure of a third party to make "contributions" is a circumstance for which a debtor should not be held accountable for purposes of 11 U.S.C. § 1328(b).

TENTATIVE RULING

The Court is inclined to DENY the motion without prejudice.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Ann Maki

Chapter 13

Debtor(s):

Michelle Ann Maki

Represented By
Joel M Feinstein

Movant(s):

Michelle Ann Maki

Represented By
Joel M Feinstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-13172 Michelle Cadena Quinn

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-13483 JUANITA M ROMERO

Chapter 13

#17.00 CONT Confirmation of Chapter 13 Plan

From: 6/28/18, 8/2/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

JUANITA M ROMERO

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14014 Maggie Ruth Thomas

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maggie Ruth Thomas

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14015 Clinton Jay Blankenship

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clinton Jay Blankenship

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14020 Patricia Ann Cook

Chapter 13

#20.00 Motion to Avoid Judicial Lien with Adobe Springs Village HOA

Also #21

EH__

Docket 21

Tentative Ruling:

8/23/2018

The Court is inclined to DENY the motion for failure to establish that the secured claim of Adobe Springs Village HOA is "a lien on an interest of the debtor in property." Specifically, the Court notes that the abstract of judgment attached to the motion indicates that the defendant is an individual named "Steven M. Caldwell"—who is not the Debtor in the instant case. Additionally, the Court notes that the exhibits to the motion are not authenticated.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Patricia Ann Cook

Represented By
Brad Weil

Movant(s):

Patricia Ann Cook

Represented By
Brad Weil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Patricia Ann Cook

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14020 Patricia Ann Cook

Chapter 13

#21.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18, 7/19/18

Also #20

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Cook

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14053 Wallace Stanton Miles

Chapter 13

#22.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wallace Stanton Miles

Represented By
Stuart G Steingraber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14135 William Meineke and Kathie Meineke

Chapter 13

#23.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Meineke

Represented By
Todd B Becker

Joint Debtor(s):

Kathie Meineke

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14164 Charles Williams, III

Chapter 13

#24.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Williams, III

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14336 Peter Najim

Chapter 13

#25.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14337 Jose Velasco and Lilian Micaela Velasco

Chapter 13

#26.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Velasco

Represented By
Daniel King

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14394 Xavier Cristobal Luna

Chapter 13

#27.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier Cristobal Luna

Represented By
Roberto Gil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#28.00 CONT Motion for Setting Property Value re Creditor Bank of the West

From: 8/2/18

Also #29

EH__

Docket 15

Tentative Ruling:

08/02/18

BACKGROUND

On May 31, 2018, Gabriel and Jeneke Blanco (collectively, "Debtors") filed their petition for chapter 13 relief. Among the assets of the estate is a 2015 Heartland North Trail Caliber Series M-33BKSS (the "RV"). On June 15, 2018, the Debtors filed their Motion to Value the RV ("Motion"). No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the RV's value, and thus its secured portion, should be determined to be \$24,575, with an unsecured deficiency claim for \$5,047.70. In support the Debtor asserts that he consulted the NADA Guide. However, a copy of the NADA Guide report was not attached. Nor did the Debtors attach a Certificate of Title indicating the identity of the lienholder or a statement regarding the balance owed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

As Claimant, Bank of the West, filed Proof of Claim No. 8-1, the Court can overcome the necessity of a Certificate of Title or statement regarding the balance owed. However, to meet their evidentiary burden, the Debtors must provide admissible evidence of the NADA guide report they consulted to determine the value of the RV.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to CONTINUE the Motion for Debtors to file and serve a supplemental Debtor declaration providing evidence of the NADA guide report consulted to establish fair market value.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gabriel Agustin Blanco	Represented By Norma Duenas
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Joint Debtor(s):

Jeneke Nicole Blanco	Represented By Norma Duenas
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Movant(s):

Gabriel Agustin Blanco	Represented By Norma Duenas
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Jeneke Nicole Blanco	Represented By Norma Duenas
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#29.00 CONT Confirmation of Chapter 13 Plan

From: 8/2/18

Also #28

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Joint Debtor(s):

Jeneke Nicole Blanco

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14723 Jose Luis Tijerina and Carmen Xochitl Tijerina

Chapter 13

#30.00 Motion For Order Compelling Attorney to File Disclosure Of Compensation;
Declaration of Abram Feuerstein

CASE DISMISSED 7/9/18

Also #31

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Tijerina

Represented By
Roberto Gil

Joint Debtor(s):

Carmen Xochitl Tijerina

Represented By
Roberto Gil

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14723 Jose Luis Tijerina and Carmen Xochitl Tijerina

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

Also #30

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Tijerina

Represented By
Roberto Gil

Joint Debtor(s):

Carmen Xochitl Tijerina

Represented By
Roberto Gil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14725 Percylyn Agustin Basa

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Percylyn Agustin Basa

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14758 Romeo Labastida

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Labastida

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14761 Reginald D. Caldwell

Chapter 13

#34.00 Motion for Order Determining Value of Collateral re 2016 Ford Fusion

Also #35

EH __

Docket 13

Tentative Ruling:

8/23/2018

BACKGROUND

On June 4, 2018, Reginald Caldwell ("Debtor") filed a Chapter 13 voluntary petition. Among the assets of the estate is a 2016 Ford Fusion (the "Property"). On July 17, 2018, Debtor filed a motion to determine the value of the property. No opposition has been filed.

Debtor's motion contends that the value of the Property is \$11,587, leaving an unsecured portion of \$15,662. On August 7, 2018, Wells Fargo Bank filed a proof of claim ("Claim 7"), identifying a claim in the amount of \$28,263.17, of which \$11,650 is identified as secured.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

CONT... Reginald D. Caldwell Chapter 13

the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtors assert that the Property's value, and thus its secured portion, should be determined to be \$11,587, with an unsecured deficiency claim for \$15,662. In support of its valuation, Debtor has provided an "expert" declaration, with the declaration coming from a paralegal at Debtor's counsel's firm.

Given the absence of opposition to the motion, and the fact that Wells Fargo has already filed a proof of claim which identifies a value of the Property nearly identical to the proposed amount, the Court is inclined to accept Debtor's valuation of \$11,587. The Court notes, however, that because the instant motion is not a claim objection, Wells Fargo's Claim 7 governs as to the amount of the total claim, and, thus, the unsecured portion.

Therefore, Claim 7 will be treated as a secured claim in the amount of \$11,587, and an unsecured claim in the amount of \$16,676.17.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Reginald D. Caldwell

Represented By
Patricia M Ashcraft

Movant(s):

Reginald D. Caldwell

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14761 Reginald D. Caldwell

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

Also #34

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reginald D. Caldwell

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lamar Ramon Benjamin

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14773 Juan I. Gallardo

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan I. Gallardo

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14775 Ann Marie Pearson

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ann Marie Pearson

Represented By
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14790 Jorge Avendano Sosa

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Avendano Sosa

Represented By
Jaime A Cuevas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14798 Valerie A. Marrs

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Valerie A. Marrs

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14814 Bernice D Johnson

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernice D Johnson

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14816 Daniel W. Sargent

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel W. Sargent

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14833 Miguel Cisneros

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Cisneros

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14836 Omar Rosales

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Omar Rosales

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14849 Pedro Ramirez

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Ramirez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14850 Florence M Rodriguez

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Florence M Rodriguez

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14855 Gregory Scott Curtis

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Scott Curtis

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14867 Richard Cornelius and Naomi Rodriguez-Cornelius

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Cornelius

Represented By
Paul Y Lee

Joint Debtor(s):

Naomi Rodriguez-Cornelius

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14868 Michael J Soriano

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael J Soriano

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14869 Xavier Ramirez and Ana Ramirez

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier Ramirez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Ana Ramirez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14886 Kimberly Michelle Giron

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Michelle Giron

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14911 Charles Anthony Amendola

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Anthony Amendola

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14926 Maria A Cabello

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria A Cabello

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14940 Daniel Davison

Chapter 13

#54.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Davison

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14943 Diana Rios Garcia

Chapter 13

#55.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana Rios Garcia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-14949 Alice Chow

Chapter 13

#56.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice Chow

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15004 Sheikh Azeem Akhtar

Chapter 13

#57.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheikh Azeem Akhtar

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15007 Corinthia A. Williams

Chapter 13

#58.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15020 Miriam Torres

Chapter 13

#59.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miriam Torres

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15033 Victor Portillo

Chapter 13

#60.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Portillo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15049 Marc Streage and Nicole Miller

Chapter 13

#61.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Streage

Pro Se

Joint Debtor(s):

Nicole Miller

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15051 Rueben Anthony Castro and Adrian Marie Castro

Chapter 13

#62.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rueben Anthony Castro

Represented By
Nicholas M Wajda

Joint Debtor(s):

Adrian Marie Castro

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:00 AM

6:18-15057 Jason Lawrence Hignite and Violet Sandy Hignite

Chapter 13

#63.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Lawrence Hignite

Represented By
Nicholas M Wajda

Joint Debtor(s):

Violet Sandy Hignite

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:13-18728 Jeanette Johnson

Chapter 13

#64.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 72

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeanette Johnson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:13-26237 Carlos Vincent Valdez and Grace G. Valdez

Chapter 13

#65.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Vincent Valdez

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Grace G. Valdez

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:14-13510 Carmen Lucia Mendez

Chapter 13

#66.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Lucia Mendez

Represented By
Sara E Razavi
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#67.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 218

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:15-17922 Homer Wilson and Evelyn Wilson

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 114

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Homer Wilson

Represented By
Leonard J Cravens

Joint Debtor(s):

Evelyn Wilson

Represented By
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:15-20062 Lilia Iveth Fong

Chapter 13

#69.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lilia Iveth Fong

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:15-20998 Eric Kissell

Chapter 13

#70.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Kissell

Represented By
William J Howell

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-10319 Otis Easter

Chapter 13

#71.00 Trustee's Motion to Dismiss Case

EH__

Docket 130

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Otis Easter

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-12453 Michael Joseph Fodor

Chapter 13

#72.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Joseph Fodor

Represented By
Michael R Totaro
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-13030 Richard Hill Lindsay and Laura Lee Lindsay

Chapter 13

#73.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 109

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Hill Lindsay

Represented By
Emilia N McAfee

Joint Debtor(s):

Laura Lee Lindsay

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#74.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-14987 Susana Olga Corona

Chapter 13

#75.00 Trustee's Motion to Dismiss Case re Delinquency

Also #76

EH__

Docket 117

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susana Olga Corona

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-14987 Susana Olga Corona

Chapter 13

#76.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18

Also #75

EH__

Docket 113

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susana Olga Corona

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-15902 Dinari Williams and Chandra Denman-Williams

Chapter 13

#77.00 Trustee's Motion to Dismiss Case

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dinari Williams

Represented By
Emilia N McAfee

Joint Debtor(s):

Chandra Denman-Williams

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-16946 Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

#78.00 Trustee's Motion to Dismiss Case

EH ____

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elliott Howard Blue Jr

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Yvette Blue

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-17031 Anderson L Pepper

Chapter 13

#79.00 Trustee's Motion to Dismiss Case (Delinquency)

Also #80

EH__

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-17031 Anderson L Pepper

Chapter 13

#80.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18

Also #79

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-18009 Carlos Garcia

Chapter 13

#81.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 90

***** VACATED *** REASON: CASE DISMISSED 8/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Garcia

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-18621 John Wesley Wilson, Jr. and Michelle Janet Wilson

Chapter 13

#82.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Wesley Wilson Jr.

Represented By
Julie J Villalobos

Joint Debtor(s):

Michelle Janet Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-19240 Octavio Rubio Mata

Chapter 13

#83.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/2/18

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Octavio Rubio Mata

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#84.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-10082 Francisco R Palacios

Chapter 13

#85.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 152

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco R Palacios

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-11010 Gary F Pico and Mercedes P. Pico

Chapter 13

#86.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary F Pico

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Mercedes P. Pico

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#87.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce Howard Ruggles

Represented By
John F Brady

Joint Debtor(s):

Ann Marie Ruggles

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-11538 Michael Ray Sandoval

Chapter 13

#88.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Ray Sandoval

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-12647 Joseph V. Lessa and Nichole Alyce Lessa

Chapter 13

#89.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph V. Lessa

Represented By
Paul Y Lee

Joint Debtor(s):

Nichole Alyce Lessa

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-13107 Angel Benavidez

Chapter 13

#90.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angel Benavidez

Represented By
William P Mullins

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-13539 Albert Granados

Chapter 13

#91.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Albert Granados

Represented By
Jonathan D Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-13607 Fernando Ramos

Chapter 13

#92.00 CONT Trustee's Motion to Dismiss Case

From: 8/2/18

EH__

Docket 68

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/21/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Ramos

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-13729 Paula Rosales

Chapter 13

#93.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paula Rosales

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-13923 Suzanne Berry

Chapter 13

#94.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Suzanne Berry

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-14187 Andre J Booker and Carrie L Booker

Chapter 13

#95.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre J Booker

Represented By
Paul Y Lee

Joint Debtor(s):

Carrie L Booker

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#96.00 Trustee's Motion to Dismiss Case

EH __

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos
Jenny L Doling

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-15347 Susan Violet Guillot

Chapter 13

#97.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

***** VACATED *** REASON: CASE DISMISSED 8/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Violet Guillot

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-15646 Elida Soto

Chapter 13

#98.00 Trustee's Motion to Dismiss Case re Delinquency

Also #99

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elida Soto

Represented By
William G Cort

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-15646 Elida Soto

Chapter 13

#99.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18

Also #98

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elida Soto

Represented By
William G Cort

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#100.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-16409 Jesse Norman Dofelmire and Roucelle Frias Dofelmire

Chapter 13

#101.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesse Norman Dofelmire

Represented By
Carey C Pickford

Joint Debtor(s):

Roucelle Frias Dofelmire

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-17189 Earma Denise Young Washington and Marvin Ray

Chapter 13

#102.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Earma Denise Young Washington

Represented By
Brad Weil

Joint Debtor(s):

Marvin Ray Washington

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-17197 Jose Munguia Valencia

Chapter 7

#103.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 116

***** VACATED *** REASON: CASE CONVERTED TO CH 7 ON 7/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Munguia Valencia

Represented By
Patricia A Mireles

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-17502 Ray Valdepena, III

Chapter 13

#104.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ray Valdepena III

Represented By
Ryan A. Stubbe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-17612 Jose Guadalupe Sandoval

Chapter 13

#105.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Guadalupe Sandoval

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-18316 Julio C. Davila

Chapter 13

#106.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 79

***** VACATED *** REASON: CASE DISMISSED 8/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio C. Davila

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#107.00 Trustee's Motion to Dismiss Case

EH ____

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-18777 Josephine Theobald

Chapter 13

#108.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Josephine Theobald

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-19790 Angel Rodriguez

Chapter 13

#109.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angel Rodriguez

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-19853 Diego Lopez

Chapter 13

#110.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diego Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:17-20434 Michelle Singleton

Chapter 13

#111.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Singleton

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-10261 Nereeka Tamar Haynes

Chapter 13

#112.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/13/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nereeka Tamar Haynes

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-10741 Santiago A. Anonical, Jr. and Shallee V Anonical

Chapter 13

#113.00 CONT Trustee's Motion to Dismiss Case

From: 8/2/18

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Shallee V Anonical

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-10873 Evan Todd Flynn and Elizabeth Flynn

Chapter 13

#114.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 85

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Evan Todd Flynn

Represented By
Emilia N McAfee

Joint Debtor(s):

Elizabeth Flynn

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino

Chapter 13

#115.00 Trustee's Motion to Dismiss Case re Delinquency

Also #116

EH __

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-10900 Geth-Rang Jr. Takawo and Michelle Kiklang Bernardino Chapter 13

#116.00 CONT Trustee's Motion to Dismiss Case re Tax Return Refunds

From: 7/23/18

Also #115

EH__

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Geth-Rang Jr. Takawo

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Michelle Kiklang Bernardino

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-11770 Raymond Burrola and Estela Burrola

Chapter 13

#117.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Burrola

Represented By
Elena Steers

Joint Debtor(s):

Estela Burrola

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 23, 2018

Hearing Room 303

11:01 AM

6:18-12189 Keely J Barrett

Chapter 13

#118.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keely J Barrett

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:12-27192 Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

#1.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 28114 Championship Dr, Moreno Valley, CA 92555

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

From: 11/28/17, 1/23/18, 3/6/18, 4/10/18, 6/5/18, 7/10/18

EH__

Docket 100

Tentative Ruling:

11/28/2017
Service: Proper
Opposition: Yes

Debtors have provided evidence that regular payments were made between May 2016 and November 1, 2017 (with the exception of the August 2016 and December 2016 payments for which Debtors are seeking evidence). Exhibit 5, which is the Movant's summary of post-petition payments reflects numerous debits for 2016 payments which appears to corroborate Debtors' assertion that refunds were made due to a mix-up in payments being made by the Trustee's office.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Achilles A. LaSalle Jr.

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Elsie LaSalle

Represented By
Lazaro E Fernandez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

CONT... Achilles A. LaSalle, Jr. and Elsie LaSalle

Chapter 13

Movant(s):

HSBC Bank USA, National

Represented By
Armin M Kolenovic
Debbie Hernandez
Rosemary Allen
Jamie D Hanawalt

Trustee(s):

Amrane (RS) Cohen (TR)

Represented By
Amrane (RS) Cohen (TR)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:14-16994 Yolanda Llamas

Chapter 13

#2.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1345 West F Street, Ontario, CA 91762

MOVANT: WELLS FARGO BANK

From: 6/26/18, Adv fr. 8/31/18, 8/1/18

EH__

Docket 38

***** VACATED *** REASON: ORDER ENTERED 8/24/18**

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Yolanda Llamas

Represented By
Rebecca Tomilowitz

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

CONT... Yolanda Llamas

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:16-19207 Marquis Vincent Campbell

Chapter 13

#3.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 179 State Highway 173, Lake Arrowhead, CA 92352

MOVANT: HSBC BANK USA, N.A.

From: 6/13/18

EH__

Docket 66

***** VACATED *** REASON: CASE DISMISSED 6/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marquis Vincent Campbell

Represented By
Eliza Ghanooni

Movant(s):

HSBC BANK (USA) N.A.

Represented By
April Harriott
Matthew R. Clark III
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:17-16164 William Richard Newborg and Serina Rae Newborg

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Chevrolet Equinox, VIN: 2GNALAEK0E1148227

MOVANT: ACAR LEASING LTD DBA GM FINANCIAL LEASING

EH__

Docket 51

***** VACATED *** REASON: ORDER ENTERED 8/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Richard Newborg

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Serina Rae Newborg

Represented By
Ramiro Flores Munoz

Movant(s):

ACAR Leasing LTD dba GM

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:17-17197 Jose Munguia Valencia

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1094 Award Avenue, Colton, CA 92324

MOVANT: TRINITY FINANCIAL SERVICES, LLC

EH__

Docket 127

Tentative Ruling:

08/28/2018

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jose Munguia Valencia

Represented By
Patricia A Mireles

Movant(s):

Trinity Financial Services LLC

Represented By
Richard J Reynolds
Rafael R Garcia-Salgado

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:17-18106 Hugo Sanchez Cruz

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Nissan Versa, VIN: 3N1BC1CP5CK273661

MOVANT: AMERICREDIT FINANCIAL SERVICES INC DBA GM FINANCIAL

EH__

Docket 39

Tentative Ruling:

08/28/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT relief from the § 1301 co-debtor stay

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Hugo Sanchez Cruz

Represented By
James Geoffrey Beirne

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:17-19771 Patricia Anne Goffney

Chapter 7

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 6161 El Reposo Street San Bernardino, CA 92252

MOVANT: NATIONSTAR MORTGAGE LLC

From: 7/31/18

EH__

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Anne Goffney

Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Nancy L Lee

Trustee(s):

Arturo Cisneros (TR)

Represented By
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-10355 Heeyoung Lee Rhee

Chapter 7

#8.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43928 Brookhaven Court, Temecula Area, CA 92592

MOVANT: BANK OF NEW YORK MELLON

From: 6/26/18

EH__

Docket 20

Tentative Ruling:

08/28/2018

Service is Proper

Opposition: Withdrawn

GRANT relief from the stay under § 362(d)(1). DENY pursuant to § 362(d)(1) for lack of cause shown. GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

6/26/2018

Service is Proper

Opposition: Yes

Pursuant to § 541, Debtor's interest in her real property became property of the estate upon the commencement of the bankruptcy proceeding notwithstanding Debtor's indication on her statement of intention that she intended to surrender the property. Pursuant to Trustee's opposition, Trustee believes that there is sufficient equity in the property for it to be administered and Trustee has begun taking steps to do so. As

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

CONT... Heeyoung Lee Rhee

Chapter 7

such, the Court is inclined to CONTINUE the hearing for Trustee to market the property.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Heeyoung Lee Rhee

Pro Se

Movant(s):

Bayview Loan Servicing, LLC, as

Represented By
Nancy L Lee

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-10864 Jesus Manuel Remigio

Chapter 13

#9.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: Timeshare interest, 133 Vacation Points

MOVANT: DPM ACQUISITION LLC

EH ____

Docket 40

Tentative Ruling:

08/28/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT as to relief from § 1301 co-debtor stay

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jesus Manuel Remigio

Represented By
Nicholas M Wajda

Movant(s):

DPM Acquisition, LLC

Represented By
Thomas R Mulally

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-12170 Pamela Ann Harris

Chapter 13

#10.00 CONT Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Honda Accord

MOVANT: FINANCIAL PARTNERS CREDIT UNION

From: 7/24/18, 8/21/18

EH__

Docket 31

***** VACATED *** REASON: ORDER ENTERED 8/24/18**

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Pamela Ann Harris

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-13172 Michelle Cadena Quinn

Chapter 13

#11.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 3656 N. Valley Court, San Bernardino, CA 92407

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION

From: 6/13/18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Movant(s):

Seterus, Inc. as the authorized

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-13775 Maria D Lopez Ramirez

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 1272 82nd Avenue, Back Unit, Oakland, CA 94621

MOVANT: U.S. BANK TRUST N.A.

EH__

Docket 17

Tentative Ruling:

08/28/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request for annulment of stay to validate postpetition acts. GRANT request as to ¶ 9 except that the request is granted "on recording".

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Maria D Lopez Ramirez

Represented By
Edgar P Lombera

Movant(s):

U.S. BANK TRUST, N.A., AS

Represented By
Randall D Naiman

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-13906 Ruby Lee Frazier

Chapter 13

#13.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 30902 Clubhouse Dr., Unit 27D, Laguna Niguel, CA 92677

MOVANT: THE BANK OF NEW YORK MELLON

EH __

Docket 36

Tentative Ruling:

08/28/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request for waiver of co-debtor stay. GRANT as to ¶¶ 3 and 12. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ruby Lee Frazier

Represented By
Michael R Totaro

Movant(s):

THE BANK OF NEW YORK

Represented By
Angie M Marth
Wendy A Locke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-15624 Hugo Perez

Chapter 7

#14.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2008 Weekend Warrior SLC3905, VIN:
5HRSS39358C022072

MOVANT: SANTANDER CONSUMER USA, INC.

EH __

Docket 21

Tentative Ruling:

08/28/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. Request for APO is DENIED.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Hugo Perez Pro Se

Movant(s):

Santander Consumer USA Inc., an Represented By
Jennifer H Wang

Trustee(s):

Arturo Cisneros (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-15850 Restart Solar, LLC

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: (2016 Chevrolet Colorado Vin # 1GCGSBE32G1239741

MOVANT: ALLY FINANCIAL INC

EH__

Docket 4

Tentative Ruling:

08/28/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Restart Solar, LLC

Represented By
Sunil A Brahmhatt

Movant(s):

Ally Financial Inc.

Represented By
Adam N Barasch

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

10:00 AM

6:18-16178 Eriberto A. Sandoval

Chapter 13

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 HONDA CIVIC, VIN: 19XF B2F5 4FE2 31485

MOVANT: HONDA LEASE TRUST

EH__

Docket 12

Tentative Ruling:

8/28/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#17.00 Motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Federal Insurance Co., et al vs. AMJ Plumbing Specialist, docket number BC649108; Los Angeles Superior Court, Los Angeles

MOVANT: FEDERAL INSURANCE COMPANY AND LEXINGTON INSURANCE COMPANY

EH __

Docket 162

Tentative Ruling:

08/28/2018

Service is Improper

Opposition: None

The Court finds that the attachment to the proof of service provides insufficient evidence of the parties served with the Motion and the manner of service. The Court is inclined to CONTINUE the hearing on the Motion to September 25, 2018, at 2:00 p.m. for Movant to file and serve an Amended Notice of Motion and Motion with notice of the continued hearing date and a properly completed proof of service. The deadline for Movant to file the amended pleadings is September 3, 2018.

APPEARANCES WAIVED.

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

Movant(s):

Emporium Hardwoods Operating

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

CONT... AMJ Plumbing Specialists Corp.

Susan M Benson

Chapter 11

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#18.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2017 NISSAN NV200, VIN #
3N6CM0KN1HK693415

MOVANT: NISSAN- INFINITI LT

EH__

Docket 78

*** VACATED *** REASON: ORDER ENTERED 8/27/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

Movant(s):

NISSAN-INFINITI LT.

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#19.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#20.00 CONT Emergency Motion for Order Authorizing Debtor to Honor Pre-Petition Contracts and Make Payments in the Ordinary Course of Business
FINAL HEARING

From: 7/17/18, 7/31/18

Also #21 & #22

EH ____

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#21.00 CONT Emergency Motion for Order (A) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service; and (B) Deeming Utilities Adequate Assured of Future Performance Pursuant to 11 U.S.C. Section 366

From: 7/17/18

Also #20 & #22

EH ____

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, August 28, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#22.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

Also #20 & #21

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:11-12704 Jason Lopez and Julie Lopez

Chapter 7

#1.00 Motion to Avoid Judicial Lien with Citibank National Association

EH__

Docket 43

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of Citibank National Association.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jason Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

Joint Debtor(s):

Julie Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

Movant(s):

Jason Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

Julie Lopez

Represented By
Gary Swanson
Terrence Fantauzzi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Jason Lopez and Julie Lopez

Chapter 7

Trustee(s):

Christopher R Barclay (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#2.00 Motion Objecting To Debtors Claims Of Exemption In Proceeds From Personal Injury Case Pursuant To CCP § 704.140(b)

EH__

Docket 37

Tentative Ruling:

8/29/18

BACKGROUND

On March 22, 2011, Rene Ferrer & Lucia Lopez ("Debtors") filed a Chapter 7 voluntary petition. On July 27, 2011, Debtors received a discharge, and, one week later, the case was closed.

On August 11, 2017, Debtors filed a motion to reopen case. On June 8, 2018, approximately ten months after the motion was filed, an order was entered granting the motion to reopen for Debtor to file amended schedules. Pursuant to this order, the Debtors were permitted until September 6, 2018, to amend the schedules. On June 29, 2018, Debtors amended Schedule B to identify a claim of unknown value related to a personal injury claim in pending litigation in case 2:13-ev-10975. Debtors also exempted the claim on Schedule C (the "Exemption"). On July 9, 2018, the Court granted Trustee's application to employ Goe & Forsythe, LLP as general counsel.

On July 25, 2018, Trustee filed a motion objecting to the Exemption. Trustee argues that Debtors cannot claim exemptions under both CAL. CIV. P. CODE §§ 703 and 704. Trustee further argues that Debtors should be precluded from amending their exemptions on the basis of equitable estoppel or quasi-estoppel. Finally, Trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rene Antonio Ferrer and Lucia Margarita Lopez Chapter 7

appears to argue that the Court order permitting Debtors to amend their exemptions was improper in the absence of a Rule 9006 motion.

Debtors concede that it was improper to claim exemptions pursuant to both CAL. CIV. P. CODE §§ 703 and 704, but argue that they should not be estopped from further amending their schedules to properly exempt the personal injury claim.

DISCUSSION

CAL. CIV. P. CODE § 703.140(a)(1) states: "If spouses are joined in the petition, they jointly may elect to utilize the applicable exemption provisions of this chapter other than the provisions of subdivision (b), or to utilize the applicable exemptions set forth in subdivision (b), but not both." Debtors have conceded that it was improper to claim exemptions pursuant to both § 703 and § 704. Therefore, the Court will sustain Trustee's objection and deny Debtors' exemption.

The Court declines to reach Trustee's alternative arguments that estoppel principles should result in the denial of Debtors' exemption.

Trustee has also argued that Debtors failed to follow the procedural requirements for amending schedules after a case has been closed. The Court notes that there is case law which explicitly supports Trustee's argument. *See, e.g., In re Dollman*, 583 B.R. 268, 271-73 (Bankr. D.N.M. 2017) (summarizing different approaches); 9 COLLIER'S ON BANKRUPTCY ¶ 1009.02[3] (16th ed. 2015) ("Once the case has been closed, a debtor may have to show excusable neglect in order to amend the schedule of exemptions."). There is also case law which explicitly disagrees with Trustee's argument. *See, e.g., In re Goswami*, 304 B.R. 386, 392 (B.A.P. 9th Cir. 2003) ("If the drafters had intended to require court permission before the filing of amended schedules in reopened cases, they would have explicitly said so.").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

Given the unsettled case law on this issue, the Court declines to reach this alternative argument at this point. Importantly, the Court notes, however, that there is currently an order on the docket allowing Debtors to file amended schedules until September 6, 2018. If Trustee believes this order was procedurally improper, a motion to reconsider might be warranted.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:13-26429 Iraj Maqsoudi

Chapter 7

#3.00 CONT Notice of Trustee's Final Report and Applications for Compensation

From: 8/1/18

EH__

Docket 112

Tentative Ruling:

8/1/18

On October 3, 2013, Iraj Maqsoudi ("Debtor") filed a Chapter 7 voluntary petition. On January 14, 2014, Debtor obtained a discharge. On January 15, 2014, Trustee filed an application to employ Wesley H. Avery, APC ("Counsel") as general bankruptcy counsel. That application was approved by the Court on February 13, 2014.

On January 21, 2014, Trustee filed a complaint against Mandana Banihashem for: (1) avoidance and recovery of fraudulent transfer; (2) avoidance and recovery of preferential transfer; and (3) accounting and turnover. Ultimately, on September 4, 2015, Trustee prevailed on summary judgment with regard to nine of the eleven causes of action.

On January 30, 2014, Trustee filed a complaint Debtor (1) to revoke the Debtor's discharge; and (2) for an accounting and turnover. Ultimately, this adversary was voluntarily dismissed by Trustee on July 12, 2016.

On December 2, 2015, the Court approved Trustee's application to employ Neiman Realty ("Broker") as a real estate broker. On March 22, 2016, the Court approved the sale of certain real property located at 11889 Magnolia Ave., Riverside, CA 92503, which was the subject of the transfer adversary proceeding, for the amount of \$692,000.

On October 19, 2016, the Court approved Trustee's application to employ Donald Fife ("Accountant") as accountant.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Iraj Maqsoodi

Chapter 7

On February 2, 2017, Counsel filed a fee application in the aggregate amount of \$158,944.97.¹ On April 3, 2017, Accountant filed a fee application in the aggregate amount of \$2,401.10. Pursuant to Court order entered April 3, 2017, the Court also allowed an administrative expense for the attorney for creditor Mustafa Mayar, who conducted an examination of Debtor in the case, in the total amount of \$8,491.02.

11 U.S.C. § 330(a)(3) (2005) provides factors to be considered in determining the reasonableness of requested compensation. After a review of Counsel's fee application, the Court has significant concerns with the amount requested, primarily based upon the excessiveness of the amounts billed, and the fact that the entire case was billed at \$475/hour without any time billed by associations or paralegals at lower rates. For example, the first day that Counsel worked on the case, January 13, 2014, Counsel lists the following time entries (with the amount charged):

- Telephone conference with the Trustee regarding new matter: \$95
- Review of encumbrances against commercial building and calculation of approximate fair market value: \$712.50
- Review of motion for relief from stay filed by judgment creditor: \$427.50
- Legal research in support of Trustee's opposition to motion for relief from stay filed by judgment creditor: \$237.50
- Preparation of Trustee's opposition to motion for relief from stay filed by judgment creditor, and preparation of Memorandum of Points and Authorities in support thereof: \$2,042.50
- Preparation of declarations in support of Trustee's opposition to motion for relief from stay filed by judgment creditor; telephone call with the Trustee's broker re same: \$1,330
- Review and analysis of Notice of Claims Bar Date: \$95
- Review of encumbrances against residence and calculation of approximate fair market value: \$570.

The Court notes the following concerns with Counsel's billing on the first day on the case. First, 4.3 hours for the opposition and points and authorities appears excessive, given that the documents contain two paragraphs, two additional sentences, and some "fill-in-the-blank" responses. Second, 2.8 hours for the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT...

Iraj Maqsoodi

Chapter 7

declarations appears excessive, given that each declaration is approximately one-page long. Third, the totality of 11.6 hours for what constituted opposing the relief from stay and, possibly, some minor case research, appears excessive. This is especially true in light of the fact that by the time Counsel had completed the opposition to the relief from stay, it had billed 10.2 hours for the day. The opposition, however, was filed at 3:50 p.m., implying that the telephone conference with the Trustee must have started no later than 5:38 a.m., even if Counsel worked continuously on the matter thereafter.

The issues noted above are not the exception in the billing summary submitted by Counsel, but, rather, the trend. Similarly, on March 10th and 11, 2014, Counsel billed nine hours for opposing Debtor's motion to convert to Chapter 13; Trustee's opposition was not extensive and Debtor's schedules indicated he had no disposable income at the time. Likewise, on October 31-November 1, 2016, Counsel billed 7.4 hours for preparation of the fee application narrative, which is approximately five pages long and mostly form language. Finally, between May 28, 2015 and June 10, 2015, Counsel billed 21.8 hours for the preparation of the pleadings related to the summary judgment motion in the § 548 adversary proceeding, which appears to include more than seven hours billed for the preparation of the Trustee's real estate broker's declaration, a declaration which was approximately a page and contained various broker documents as exhibits.

Additionally, Counsel's billing entries appear to include excessive charges for relatively routine tasks. The following are some of the examples:

1/16/14 – "Review of the discharge of the Debtor" -- \$47.50
3/25/14 – "Review and analysis of tentative ruling for status conference" -- \$95
4/30/14—"Preparation of request for mediation and order thereon" (two entries) -- \$950
7/19/14 – "Review and analysis of Mediator's certificate" (two entries) -- \$95
10/14/15-10/15/14 –Preparation of status reports for two status conferences -- \$1,975
12/3/15 -- Preparation of two, relatively simple orders -- \$950

While the issues noted above may be representative of the concerns with Counsel's fee application, the issues are by no means limited to the entries listed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... **Iraj Maqsoudi**
above.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Iraj Maqsoudi

Represented By
Thomas W Gillen - DISBARRED -
John F Brady

Trustee(s):

John P Pringle (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:15-20888 Walter Ray Henderson and Anne Budell Henderson

Chapter 7

#4.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 70

Tentative Ruling:

8/29/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 2,819.34
Trustee Expenses: \$ 728.64

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Walter Ray Henderson

Represented By
Alec L Harshey

Joint Debtor(s):

Anne Budell Henderson

Represented By
Alec L Harshey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Walter Ray Henderson and Anne Budell Henderson

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:16-18343 Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

#5.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 71

Tentative Ruling:

8/29/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 2,606.72
Trustee Expenses: \$ 436.57

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Jose Sebastian Olvera Jr

Represented By
Nicholas M Wajda

Joint Debtor(s):

Angela Joanne Olvera

Represented By
Nicholas M Wajda

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Jose Sebastian Olvera, Jr and Angela Joanne Olvera

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-14023 Yvonne L Sanchez and Oscar Sanchez

Chapter 7

#6.00 Motion to Approve Compromise Under Rule 9019 between Larry D. Simons, Chapter 7 trustee and debtors

EH__

Docket 40

Tentative Ruling:

8/29/18

BACKGROUND

On May 12, 2017, Yvonne & Oscar Sanchez ("Debtors") filed a Chapter 7 voluntary petition. Included on Schedule A was certain real property located at 5202 El Sueno St., San Antonio, TX 78233 (the "Property"). Trustee asserts that there is non-exempt equity in the Property

On July 24, 2018, Trustee filed a motion to approve compromise pursuant to FED. R. BANKR. P. Rule 9019. Trustee proposes to sell the non-exempt equity in the property to Debtor for \$10,000.

DISCUSSION

FED. R. BANKR. P. Rule 9019 provides that:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Yvonne L Sanchez and Oscar Sanchez

Chapter 7

On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct.

The Ninth Circuit Court of Appeals have previously outlined the factors to be considered in approving a compromise pursuant to Rule 9019: (1) the probability of success in the litigation; (2) the difficulties to be encountered in the matter of collection; (3) the complexity, expense, inconvenience and delay of litigation; and (4) the interest of creditors with deference to their reasonable. *See In re A&C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). The listed factors assist the Court in determining "the fairness, reasonableness and adequacy of a proposed settlement agreement." *Id.*

Trustee's compromise motion does not provide the information the Court requires to apply the *A&C Properties* factors or to assess the reasonableness of the settlement because the motion fails to identify the value of the Property or estimate the value of the non-exempt equity in the Property, rendering it impossible to determining the reasonableness of the settlement amount.

In the absence of any evidence regarding the value of the Property or the value of the non-exempt equity in the Property, the Court cannot approve the compromise when only vague and general arguments have advanced in support of the compromise.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for Trustee to file a supplemental declaration.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Yvonne L Sanchez and Oscar Sanchez

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Yvonne L Sanchez	Pro Se
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Joint Debtor(s):

Oscar Sanchez	Pro Se
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Movant(s):

Larry D Simons (TR)	Pro Se
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Trustee(s):

Larry D Simons (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-15043 Sandra Lou Harter and Joseph Harter

Chapter 7

#7.00 Motion for Order: (1) Authorizing Sale of Estates Right, Title and Interest in Real Property Free and Clear of Liens; (2) Approving Overbid Procedure; (3) Approving Payment of Real Estate Brokers Commissions; and (4) Finding Purchasers are Good Faith Purchasers

EH__

Docket 46

Tentative Ruling:

8/29/18

BACKGROUND

On June 6, 2017, Sandra Harter ("Debtor") filed a Chapter 7 voluntary petition. On Schedule A, Debtor listed certain secondary real property located at 9628 7th St., Victorville, CA 92392 (the "Property"). On Schedule C, Debtor claimed an exemption in the Property in the amount of \$175,000. On January 18, 2018, the Court approved a stipulation between Trustee and Debtor whereby Debtor would carve-out \$40,000 of the scheduled exemption for the benefit of the estate. On February 27, 2018, the Court approved Trustee's application to employ Levene, Neal, Bender, Yoo & Brill L.L.P. as general counsel. On April 23, 2018, the Court approved Trustee's application to employ Steven Speier as real estate broker.

On August 8, 2018, Trustee filed a motion for an order: "(1) authorizing sale of estate's right, title and interest in real property free and clear of liens; (2) approving overbid procedures; (3) approving payment of real estate broker's commissions; and (4) finding purchasers are a [sic] good faith purchasers." The proposed sale price is \$360,000. Trustee proposes to pay \$132,000 to secured creditor Quicken Loans ("Creditor"), \$135,000 for Debtor's exemption, and \$28,800 for closing costs. The remaining \$64,200 will accrue to the bankruptcy estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Sandra Lou Harter and Joseph Harter

Chapter 7

On August 15, 2018, Creditor filed a conditional non-opposition to the sale motion. Creditor requests that the sale be conditioned on full payment of Creditor's lien "per a written, current payoff demand." From a review of the contents of the Motion filed, specifically the proposed distribution of sale proceeds, it is the Court's understanding that Trustee intends to satisfy the concerns of Creditor.

DISCUSSION

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

While the motion contains minimal evidence of the Property's proposed marketing, Trustee has also secured a carve-out from Debtor's exemption and the purchase price is higher than the value of the Property identified on the schedules. Given the fact that the sale appears to be a good faith, arms-length transaction, and the fact that the estate would receive \$64,200 for distribution to unsecured creditors, the Court concludes that Trustee has articulated an adequate business reason for the sale.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Sandra Lou Harter and Joseph Harter

Chapter 7

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) (2010) states:

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if-

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Trustee contends that § 363(f)(3) is applicable. First, Trustee contends that aggregate value of all encumbrances on the property is \$132,000, which is exceeded by the purchase price of \$360,000.

Because Trustee has established that § 363(f)(3) is applicable, Trustee has met its burden in securing a sale free and clear of liens.

III. 14-Day Stay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Sandra Lou Harter and Joseph Harter

Chapter 7

FED. R. BANKR. P. Rule 6004(h) states: "An order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." The Court deems the absence of objections to be consent to the relief requested, pursuant to Local Rule 9013-(1)(h), and, therefore, will waive the stay of Rule 6004(h).

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Trustee's miscellaneous requests. The Court has reviewed the proposed overbidding procedures and finds such procedures to be reasonable. The Court has reviewed the requested Broker compensation of 6% of the sale price (totaling \$21,600) and finds such compensation to be reasonable. The Court has reviewed Trustee's proposed distribution of sale proceeds, and the Court finds that such distribution is reasonable and proper.

Finally, the Court has reviewed the declarations of the purchasers, Oscar and Ana Garcia (the "Garcias"), and finds the declarations sufficient for a determination that the Garcias are good faith purchasers pursuant to 11 U.S.C. § 363 (m).

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety. Specifically, the Court is inclined to authorize the sale of the Property free and clear of liens, approve the overbid procedures, approve the Broker's compensation, determine that the Garcias are good faith purchasers and waive the 14-day stay under Rule 6004(h).

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Sandra Lou Harter and Joseph Harter

Chapter 7

Debtor(s):

Sandra Lou Harter

Represented By
Carey C Pickford

Movant(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-13649 Fernando Fabrigas, Sr. and Estela F. Fabrigas

Chapter 7

#8.00 Chapter 7 Trustee's Motion for Order Compelling Turnover of Real Property of the Estate

EH __

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#9.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18, 3/21/18, 4/11/18, 6/13/18, 8/22/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#10.00 Motion to Avoid Judicial lien with Persolve, Inc.

Also #11 - #16

EH__

Docket 41

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of Persolve, Inc.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Kanwalpreet Kaur Grewal

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#11.00 Motion to Avoid Judicial lien with Unifund

Also #10 - #16

EH__

Docket 42

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of Unifund.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Kanwalpreet Kaur Grewal

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#12.00 Motion to Avoid Judicial lien with Citibank

Also #10 - #16

EH__

Docket 43

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of Citibank.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Kanwalpreet Kaur Grewal

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

Brad Weil

Brad Weil

Stuart G Steingraber

Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#13.00 Motion to Avoid Judicial lien with Western States

Also #10 - #16

EH__

Docket 44

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of Western States.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Kanwalpreet Kaur Grewal

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#14.00 Motion to Avoid Judicial lien with Investment Retrievers

Also #10 - #16

EH__

Docket 45

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of Investment Retrievers.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal
Kanwalpreet Kaur Grewal

Chapter 7

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#15.00 Motion to Avoid Judicial lien with American Express

Also #10 - #16

EH__

Docket 46

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of American Express.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Kanwalpreet Kaur Grewal

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

Brad Weil

Brad Weil

Stuart G Steingraber

Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

6:17-17625 Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

#16.00 Motion to Avoid Judicial lien with JP Morgan Chase

Also #10 - #15

EH__

Docket 47

Tentative Ruling:

8/29/2018

The Court is inclined to GRANT the motion, avoiding the lien of JP Morgan Chase.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Stuart G Steingraber

Joint Debtor(s):

Kanwalpreet Kaur Grewal

Represented By
Brad Weil
Stuart G Steingraber

Movant(s):

Rajpal Singh Grewal

Represented By
Brad Weil
Brad Weil
Stuart G Steingraber
Stuart G Steingraber

Kanwalpreet Kaur Grewal

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

11:00 AM

CONT... Rajpal Singh Grewal and Kanwalpreet Kaur Grewal

Chapter 7

Brad Weil

Brad Weil

Stuart G Steingraber

Stuart G Steingraber

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:16-15813 John E. Tackett

Chapter 7

Adv#: 6:18-01138 Speier v. Conestoga Settlement Services, LLC et al

#17.00 Motion to Dismiss Adversary Proceeding Pursuant of Fed. R. Bankr. P. 7012 and Fed. R. Civ. P. 12(b)(6)

Also #18

EH__

Docket 5

Tentative Ruling:

8/29/18

BACKGROUND

On June 29, 2016, John & Ellen Tackett ("Debtors") filed a Chapter 7 voluntary petition. On August 24, 2016, the Court approved Trustee's application to employ Goe & Forsythe, LLP as Trustee's counsel. On October 11, 2016, Debtors received a discharge.

On November 14, 2016, the Court granted Trustee's motion objecting to exemptions claimed in a Provident Trust Group account and in certain real property located in El Segundo.

On December 7, 2017, Trustee filed a motion for a Rule 2004 examination of Debtors. This motion was granted on January 2, 2018, and that matter was ultimately resolved on June 14, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

On June 20, 2018, Trustee filed a complaint for: (a) breach of written contract; (b) rescission and restitution for fraud; (c) money had and received; (d) unjust enrichment; (e) fraud; (f) negligent misrepresentation; (g) negligence; (h) rescission and restitution for sale of unqualified securities; (i) damages for sale of unqualified securities; (j) rescission: securities: misrepresentation; (k) damages: securities: misrepresentation; (l) contempt for willful violation of automatic stay pursuant to 11 U.S.C. § 105; and (m) elder financial abuse. The complaint names as defendants: (1) Conestoga Settlement Services, LLC; (2) Conestoga International Holdings LLC; (3) Conestoga Trust; (4) Provident Trust Group, LLC; (5) De Leon & Washburn, P.C.; (6) Jeff Converse; (7) Michael Woods; (8) Michael McDermott; (9) Thomas Washburn; and (10) Hector De Leon.¹

On July 30, 2018, Hector De Leon, De Leon & Washburn, P.C., and Thomas Washburn (collectively, the "De Leon Defendants") filed a motion to dismiss for failure to state a claim. On August 15, 2018, Trustee filed its opposition.

DISCUSSION

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to FED. R. CIV. P. Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); see also *Burgert v. Lokelani Bernice Pauahi Bishop Trust*, 200 F.3d 661, 663 (9th Cir. 2000) ("All allegations of material fact are taken as true and construed in the light most favorable to the nonmoving party."). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

II. *LEGAL ANALYSIS*

As noted in footnote 1, the causes of action which are directed against the De Leon Defendants are causes of action (h) and (j)-(m). The De Leon Defendants' summarize their argument in the following language:

Plaintiff's Complaint fails to state a claim upon which relief can be granted as against the De Leon Defendants because (1) the agent's immunity rule bars all of Plaintiff's claims; (2) California public policy precludes Plaintiff's claims; (3) Plaintiff has failed to state viable securities laws claims because the Complaint does not contain facts establishing materially [sic] assistance in the violations at issue; (4) Plaintiff has not pled securities fraud with the requisite particularity; (5) Plaintiff has not pled a viable elder abuse claim; and (6) Plaintiff has not pled a viable claim for violation of the automatic stay.

[Dkt. No. 5, pg. 2, lines 12-18].

A. Agent's Immunity Rule

The De Leon Defendants first argument, and the argument most thoroughly briefed, is that "all of Plaintiff's claims implicate the agent's immunity rule, because they are predicated on the notion that the De Leon Defendants conspired or aided its client/principal, Conestoga, in committing securities fraud or a violation of the automatic stay.

The parties not only disagree on the application of the appropriate legal standard to the facts of this case, they disagree on the legal standard itself. The De Leon Defendants appear to derive their proffered standard from *Klotz v. Milbank, Tweed, Hadley & McCloy*, 238 Cal. App. 4th 1339, 1351 (Cal. App. 2015). The Court is skeptical that *Klotz* represents the appropriate guiding case on the agent's immunity rule for two reasons: (1) neither the word "agent" nor the word "immunity" appear in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

the case at all; and (2) the standard set forth in *Klotz* is a statutory creation.² Specifically, CAL. CIV. CODE § 1714.10(a),(c) state the following:

- (a) No cause of action against an attorney for a civil conspiracy with his or her client arising from any attempt to contest or compromise a claim or dispute, and which is based upon the attorney's representation of the client, shall be included in a complaint or other pleading unless the court enters an order allowing the pleading that includes the claim for civil conspiracy to be filed after the court determines that the party seeking to file the pleading has established that there is a reasonable probability that the party will prevail in the action. The court may allow the filing of a pleading claiming liability based upon such a civil conspiracy following the filing of a verified petition therefor accompanied by the proposed pleading and supporting affidavits stating the facts upon which the liability is based. The court shall order service of the petition upon the party against whom the action is proposed to be filed and permit that party to submit opposing affidavits prior to making its determination. The filing of the petition, proposed pleading, and accompanying affidavits shall toll the running of any applicable statute of limitations until the final determination of the matter, which ruling, if favorable to the petitioning party, shall permit the proposed pleading to be filed.

- (c) This section shall not apply to a cause of action against an attorney for a civil conspiracy with his or her client, where (1) the attorney has an independent legal duty to the plaintiff, or (2) the attorney's acts go beyond the performance of a professional duty to serve the client and involve a conspiracy to violate a legal duty in furtherance of the attorney's financial gain.

The analysis of this statutory must begin with a determination regarding whether § 1714.10(a) is applicable at all to the instant situation. As noted by Trustee, the plain language of the statute states that it governs conspiracy which arises "from any attempt to contest or compromise a claim or dispute." Here, the work engaged in by the De Leon Defendants does not fit the statutory language – it was transactional work. *See, e.g., Stueve v. Berger Kahn*, 222 Cal. App. 4th 327, 331 (Cal. Ct. App. 2013) ("Rather, they say, the claims arose from transactional activities . . . [w]e must agree that the alleged schemes do not fall within the plain wording of section 1714.10, subdivision (a)."). Therefore CAL. CIV. CODE § 1714.10(a) does not directly govern the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... **John E. Tackett**
instant situation.

Chapter 7

Nevertheless, while the gatekeeping function of CAL. CIV. CODE § 1714.10(a) may not be directly invoked by the present situation, it appears that the statute, in part, serves as a codification of the agent immunity rule. *See Richards v. Cnty. of L.A.*, 2017 WL 7411159 at *4, n.2 (C.D. Cal. 2017) ("The California Legislature amended California Civil Code § 1714.10 pursuant to the California Supreme Court's decision in *Doctors' Co. v. Superior Court*, 49 Cal. 3d 39 (Cal. 1989), which established the agent's immunity doctrine. Considering that § 1714.10 effectively codified the agent's immunity rule [sic], the Court will discuss the immunity and statutory defenses together.") (citation omitted). Ultimately, the Ninth Circuit has recently used the standard set forth in CAL. CIV. CODE § 1714.10 to describe the agent's immunity rule:

The Agent's Immunity Rule shields an attorney who merely acted as an agent or employee of a third party when the third party had a duty to the plaintiff. The Rule does not shield an attorney who had an independent legal duty to the plaintiff, or an attorney who went beyond a professional duty as part of a conspiracy for attorney's financial gain.

ESG Capital Partners, LP v. Stratos, 828 F.3d 1023, 1037 (9th Cir. 2016). It does not appear that there is any allegation in the complaint that the latter half of the above exception is applicable here, so the Court will instead focus on whether the De Leon Defendants had an independent legal duty to Debtors.

As conceded by the De Leon Defendants, an attorney has a legal duty to "refrain from defrauding nonclients." *Id.* (quoting *Rickley v. Goodfriend*, 212 Cal. App. 4th 1136, 1151 (Cal. Ct. App. 2013) ("It is well established that an attorney has an independent legal duty to refrain from defrauding nonclients.")). Therefore, the operative question is whether the allegations that the De Leon Defendants provided material assistance in an alleged securities fraud violation are sufficient to constitute an allegation that the De Leon Defendants breached their legal duty to refrain from defrauding nonclients.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

III. *Material Assistance in Securities Violation*

As noted by the De Leon Defendants, while not cited in the complaint, Trustee appears to rely upon CAL. CORP. CODE § 25504.1 in making the argument that the De Leon Defendants are liable for materially assisting in the alleged securities violations. The De Leon Defendants, in their argument, cite *AREI II Cases*, 216 Cal. App. 4th 1004, 1014 (Cal. Ct. App. 2013), which states: "it is not enough that a person provided material assistance in a larger scheme to defraud if that person had no role or involvement in the part of the scheme that constituted a violation of the securities." The De Leon Defendants then assert that: "the De Leon Defendants are alleged to have occupied a more structural role with respect to the marketing of the alleged securities – i.e., the De Leon Defendants, by virtue of their role as counsel, performed work that enabled Conestoga to do business."

The above characterization of the allegations in the complaint understate the alleged role of the De Leon Defendants. The final section of the eighth, tenth, and eleventh claims for relief states the following:

At the time of the acts alleged herein, DL&W, Washburn, and De Leon, in their capacity as counsel to Conestoga for the structuring of the transactions complained of herein, materially assisted in the sale of the securities in violation of law, in that they knew it was Conestoga's practice to sell unregistered securities through unregistered agents, knowing that victims of the schemes would be induced to sign disclosures concerning accredited-investor status that the Trustee is informed and believes DL&W, Washburn, and/or De Leon *prepared for Conestoga*, and in fact conspired with Conestoga *to facilitate* such non-accredited investors to sign those documents. In so acting, DL&W, Washburn and De Leon acted with intent to deceived or defraud.

[Dkt. No. 1, pg. 24 lines 7-15] (emphasis added). As stated by *AREI II Cases*:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT...

John E. Tackett

Chapter 7

To support liability under section 25504.1 for such a violation, the complaint must include allegations demonstrating how the defendant assisted in the act of selling or offering to sell securities by means of false and misleading statements. Such assistance may take the form of *aiding in the preparation of offering documents relied upon by investors*, communicating misrepresentations directly to investors, or otherwise playing a material, facilitating role in the act of selling or attempting to sell the securities by means of misrepresentations or omissions of material fact.

Id. at 1015 (emphasis added); *see also Schaffer Family Invs., LLC v. Sonnier*, 120 F. Supp. 3d 1028, 1045 (C.D. Cal. 2015) (same). The crux of the complaint is that the De Leon Defendants provided services which were directly instrumental in committing the alleged securities violations, not that the De Leon Defendants provided some peripheral services which happened to have been utilized in connection with the alleged violations. Therefore, the Court rejects the De Leon Defendants argument that Trustee has failed to adequately plead a violation of CAL. CORP. CODE § 25504.1.

Now the Court must return to the question of whether an allegation that the De Leon Defendants violated CAL. CORP. CODE § 25504.1 constitutes an allegation that the De Leon Defendants violated their duty to refrain from defrauding Debtors. Returning to the origin of CAL. CIV. CODE § 1714.10, *Doctors' Co. v. Superior Court*, 49 Cal. 3d 39 (Cal. 1989), the California Supreme Court stated the following:

The attorneys in *Gruenberg* were relieved from liability for helping their insurer-clients to violate the latter's duty of good faith and fair dealing not because the duty was contractual but because it was a duty peculiar to the insurers, not shared by their attorneys. The duty invoked here (and in *Wolfrich*) is likewise peculiar to the insured because the duty is created by a statute which imposes it *only* on persons in the insurance business. . .

Finally, we anticipate that the impact of our holding, barring liability of employees or agents for conspiracy to cause their principal to violate a duty

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT...

John E. Tackett

Chapter 7

that is binding on the principal alone, will be relatively narrow where the violated duty is other than contractual. The duties imposed by section 790.03 are somewhat unusual in that their application is expressly restricted to "persons engaged in the business of insurance." The binding effect of many other statutory duties is not subject to such restrictions.

Id. at 46, 48 (citations omitted). Here, the statutory scheme outlined in CAL. CORP. CODE § 25500 *et. seq.* imposes duties on both the principal, and the agent, albeit a higher standard on the former. *See Siegal v. Gamble*, 2016 WL 1085787 at *6 (N.D. Cal. 2016) ("Liability for securities violations also extends to the primary violator's employees and to those who materially aid a primary section 25401 violator who deals in securities. This means that *agents*, associates, affiliates, and broker-dealers may be 'secondarily' liable if they act with the 'intent to deceive or defraud.'" (emphasis added) (citation omitted). Therefore, because the relevant statutory scheme also imposes a duty on those providing material assistance to the primary wrongdoer, the De Leon Defendants cannot use the agent immunity rule to bar the suit.

IV. *Public Policy/Privilege*

The De Leon Defendants next argue that: "[p]ublic policy therefore requires the dismissal of Plaintiff's claims, because the existence of the [attorney-client] privilege prevents the De Leon Defendants from mounting a defense." [Dkt. No. 5, pg. 13, lines 4-5]. The Court concludes that this argument is premature at this stage. As stated in *Reilly v. Greenwald & Hoffman, LLP*, the Court must consider whether:

- (1) The evidence at issue is the client's confidential information, and the client insists that it remain confidential;
- (2) given the nature of plaintiff's claim the confidential information is highly material to the defendants' defenses;
- (3) there are "ad hoc" measures available to avoid dismissal such as "sealing and protective orders, limited admissibility of evidence, orders restricting the use of testimony in successive proceedings, and, where appropriate, in camera proceedings; and
- (4) it would be fundamentally unfair to proceed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

196 Cal. App. 4th 891, 904 (Cal. Ct. App. 2011); *see also Dietz v. Meisenheimer & Herron*, 177 Cal. App. 4th 771 (Cal. Ct. App. 2009); *Gen. Dynamics Corp. v. Superior Court*, 7 Cal. 4th 1164 (Cal. 1994).

Here, the Court is unable to properly consider the above factors at this stage. First, at this point, the client at issue has not insisted the information remain confidential. Second, it is not clear whether the confidential information is highly material to the defense. Third, the Court has a variety of "ad hoc" measures which could be employed to at least somewhat address this issue. Finally, the Court notes that it is unclear, at this point, whether the crime/fraud exception outlined in CAL. EVID. CODE § 956 may be applicable in this situation. For all of these reasons, the Court concludes it would be premature to dismiss the action on this ground at this time.

V. *Exempt Transactions*

The De Leon Defendants next argue that CAL. CORP. CODE § 25102 exempts the specific transaction at issue from the qualification requirements of § 25110. Section 25102(q)(1) states, in part:

(q) Any offer or sale of any viatical or life settlement contract or fractionalized or pooled interest therein in a transaction that meets all of the following criteria:

- (1) Sales of securities described in this subdivision are made only to qualified purchasers or other persons the issuer reasonably believes, after reasonable inquiry, to be qualified purchasers. A corporation, partnership, or other organization specifically formed for the purpose of acquiring the securities offered by the issuer in reliance upon this exemption may be a qualified purchaser only if each of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT...

John E. Tackett

Chapter 7

the equity owners of the corporation, partnership, or other organization is a qualified purchaser. Qualified purchasers include the following: . . .

The Court agrees with Trustee that it is not the mindset of the De Leon Defendants, but rather the mindset of the issuer, that is material when considering the application of the above exception. The Court finds that the complaint plausibly alleges that the issuer here did not reasonably believe the Tacketts were qualified investors.

VI. *Fraud-Particularity*

The De Leon Defendants next argue that the complaint fails to plead fraud with particularity. Specifically, the De Leon Defendants argue that PSLRA imposes heightened pleading requirements, and that "[d]istrict courts have applied the PSLRA's exacting standards to attempts to plead securities fraud under California's Blue Sky laws." [Dkt. No. 5, pg. 17, lines 10-13]. The cases cited by the De Leon Defendants in support of the latter half of that contention, however, do not support the point. Specifically, both *Mueller* and *Mausner* involve the application of PSLRA standards to claims brought under that act, regardless of whether the complaint contained additional causes of action pursuant to California state law. *See, e.g., Mausner v. Marketbyte LLC* 2013 WL 12073832 at *6 (S.D. Cal. 2013). Nevertheless, as stated by *Mausner*: "Similar to PSLRA's heightened pleading requirement for the alleged misrepresentation or omission, Rule 9(b) requires that the complaint 'state with particularity the circumstances constituting fraud.' The Ninth Circuit has applied Rule 9(b)'s requirements to federal securities fraud claims." *Id.*

FED. R. CIV. P. Rule 9(b) provides that: "[i]n alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake." Here, it is unclear whether the complaint alleges that the De Leon Defendants, themselves, committed a fraudulent act. While the tenth claim for relief, and the corresponding background sections of the complaint, contain sufficiently detailed allegations of the statements made by Jeff Converse, the Court agrees with the De Leon Defendants that the complaint does not contain adequately detailed allegations of fraud committed by the De Leon Defendants. Furthermore, given that CAL. CORP. CODE § 25504.1

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

ostensibly provides for liability for someone who provides material assistance to someone else who is committed fraud, it is not clear whether the complaint needs to contain allegations of fraud specifically against the De Leon Defendants.

Given that the determination of whether the alleged conduct of the De Leon Defendants constitutes fraud may have significant consequence in relation to the attorney-client privilege, the Court is not inclined to decide the issue on the record before it.³ If the De Leon Defendants wish to continue with their argument, construed as a Rule 9(b) argument, then the Court desires further briefing from both parties on whether the alleged conduct of the De Leon Defendants needs to be, or is intended to be, itself characterized as fraud.

VII. *Elder Abuse*

The Court notes that the allegations contained in the thirteenth claim for relief, sections 138-149 of the complaint, do not appear to allege any action taken by the De Leon Defendants which could constitute elder abuse after Mr. Tackett turned sixty-five years old. Specifically, the Court notes that section 144, the section of the thirteenth claim for relief which deals with actions taken by the De Leon Defendants, does not refer to any action taken with respect to Mr. Tackett that would have occurred after Mr. Tackett turned sixty-five years old. Instead, the complaint recites the exact same language as the securities violations claims for relief, describing action which results to the preparation of documents related to the alleged sale of securities. Furthermore, section 138's reference to the background section does not remedy the deficiency, because the only action imputed to the De Leon Defendants at the relevant time period concerns settlement efforts with the Trustee. Regardless of whether such settlement efforts were undergone in good faith, such efforts simply do not appear to fit within the statutory definition of elder abuse.

VIII. *Automatic Stay*

The Court agrees with the De Leon Defendants that Trustee has failed to allege a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

willful violation on the part of the De Leon Defendants. Specifically, the Court notes the following operative section of the complaint:

DL&W, Washburn, and De Leon participated in Conestoga's violation of the automatic stay, by colluding with Conestoga to engage in a pretense of "settlement" discussions – with knowledge of the bankruptcy stay – while Conestoga proceeded to empty out the Tacketts' interest in the Policies, and then abruptly withdrawn Conestoga's purported settlement offer.

[Dkt. No. 1, pg 30]. The Court concludes that the above allegations are insufficient to constitute an automatic stay violation under 11 U.S.C. § 105(a) for the following reasons. First, engaging in settlement discussions with the Chapter 7 Trustee is common and not, itself an automatic stay violation. Second, unlike the claims for relief related to securities violations, there is no specific statutory section which imposes a duty on an attorney (or an agent) to refrain from providing assistance to an action which violates the automatic stay. Finally, unlike the cases cited by Trustee, Trustee has not alleged a direct action by the De Leon Defendants which violated the automatic stay. Therefore, because Trustee cannot rely on the "assistance theory" in the context of an automatic stay violation, the twelfth claim for reliefs fails as to the De Leon Defendants.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

The Court is inclined to GRANT the De Leon Defendants' motion to dismiss as to the Twelfth and Thirteenth Claims for Relief, without prejudice, and DENY the De Leon Defendants' motion to dismiss with regard to the Eighth, Ten, and Eleventh Claims for Relief, subject to discussion regarding whether the Complaint needs to, or is intended to, contain allegations of fraudulent conduct on the part of the De Leon Defendants themselves.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John E. Tackett

Represented By
Stefan R Pancer

Defendant(s):

Michael McDermott

Pro Se

Michael Woods

Pro Se

Hector De Leon

Represented By
Jasmin Yang

Thomas Washburn

Represented By
Jasmin Yang

Jeff Converse

Pro Se

Provident Trust Group, LLC

Represented By
Marshall J Hogan

Conestoga Trust

Pro Se

Conestoga International Holdings,

Pro Se

Conestoga Settlement Services, LLC

Pro Se

De Leon & Washburh, P.C.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

Jasmin Yang

Joint Debtor(s):

Ellen O. Tackett

Represented By
Stefan R Pancer

Movant(s):

De Leon & Washburh, P.C.

Represented By
Jasmin Yang

Thomas Washburn

Represented By
Jasmin Yang

Hector De Leon

Represented By
Jasmin Yang

Plaintiff(s):

Steven M Speier

Represented By
Thomas J Eastmond
Robert P Goe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:16-15813 John E. Tackett

Chapter 7

Adv#: 6:18-01138 Speier v. Conestoga Settlement Services, LLC et al

#18.00 Status Conference RE: [1] Adversary case 6:18-ap-01138. Complaint by Steven M Speier against Conestoga Settlement Services, LLC, Conestoga International Holdings, LLC, Conestoga Trust, Provident Trust Group, LLC, De Leon & Washburn, P.C., Thomas Washburn, Hector De Leon, Jeff Converse, Michael Woods, Michael McDermott. (Charge To Estate). Complaint for: (1) Breach of Written Contract; (2) Rescission and Restitution for Fraud; (3) Money Had and Received; (4) Unjust Enrichment; (5) Fraud; (6) Negligent Representation; (7) Negligence; (8) Rescission and Restitution for Sale of Unqualified Securities [Cal. Corp. §25503]; (9) Damages for Sale of Unqualified Securities [Cal. Corp. §25503]; (10) Rescission: Securities: Misrepresentation [Cal. Corp. §25501]; (11) Damages: Securities: Misrepresentation [Cal. Corp. §25501]; (12) Contempt for Willful Violation of Automatic Stay Pursuant to 11 U.S.C. § 105; and (13) Elder Financial Abuse [Cal. Welf. & Inst. Code § 15600 et seq.] Nature of Suit: (14 (Recovery of money/property - other)) (Eastmond, Thomas)

Also #17

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John E. Tackett

Represented By
Stefan R Pancer

Defendant(s):

Conestoga Settlement Services, LLC Pro Se

Conestoga International Holdings, Pro Se

Conestoga Trust Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett Chapter 7

Provident Trust Group, LLC

Represented By
Marshall J Hogan

De Leon & Washburh, P.C.

Represented By
Jasmin Yang

Thomas Washburn

Represented By
Jasmin Yang

Hector De Leon

Represented By
Jasmin Yang

Jeff Converse

Pro Se

Michael Woods

Pro Se

Michael McDermott

Pro Se

Joint Debtor(s):

Ellen O. Tackett

Represented By
Stefan R Pancer

Plaintiff(s):

Steven M Speier

Represented By
Thomas J Eastmond
Robert P Goe

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#19.00 CONT Motion for Default Judgment

From: 5/30/18, 7/25/18

Also #20

EH__

Docket 46

Tentative Ruling:

5/30/18

BACKGROUND

On November 18, 2016, Javier & Carmen Lopez (collectively "Debtors"; individually, "Javier" and "Carmen") filed a Chapter 7 voluntary petition. On March 6, 2017, Amarillo College of Hairdressing ("Plaintiff") filed a non-dischargeability complaint against Javier pursuant to 11 U.S.C. § 523(a)(2)(A), (a)(4), and (a)(6). On July 12, 2017, the clerk entered default against Javier.

On October 17, 2017, Plaintiff filed a motion for leave to file an amended complaint to include Carmen as a defendant. On November 7, 2017, Debtors filed their opposition. On November 13, 2017, the Court granted the motion, and, on December 11, 2017, Plaintiff amended its complaint to include Carmen as a defendant. On February 26, 2018, the clerk entered default against Carmen.

On April 5, 2018, Plaintiff filed a motion for default judgment. According to Plaintiff,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Javier, while employed as the Dean of Education at Plaintiff's Palm Desert campus, received, through direct deposit, twice his agreed upon salary for a period of one year. Plaintiff asserts that the direct deposit authorization form contained a provision which granted Plaintiff the right to correct any erroneous overpayments of funds. After alerting Javier of the erroneous double payment, Javier refused to voluntarily reimburse Plaintiff for the overpayment. Plaintiff also asserts that Javier was aware of the erroneous double payment during the time when the double payments were made.

On January 2, 2014, Plaintiff filed a state court complaint against Javier for breach of contract, fraud, and conversion. On September 15, 2015, the state court granted Plaintiff's motion for summary judgment as to all causes of action, and entered judgment in the amount of \$49,603.08.

DISCUSSION

A. Entry of Default

FED. R. CIV. P. Rule 55 states that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules and that fact is made to appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a). Local Rule 7055-1 provides further requirements relating to a motion for entry of default judgment, and those requirements have been substantially satisfied here.

B. Motion for Default Judgment

1. Proper Service of Summons and Complaint

FED. R. BANKR. P. Rule 7004(b)(1) states, in part:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

[S]ervice may be made within the United States by first class mail postage prepaid as follows:

- (1) Upon an individual other than an infant or incompetent, by mailing a copy of the summons and complaint to the individual's dwelling house or usual place of abode or to the place where the individual regularly conducts a business or profession.

Here, Plaintiff served Debtors at the address listed on their bankruptcy schedules and served Debtor's attorney via ECF. Therefore, service is proper.

2. Merits of Plaintiff's claim

Upon default, the factual allegations of the complaint, except those relating to the amount of damages, will be taken as true. *TeleVideo Systems, Inc. v. Heidenthal*, 826 F.2d 915, 917 (9th Cir. 1987); *see also Almog v. Golden Summit Investors Group, Ltd.*, 2012 WL 12867972 at *4 (C.D. Cal. 2012) ("When reviewing a motion for default judgment, the Court must accept the well-pleaded allegations of the complaint relating to liability as true.").

Here, the complaint includes three causes of action, all related to non-dischargeability: (1) 11 U.S.C. § 523(a)(2)(A); (2) 11 U.S.C. § 523(a)(4); and (3) 11 U.S.C. § 523(a)(6). The above provisions read, in pertinent part:

- (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT...

Javier Lopez

Chapter 13

- (2) for money, property, services, or an extension, renewal, or refinancing of creditor, to the extent obtained by –
 - (A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;
- (4) for fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny;
- (6) for willful and malicious injury by the debtor to another entity or to the property of another entity;

The Court notes that it is, at best, unclear whether any of the three provisions are applicable to the facts here. For example, in *In re Sterling*, the bankruptcy court analyzed whether an employee's retention of overtime pay at double the contractual rate satisfied the either 11 U.S.C. § 523(a)(2)(A) or 11 U.S.C. § 523(a)(6). 479 B.R. 444 (Bankr. E.D. Mich. 2012). Respecting 11 U.S.C. 523(a)(2)(A), the court first noted that the provision can apply to "misleading omissions" or "a scheme to deprive or cheat another of property or a legal right." *Id.* at 449. The bankruptcy court noted, however, that omission or silence only establishes the requisite intent if the debtor had an affirmative duty to disclose. *Id.* (applying Michigan law and the silent fraud doctrine). After noting that the plaintiff had not identified any contractual duty to disclose, the bankruptcy court noted that: "[a] duty to disclose may also arise in equity," but ultimately concluded the following:

The present case does not present any circumstances that would give rise to such an equitable duty. To the contrary, Plaintiff was in a position of control and had at least equal if not superior knowledge, gained from repeated, but unavailing attempts to correct the problem. Plaintiff, as Defendant's employer, had access to the payroll information and, with the exercise of reasonable diligence, could have discovered the continuing overpayments at any time.

Id. at 450 (also questioning whether plaintiff's reliance on defendant's silence was justifiable because the information was in the control of plaintiff).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Here, neither the complaint nor the motion for default judgment include any allegation that Javier affirmatively misled Plaintiff, nor do they contain any basis upon which the Court could conclude that Javier had a contractual or an equitable duty to disclose the overpayments to Plaintiff. Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(2)(A).

11 U.S.C. § 523(a)(4) contains three different exceptions to dischargeability: (1) fraud or defalcation while acting in a fiduciary capacity; (2) larceny; and (3) embezzlement. Regarding fraud or defalcation while acting in a fiduciary capacity, the elements are: (1) the existence of an express trust; (2) the debt was caused by fraud or defalcation; and (3) the debtor acted as a fiduciary to the creditor at the time the debt was created. *See, e.g., In re Niles*, 106 F.3d 1456, 1459 (9th Cir. 1997). Clearly Plaintiff has not satisfied the standard for fraud or defalcation while acting in a fiduciary capacity because, among other things, Javier was not acting in a fiduciary capacity as to his salary and his salary was certainly not the corpus express trust. *See, e.g., Matter of Cantrell*, 88 F.3d 344, 347 (5th Cir. 1996) ("The court also correctly opined that, in the absence of an express trust and a recognizable corpus, 11 U.S.C. § 523(a)(4) is inapplicable.").

Plaintiff also does not appear to have satisfied the standard for larceny or embezzlement. "Larceny is the fraudulent and wrongful taking and carrying away of the property of another with intent to convert the property to the taker's use without the consent of the owner." 4 COLLIER'S ON BANKRUPTCY ¶ 523.10[2] (16th ed. 2009). Here, it appears doubtful that Javier could be considered to have "taken" the excess salary payments which Plaintiff caused to be directly deposited in Javier's bank account. Embezzlement, on the other hand, contains three elements: "(1) property rightfully in the possession of a nonowner; (2) nonowner's appropriation of the property to a use other than which it was entrusted; and (3) circumstances indicating fraud." *In re Littleton*, 942 F.2d 551, 555 (9th Cir. 1991). While there may be a colorable argument that embezzlement has occurred in this case, such an argument has not been detailed in the complaint or the motion for default judgment. Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(4).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Regarding § 523(a)(6) the elements are: "(1) willful conduct, (2) malice, and (3) causation." *See, e.g., In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995). Here, Plaintiff's complaint simply recites the legal standard, notes that the state court awarded a judgment based, in part, on fraud, and Plaintiff's motion for default judgment contains the material state court pleadings as an attachment. The Court deems the allegations in the complaint to be insufficient to establish non-dischargeability under § 523(a)(6). *See In re Sterling*, 479 B.R. 444, 452-455 (Bankr. E.D. Mich. 2012) (detailing § 523(a)(6) analysis in context of retention of salary overpayment). Therefore, the Court requires further briefing if Plaintiff wishes to establish that the debt is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6).

Finally, the Court notes that it appears Plaintiff has assumed that the use of issue preclusion is appropriate in this case, but has not briefed the issue.

Issue preclusion applies in nondischargeability proceedings to bar the relitigation of factual issues that were determined in a prior state court action. *See, e.g., Grogan v. Garner*, 498 U.S. 279, 284-85, n.11 (1991). To determine the issue-preclusive effect of a California state court's judgment, California preclusion law must be applied. *See* 28 U.S.C. § 1738; *Marrese v. Am. Acad. of Orthopaedic Surgeons*, 470 U.S. 373, 380 (1985); *Gayden v. Nourbakhsh (In re Nourbakhsh)*, 67 F.3d 798, 800 (9th Cir. 1995). Under California law, the party asserting issue preclusion has the burden of establishing the following "threshold" requirements:

- (1) the issue sought to be precluded must be identical to that decided in a former proceeding;
- (2) the issue must have been actually litigated in the former proceeding;
- (3) it must have been necessarily decided in the former proceeding;
- (4) the decision in the former proceeding must be final and on the merits; and,
- (5) the party against whom preclusion is sought must be the same as, or in privity with, the party to the former proceeding.

Harmon v. Kobrin (In re Harmon), 250 F.3d 1240, 1245 (9th Cir.2001).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Additionally, the application of issue preclusion requires a "mandatory 'additional' inquiry into whether imposition of issue preclusion would be fair and consistent with sound public policy." *In re Khaligh*, 338 B.R. 817, 824–25 (9th Cir. B.A.P. 2006). As stated by the California Supreme Court

We have repeatedly looked to the public policies underlying the doctrine before concluding that collateral estoppel should be applied in a particular setting.... Accordingly, the public policies underlying collateral estoppel—preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation—strongly influence whether its application in a particular circumstance would be fair to the parties and constitutes sound judicial policy.

Lucido v. Super. Ct., 51 Cal. 3d 335, 342–43 (Cal. 1990) (internal citations omitted). The Court requires further briefing on the appropriateness of issue preclusion in this case, including legal arguments explaining how the applicable state court causes of action (presumably fraud by concealment) translate to the non-dischargeability standards.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for further briefing.

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Chapter 13

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Movant(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By
Eamon Jafari

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:16-20260 Javier Lopez

Chapter 13

Adv#: 6:17-01054 Amarillo College of Hairdressing, Inc. v. Lopez et al

#20.00 CONT Status Conference Re: Complaint by Amarillo College of Hairdressing, Inc., against Javier Lopez. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 5/11/17, 6/22/17, 8/17/17, 10/19/17, 11/9/17, 2/1/18, 2/8/18, 3/22/18, 5/30/18, 7/25/18

Also #19

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Lopez

Represented By
Christopher Hewitt

Defendant(s):

Javier Lopez

Represented By
Christopher Hewitt

Carmen Lopez

Pro Se

Joint Debtor(s):

Carmen Lopez

Represented By
Christopher Hewitt

Plaintiff(s):

Amarillo College of Hairdressing,

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Javier Lopez

Eamon Jafari

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#21.00 Order to Show Cause As To Why Defendants Should Not Be Held In Contempt
For Violation Of Court Order To Respond To Discovery

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Movant(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

Plaintiff(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01146 Sonnenfeld v. Richardson

#22.00 Status Conference RE: [1] Adversary case 6:18-ap-01146. Complaint by Cleo Sonnenfeld against Joshua Cord Richardson. (A)(4), and (A)(6); and to Deny Discharge Pursuant to 11 U.S.C. Sections 727(A)(3), and (A)(5) (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)) (Masud, Laila)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Plaintiff(s):

Cleo Sonnenfeld

Represented By
D Edward Hays
Laila Masud

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:17-20025 Robert Lee Thompson, Jr.

Chapter 7

Adv#: 6:18-01052 Gutierrez v. Thompson, Jr et al

#23.00 CONT Status Conference RE: Counterclaim [19] Answer to Complaint and Affirmative Defenses to Complaint to Determine Dischargeability Pursuant to 11 U.S.C. §523(a)(6) and COUNTERCLAIM of Shatara Adrienne Thompson for Defamation, Counterclaim by Robert Lee Thompson Jr, Shatara Adrienne Thompson against Beatriz M Gutierrez

From: 8/2/18

Also #24

EH__

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lee Thompson Jr.

Represented By
Nicholas M Wajda

Defendant(s):

Robert Lee Thompson Jr

Represented By
Robert S Lampl

Shatara Adrienne Thompson

Represented By
Robert S Lampl

Joint Debtor(s):

Shatara Adrienne Thompson

Represented By
Nicholas M Wajda

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Robert Lee Thompson, Jr.

Chapter 7

Plaintiff(s):

Beatriz M Gutierrez

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:17-20025 Robert Lee Thompson, Jr.

Chapter 7

Adv#: 6:18-01052 Gutierrez v. Thompson, Jr et al

#24.00 CONT Status Conference on Complaint filed on 3/1/18 to Determine Dischargeability of Debt Pursuant to 11 USC 523(a)(6)

From: 5/3/18, 8/2/18

Also #23

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Lee Thompson Jr.

Represented By
Nicholas M Wajda

Defendant(s):

Robert Lee Thompson Jr

Represented By
Robert S Lampl

Shatara Adrienne Thompson

Represented By
Robert S Lampl

Joint Debtor(s):

Shatara Adrienne Thompson

Represented By
Nicholas M Wajda

Plaintiff(s):

Beatriz M Gutierrez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Robert Lee Thompson, Jr.

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:17-20229 Sean Phillip Coy

Chapter 13

Adv#: 6:18-01050 Deutsche Bank National Trust Company, as Certifica v. FMJM RWL III

#25.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01050. Complaint by Deutsche Bank National Trust Company, as Certificate Trustee on Behalf of Bosco Credit II Trust Series 2010-1 against FMJM RWL III Trust 2015-1. Kristin)

From: 4/26/18, 5/10/18, 6/14/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 7/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

Represented By
Caroline S Kim

Defendant(s):

FMJM RWL III Trust 2015-1

Represented By
Neeru Jindal

Plaintiff(s):

Deutsche Bank National Trust

Represented By
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:18-12282 Frank Javier Valderrama

Chapter 7

Adv#: 6:18-01141 Balderas et al v. Valderrama

#26.00 Motion to Dismiss Adversary Proceeding

Also #27

EH ____

Docket 3

Tentative Ruling:

8/29/18

BACKGROUND

On March 21, 2018, Frank Valderrama ("Debtor") filed a Chapter 7 voluntary petition. On July 2, 2018, Debtor received a discharge.

On June 25, 2018, Elizabeth Balderas & Jose Carrillo (collectively, "Plaintiffs") filed a complaint against Debtor for non-dischargeability pursuant to 11 U.S.C. § 523(a)(2) (A).

On July 17, 2018, Debtor filed a motion to dismiss for failure to state a claim. On August 10, 2018, Plaintiffs filed their opposition.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

II. MONEY JUDGMENT IN NON-DISCHARGEABILITY PROCEEDINGS

The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), *aff'd*, 760 F.3d 1038 (9th Cir. 2014). Nevertheless, in the complaint at issue here, Plaintiffs appear¹ to have set forth only one cause of action: non-dischargeability pursuant to 11 U.S.C. § 523(a)(2)(A). 11 U.S.C. § 523(a) alone is not a basis to enter a money judgment; the plain language of the statute provides that it is a basis for finding a debt to be non-dischargeable. If Plaintiffs seek a money judgment, they need to clearly delineate a non-bankruptcy law cause of action supporting that request.² In other words, Plaintiffs need to identify their theory of a debt which exists under applicable state law. Without that showing, it is impossible to determine the applicable legal analysis.

III. NON-DISCHARGEABILITY STANDARD

As a preliminary note, the Court notes that while Plaintiffs' opposition references § 523(a)(4), that subsection is not raised in the complaint and, therefore, any arguments regarding that subsection will not be addressed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

11 U.S.C. § 523(a)(2)(A) states:

(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –

(2) for money, property, services, or an extension, renewal, or refinancing of creditor, to the extent obtained by –

(A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;

The elements of a § 523(a)(2)(A) claim are well-established: (a) the debtor made representations; (b) which were known to be false; (c) the representations were made with the intention and purpose of deceiving the creditor; (d) the creditor relied on such representations; (e) the creditor sustained loss and damage as a proximate result of the representations. *See, e.g., In re Sabban*, 600 F.3d 1219, 1222 (9th Cir. 2010).

As noted by Debtor, FED. R. CIV. P. Rule 9(b) is applicable to a § 523(a)(2)(A) non-dischargeability proceeding. *See, e.g., In re Kimmel*, 2008 WL 5076380 at *1 (9th Cir. 2008). "In order to properly plead fraud with particularity, the complaint must allege the time, place, and content of the fraudulent representation such that a defendant can prepare an adequate response to the allegations." *Id.*

The Court agrees with Debtor that the complaint at issue here utterly fails to plead fraud with specificity. The complaint does not, at any point, identify a particular statement at a particular time, in a particular place. Nor is the complaint adequately detailed regarding the contents of the statements made. For example, section 14 of the complaint states: "Debtor intentionally mislead [sic] Plaintiffs by failing to disclose the truth regarding the Project." [Dkt. No. 1, pg. 8, lines 19-20]. This assertion simply does not contain the level of detail contemplated by FED. R. CIV. P. Rule 9(b). This

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

detail is all the more important when, as is the case here, Plaintiffs appear to be alleging a contract was formed in January 2007 and that Plaintiffs were still making payments to Debtor in December 2015. Here, the complaint paints a very unclear picture of the material facts.

The Court, on this record, declines to address Debtor's argument that Plaintiff Elizabeth Balderas lacks standing to bring this claim because the operative complaint requires substantial amendment. The Court also notes that any request for a money judgment must contain a clear articulation of the non-bankruptcy legal basis for the underlying claim.

TENTATIVE RULING

The Court is inclined to GRANT the motion and DISMISS the complaint without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Defendant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Movant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

Plaintiff(s):

Elizabeth Balderas

Represented By
John F Bazan

Jose Carrillo

Represented By
John F Bazan

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, August 29, 2018

Hearing Room 303

2:00 PM

6:18-12282 Frank Javier Valderrama

Chapter 7

Adv#: 6:18-01141 Balderas et al v. Valderrama

#27.00 Status Conference RE: [1] Adversary case 6:18-ap-01141. Complaint by Elizabeth Balderas, Jose Carrillo against Frank Javier Valderrama. 523(a)(2), false pretenses, false representation, actual fraud)

Also #26

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Defendant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Plaintiff(s):

Elizabeth Balderas

Represented By
John F Bazan

Jose Carrillo

Represented By
John F Bazan

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:17-18792 Roman Negrete Manriquez

Chapter 13

Adv#: 6:18-01093 Negrete Manriquez v. BEAR STEARNS RESIDENTIAL MORTGAGE

#1.00 CONT Status Conference Re: Complaint by Roman Negrete Manriquez against BEAR STEARNS RESIDENTIAL MORTGAGE CORPORATION, its assignees and/or successors, JP Morgan Chase Bank, SPS Select Portfolio Servicing, Inc.. (Fee Not Required). (Attachments: # 1 COMPLAINT - EXHIBIT 1 # 2 COMPLAINT - EXHIBIT 2 (part 1) # 3 COMPLAINT - EXHIBIT 2 (part 2) # 4 COMPLAINT - EXHIBIT 2 (part 3) # 5 COMPLAINT - EXHIBIT 3) Nature of Suit: 72 - Injunctive relief - other, 91 - Declaratory judgment

From: 6/28/18

EH__

Docket 1

*** VACATED *** REASON: ADVERSARY DISMISSED 7/3/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles

Defendant(s):

BEAR STEARNS RESIDENTIAL

Pro Se

JP Morgan Chase Bank

Pro Se

SPS Select Portfolio Servicing, Inc.

Represented By
Nancy L Lee

Plaintiff(s):

Roman Negrete Manriquez

Represented By
Patricia A Mireles
Timothy D Murphy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... Roman Negrete Manriquez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-12949 Lenton Hutton

Chapter 13

Adv#: 6:18-01153 Hutton v. WELLS FARGO BANK, N.A. et al

#2.00 Motion to Dismiss Adversary Complaint

Also #3

EH__

Docket 6

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton Hutton

Represented By
Christopher Hewitt
Patricia Rodriguez

Defendant(s):

WELLS FARGO BANK, N.A.

Represented By
Lynette Gridiron-Winston

Clear Recon Corp.

Pro Se

DOES 1 through 10, inclusive

Pro Se

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Lynette Gridiron-Winston

Plaintiff(s):

Lenton T. Hutton

Represented By
Patricia Rodriguez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... Lenton Hutton

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-12949 Lenton Hutton

Chapter 13

Adv#: 6:18-01153 Hutton v. WELLS FARGO BANK, N.A. et al

#3.00 Status Conference RE: [1] Adversary case 6:18-ap-01153. Notice of Removal by Wells Fargo Bank, N.A. by Lenton T. Hutton. Lynette)

Also #2

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton Hutton

Represented By
Christopher Hewitt
Patricia Rodriguez

Defendant(s):

WELLS FARGO BANK, N.A.

Represented By
Lynette Gridiron-Winston

Clear Recon Corp.

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Lenton T. Hutton

Represented By
Patricia Rodriguez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:17-12149 Irma Dalia Cantu

Chapter 13

#4.00 CONT Motion to vacate dismissal

From: 8/23/18

Also #5

EH__

Docket 63

Tentative Ruling:

8/23/18

BACKGROUND

On March 18, 2017, Irma Cantu ("Debtor") filed a Chapter 13 voluntary petition. On June 15, 2018, Debtor's Chapter 13 plan was confirmed.

Three days later, Trustee filed a motion to dismiss for failure to submit tax returns or refunds. Debtor did not file an opposition to the motion. After no appearance was made on behalf of Debtor at the motion to dismiss, the case was dismissed on July 25, 2018.

The day before the case was formally dismissed, Debtor filed a motion to vacate a dismissal order which did not yet exist. On July 25, 2018, Trustee filed comments indicating conditional approval of the motion.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... Irma Dalia Cantu

Chapter 13

DISCUSSION

Debtor relies on FED. R. CIV. P. Rule 60(b)(1), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024, which allows for relief from an order based on "mistake, inadvertence, surprise, or excusable neglect."

The legal basis for Debtor's assertion that the dismissal order should be vacated is that Debtor's counsel inadvertently did not appear at the hearing due to an office error. It is well established, however, that "an attorney's ignorance and carelessness does not provide grounds for Rule 60(b) relief." *In re Mercado*, 144 B.R. 879, 886 (Bankr. C.D. Cal. 1992) (citing *Bershad v. McDonough*, 469 F.2d 1333, 1337 (7th Cir. 1972)). And the mere assertion that counsel did not fulfill its duties, but that such carelessness was inadvertent, is clearly inadequate to support Rule 60(b) relief. *See, e.g., In re ACME Motors, Inc.*, 125 B.R. 702, 703 (Bankr. D.R.I. 1991).

"Rule 60(b) relief is extraordinary." *Id.* Yet, in this court, a request for relief from a Chapter 13 dismissal order has become ordinary. On occasion, the requests are legally sound. Here, however, the evidence provided simply indicates that Debtor's counsel did not attend the hearing for reasons that are unclear or unstated.

The Seventh Circuit has stated that:

[T]he clients are principals, the attorney is an agent, and under the law of agency the principal is bound by his chosen agent's deeds. The rule is that *all* of the attorney's misconduct (except in the cases where the act is outside the scope of employment or in cases of excusable neglect) becomes the problem of the client. A lawyer who inexcusably neglects his client's obligations does not present exceptional circumstances.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... Irma Dalia Cantu

Chapter 13

Bakery Mach. & Fabrication, Inc. v. Traditional Baking, Inc., 570 F.3d 845, 848 (7th Cir. 2009). "Although attorney carelessness can [in certain circumstances] constitute 'excusable neglect' under Rule 60(b)(1), attorney inattentiveness to litigation is not excusable, no matter what the resulting consequences the attorney's somnolent behavior may have on a litigant." *Easley v. Kirmsee*, 382 F.3d 693, 698 (7th Cir. 2004) (collecting cases).

TENTATIVE RULING

The Court is inclined to GRANT the motion conditioned on compliance with the Trustee's conditions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens

Movant(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:17-12149 Irma Dalia Cantu

Chapter 13

#5.00 Debtor's Motion for Order Disallowing Claim no 1-1 filed by Ocwen Loan Servicing, LLC

From: 6/4/18

Also #4

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens

Movant(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:17-16699 Cindy Louise Lawson

Chapter 13

#6.00 Motion to vacate dismissal

EH__

Docket 50

Tentative Ruling:

TENTATIVE RULING

The Debtor filed her case on August 10, 2017. The Debtor's chapter 13 plan was confirmed on September 21, 2017. The Debtor became delinquent on her payments and a motion to dismiss was filed by the Trustee on June 19, 2018. Subsequently, the Debtor filed a Motion to Modify Plan on June 22, 2018. The Trustee filed comments recommending approval of the Motion.

The hearing on the Trustee's Motion to Dismiss was continued for the Debtor to lodge an order and finalize the Motion to Modify. The Debtor asserts that an order on the Motion was lodged on July 26, 2018. No order was entered on the docket. The Debtor and her counsel failed to appear at the continued hearing on the Trustee's Motion to Dismiss.

Based on the failure to lodge an order on the MMP and the failure to appear at the continued hearing, the Court dismissed the case.

The Debtor now seeks an order vacating the dismissal. In support the Debtor has provided a copy of the confirmation received on lodgment of the order and requests that the dismissal be vacated as resulting from a clerical error.

The Trustee responds that the Debtor has proffered no excuse for the nonappearance

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... Cindy Louise Lawson
at the continued hearing on the Motion to Dismiss.

Chapter 13

The docket reflects that the Debtor failed to comply with LBR 9013-1(o)(3) which requires the filing of a declaration of service and non-opposition for matter set on negative notice (such as the Debtor's MMP). The Court's internal records further reflect that the Court rejected the Debtor's lodged order on 7/26/2018 at 11:19 a.m. An email notification of unused order was sent to the Debtor's counsel at the CM/ECF email, rebecca@saunderslawoffice.com.

Notwithstanding these facts, the Court is inclined to GRANT the Motion provided that the Debtor can comply with the Trustee's conditions. Additionally, as the record demonstrates that the case was dismissed as a result of counsel's negligence, Debtor's counsel shall not receive fees for the Motion to Vacate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Movant(s):

Cindy Louise Lawson

Represented By
Gary S Saunders
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:17-18762 Robin M. Lee and Catherine Y Christ

Chapter 13

#7.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH __

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robin M. Lee

Represented By
Sundee M Teeple

Joint Debtor(s):

Catherine Y Christ

Represented By
Sundee M Teeple

Movant(s):

Robin M. Lee

Represented By
Sundee M Teeple
Sundee M Teeple
Sundee M Teeple

Catherine Y Christ

Represented By
Sundee M Teeple
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#8.00 CONT Motion of U.S. Trustee for the Entry of an Order Requiring Nationstar Mortgage LLC to Provide an Escrow Account Reconciliation Statement & Related Relief

From: 6/28/18

EH__

Docket 113

***** VACATED *** REASON: CONTINUED TO 11/8/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-10189 Belen L. Rubio

Chapter 13

#9.00 Motion RE: Objection to Claim Number 8-1 filed by LVNV Funding, LLC

EH __

Docket 47

Tentative Ruling:

08/30/18

BACKGROUND:

On January 10, 2018 ("Petition Date"), Belen Rubio ("Debtor") filed for chapter 13 relief. On July 30, 2018, Debtor filed Objection to Claim # 8 (the "Objection") of LVNV Funding, LLC ("Claimant"). Service was proper and no opposition or response has been filed.

OBJECTION:

Debtor's sole objection is that LVNV has not demonstrated sufficient evidence of its standing to seek payment on the claim.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... **Belen L. Rubio**

Chapter 13

giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

The Debtor asserts that LVNV's claim must fail because there is insufficient evidence of the original assignment from WebBank to Prosper Marketplace Inc., and subsequently to LVNV. Here, the Debtor's schedules provide evidence in support of Prosper's claim because the Debtor's listed Prosper in their Schedules and the date the account was opened corroborates the facts in the filed Proof of Claim. Based on these facts, the Debtor's Objection fails to negate the allegation of the Claim that WebBank transferred the claim to Prosper. As to the transfer from Prosper to LVNV, the Claim provides documentation signed under penalty of perjury that Prosper transferred its Claim to LVNV.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to OVERRULE the Debtor's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... Belen L. Rubio
Objection.

Chapter 13

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Belen L. Rubio

Represented By
Christopher J Langley

Movant(s):

Belen L. Rubio

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-11327 Latoya Joy Armstrong

Chapter 7

#10.00 Order to show cause why John Alarcon should not be held in contempt of court pursuant to 11 U.S.C. §105 and F.R.B.P. 9020

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Latoya Joy Armstrong

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-12236 Michael Anthony Rivera

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 5/24/18, 6/28/18, 7/19/18, 8/2/18

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Rivera

Represented By
Michael A Rivera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:14-15520 Jeremiah Johnson Nellis

Chapter 13

#12.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremiah Johnson Nellis

Represented By
Carey C Pickford

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:16-17859 Juan Aguilera

Chapter 13

#13.00 Motion to vacate dismissal

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Aguilera

Represented By
A Mina Tran

Movant(s):

Juan Aguilera

Represented By
A Mina Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-12986 James Owen Hall, Jr and Jodie Beryl Hall

Chapter 13

#14.00 Motion to Disallow Claims number 14

EH__

Docket 31

Tentative Ruling:

08/30/18

BACKGROUND:

On April 11, 2018 ("Petition Date"), James and Jodie Hall (collectively, the "Debtors") filed their petition for chapter 13 bankruptcy.

On July 13, 2018 the Debtors filed an Objection to Claim No. 14 (the "Objection") of LVNV Funding, LLC ("Claimant"). Service was proper and no opposition has been filed.

OBJECTION:

The Debtors object to the claim on the grounds that it is barred by the applicable statute of limitations.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... **James Owen Hall, Jr and Jodie Beryl Hall**

Chapter 13

9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Rebuttal of the Prima Facie Proof of Claim

In this case, the Debtors assert that the Claim should be disallowed as time barred. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. The statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co., 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... James Owen Hall, Jr and Jodie Beryl Hall

Chapter 13

Here, the Debtors assert that Claimant's documentation indicates a last transaction between the Debtor and original creditor took place on February 15, 2018, and that the Claimant charged off the account on October 31, 2008. Based on these facts, the Debtors have established that over four years have already lapsed since the last item in the account. Thus, the burden to show the validity of Claim No. 14 must shift to Claimant. Claimant, however, though properly served, has failed to respond, which may be deemed as consent to the relief requested under LBR 9013-1(h). Thus, as the ultimate burden of persuasion remains on the Claimant, the Objection must be sustained.

TENTATIVE RULING

The Objection is SUSTAINED. Claim #14 is disallowed in its entirety.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

James Owen Hall Jr

Represented By
Dana Travis

Joint Debtor(s):

Jodie Beryl Hall

Represented By
Dana Travis

Movant(s):

James Owen Hall Jr

Represented By
Dana Travis
Dana Travis

Jodie Beryl Hall

Represented By
Dana Travis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... James Owen Hall, Jr and Jodie Beryl Hall

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 7

#15.00 CONT Motion for Setting Property Value

From: 8/2/18

Also #16

EH__

Docket 48

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
8/28/18**

Tentative Ruling:

08/02/18

BACKGROUND

On April 20, 2018, Ridge Robert ("Debtor") filed his petition for chapter 13 relief. Among the assets of the estate is a 2013 Toyota Camry (the "Camry"). On July 3, 2018, the Debtor filed his Motion to Value the Camry ("Motion"). No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtor asserts that the Camry's value, and thus its secured portion, should be determined to be \$6,600, with an unsecured deficiency claim for \$2,366. In support the Debtor has attached a copy of the Kelly Blue Book. However, the copy of the Kelly Blue Book printout attached to the Motion does not indicate pertinent facts of the Camry such as the make and model of the vehicle necessary to corroborate the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

CONT... **Ridge B. M. Robert**
Debtor's assertion of value.

Chapter 7

Finally, as to service, Wells Fargo was not properly served via FRBP 7004 to the attention of an officer and was also not served at the PO Box requested for bankruptcy-related notices on its proof of claim.

TENTATIVE RULING

The Court is inclined to CONTINUE the Motion for a hearing on August 30, 2018, at 11:00 a.m. for Debtor to provide supplemental documentation to corroborate the assertion of value as set forth above and for the Debtor to re-serve the Motion and supplemental documentation on Wells Fargo as indicated above. The deadline to file and serve the supplemental documents is August 9, 2018.

APPEARANCES WAIVED. Movant to file and serve notice of the continuance, a copy of the Motion, and supplemental documentation per the Court's instructions.

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Movant(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 7

#16.00 CONT Confirmation of Chapter 13 Plan

From: 6/14/18, 6/28/18, 8/2/18

Also #15

EH__

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
8/28/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-16237 Miguel Santa Maria and Lilia Maldonado

Chapter 13

#17.00 Motion to Avoid Junior Lien with SRP 2013-9 Funding Trust c/o SN Servicing Corporation

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Santa Maria

Represented By
Todd L Turoci

Joint Debtor(s):

Lilia Maldonado

Represented By
Todd L Turoci

Movant(s):

Miguel Santa Maria

Represented By
Todd L Turoci

Lilia Maldonado

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15098 Fatana Aziz

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fatana Aziz

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15108 Antoine Hossein Babai

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoine Hossein Babai

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15111 Henry M Gutierrez and Mitzy D Gutierrez

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry M Gutierrez

Represented By
Luke Jackson
Nima S Vokshori

Joint Debtor(s):

Mitzy D Gutierrez

Represented By
Luke Jackson
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15123 Anthony Lamar Riley and Shannon Marie Riley

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Lamar Riley

Represented By
Dana Travis

Joint Debtor(s):

Shannon Marie Riley

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15128 Philip Salazar

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philip Salazar

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15129 Victoria A Idzardi

Chapter 7

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
7/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria A Idzardi

Represented By
Paul Y Lee

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15131 Arcy B Gonzales and Margarita B Gonzales

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arcy B Gonzales

Represented By
Laleh Ensafi

Joint Debtor(s):

Margarita B Gonzales

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15192 Everett T Cain

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Everett T Cain

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15208 Marnie Deanne Barnhart

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marnie Deanne Barnhart

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15220 Peter Ruiz

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Ruiz

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15236 David Meisland

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Meisland

Represented By
Luke Jackson
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15239 Amanda E Curry and Matthew L Curry

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanda E Curry

Represented By
Andy C Warshaw

Joint Debtor(s):

Matthew L Curry

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15249 Gregory W. Thomas

Chapter 7

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
7/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory W. Thomas

Represented By
James D. Hornbuckle

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15259 Jun Li

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jun Li

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15284 Adonis Francisco

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adonis Francisco

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15297 Michelle Bogdis

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Bogdis

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15322 Alexander Joo

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander Joo

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15339 Louis E Thomas

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis E Thomas

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15340 Sussan Onyeyiriuche

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sussan Onyeyiriuche

Represented By
Joel M Feinstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15343 Jennifer Isabella Solares

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Isabella Solares

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15365 Bessie Johnson Desroches

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bessie Johnson Desroches

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15391 John Macias

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Macias

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15394 Rosalinda Angelita Miranda

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosalinda Angelita Miranda

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15400 Ramiro Marquez

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro Marquez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15403 Lisa Conway

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Conway

Represented By
Douglas E Klein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15446 Gilberto Oliden and Irma Maria Oliden

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilberto Oliden

Represented By
Lauren M Foley

Joint Debtor(s):

Irma Maria Oliden

Represented By
Lauren M Foley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15459 Victor H Saravia and Deborah A Saravia

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor H Saravia

Represented By
Julie J Villalobos

Joint Debtor(s):

Deborah A Saravia

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15489 Erika Ramirez

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erika Ramirez

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15506 Manuel Geronimo Rodriguez

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Geronimo Rodriguez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15541 Alejandro Guillen and Karla Guillen

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Guillen

Represented By
Neil R Hedtke

Joint Debtor(s):

Karla Guillen

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:00 AM

6:18-15026 Joe R Garcia

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe R Garcia

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:12-35447 Fernando Rodriguez and Gabriela Rodriguez

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH__

Docket 282

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Rodriguez

Represented By
Tamar Terzian

Joint Debtor(s):

Gabriela Rodriguez

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:14-17491 Rosalie Estella Crouch

Chapter 13

#50.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosalie Estella Crouch

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#51.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 225

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:15-16972 Joe Martinez, Jr. and Sandra Lynette Martinez

Chapter 13

#52.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Martinez Jr.

Represented By
David Lozano

Joint Debtor(s):

Sandra Lynette Martinez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:15-22294 Jonathan William Nicastro

Chapter 13

#53.00 Trustee's Motion to Dismiss Case

EH__

Docket 125

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan William Nicastro

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-11780 Laurie L Burns

Chapter 13

#54.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laurie L Burns

Represented By
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-11873 Juan Figueroa and Nancy Figueroa

Chapter 13

#55.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Figueroa

Represented By
Inez Tinoco-Vaca

Joint Debtor(s):

Nancy Figueroa

Represented By
Inez Tinoco-Vaca

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-13729 Bradly Scott Aduddell

Chapter 13

#56.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bradly Scott Aduddell

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#57.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-14476 Juan Rene Fullen, Jr.

Chapter 13

#58.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Rene Fullen Jr.

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-16263 Tanyua A Gates-Holmes

Chapter 13

#59.00 CONT Trustee's Motion to Dismiss Case

From: 8/2/18

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanyua A Gates-Holmes

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-18430 Isaias Melo and Rosa Melo

Chapter 13

#60.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isaias Melo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Rosa Melo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-19890 Rick Gaeta Carreon

Chapter 13

#61.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 88

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick Gaeta Carreon

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:16-21234 Frank A Horzen and Barbara A Horzen

Chapter 13

#62.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank A Horzen

Represented By
Paul Y Lee

Joint Debtor(s):

Barbara A Horzen

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-10414 Felipe Morales

Chapter 13

#63.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe Morales

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-13063 Ethel N Odimegwu

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH __

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-13809 Jose R. Castaneda and Miriam L Castaneda

Chapter 13

#65.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose R. Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Miriam L Castaneda

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-13982 Clarice Morris

Chapter 13

#66.00 Trustee's Motion to Dismiss Case

Also #67

EH__

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clarice Morris

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-13982 Clarice Morris

Chapter 13

#67.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

Also #66

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clarice Morris

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-14075 Stephanie Lobato

Chapter 13

#68.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephanie Lobato

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-14790 Ernesto Ayon Lopez and Dolores Millan Sanchez

Chapter 13

#69.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ernesto Ayon Lopez

Represented By
James Geoffrey Beirne

Joint Debtor(s):

Dolores Millan Sanchez

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-15475 Shane Morgan

Chapter 7

#70.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 27

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shane Morgan

Represented By
Christopher Hewitt

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-15604 Mandy Catron

Chapter 13

#71.00 Trustee's Motion to Dismiss Case

EH __

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mandy Catron

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-17209 Violeta Perola

Chapter 13

#72.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Violeta Perola

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie

Chapter 13

#73.00 Trustee's Motion to Dismiss Case re delinquency

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-17418 Deborah Thomas

Chapter 13

#74.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Thomas

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-18232 Maria Leticia Estrada

Chapter 13

#75.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Leticia Estrada

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#76.00 CONT Trustee's Motion to Dismiss Case

From: 8/23/18

EH ____

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-18482 Roberto Garcia Garcia and Maria Martha Garcia

Chapter 13

#77.00 Trustee's Motion to Dismiss Case

EH __

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Garcia Garcia

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Maria Martha Garcia

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-19132 Juan A Martinez

Chapter 13

#78.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-19589 Rodrigo Fernando Ramirez Guinea

Chapter 13

#79.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodrigo Fernando Ramirez Guinea

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:17-20177 Randal Scott Oakley and Christine Ann Oakley

Chapter 13

#80.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Randal Scott Oakley

Represented By
Halli B Heston

Joint Debtor(s):

Christine Ann Oakley

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:18-10209 Ertun Reshat and Hale Reshat

Chapter 13

#81.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ertun Reshat

Represented By
April E Roberts

Joint Debtor(s):

Hale Reshat

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#82.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonel Villa

Represented By
Luis G Torres

Joint Debtor(s):

Lucila Pineda

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:18-10732 Calvin S. Winn and Diana M. Winn

Chapter 13

#83.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Calvin S. Winn

Represented By
Christopher J Langley

Joint Debtor(s):

Diana M. Winn

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:18-11890 Rogelio Ramos and Maria Escobar

Chapter 13

#84.00 Trustee's Motion to Dismiss Case

EH __

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rogelio Ramos

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Escobar

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, August 30, 2018

Hearing Room 303

11:01 AM

6:18-13015 Jason Allen Colleasure and Julia Ann Colleasure

Chapter 13

#85.00 Trustee's Motion to Dismiss Case

EH__

Docket 21

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Allen Colleasure

Represented By
Dana Travis

Joint Debtor(s):

Julia Ann Colleasure

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Friday, August 31, 2018

Hearing Room 303

10:00 AM

6:14-16994 Yolanda Llamas

Chapter 13

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1345 West F Street, Ontario, CA 91762

MOVANT: WELLS FARGO BANK

From: 6/26/18

EH__

Docket 38

***** VACATED *** REASON: ADVANCED HEARING TO 8/1/18 AT
11:00 A.M.**

Party Information

Debtor(s):

Yolanda Llamas

Represented By
Rebecca Tomilowitz

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:14-18977 Greenwood T. May and Judy G. May

Chapter 13

#1.00 Motion and motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 168 Amber Way Perris, CA 92571

MOVANT: US BANK NATIONAL ASSOCIATION

EH____

Docket 94

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶¶ 2, 3, and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Greenwood T. May

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Judy G. May

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

U.S. Bank NA, successor trustee to

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

CONT... Greenwood T. May and Judy G. May

Chapter 13

Kristin A Zilberstein
Merdaud Jafarnia
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:17-19787 Gloria Hayslet

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Nissan Versa Note

MOVANT: QUANTUM3 GROUP LLC

EH__

Docket 53

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Movant(s):

Quantum3 Group LLC as agent for

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:17-20659 Coralia Beltran Rivas

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Toyota Corolla

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 38

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief from stay under § 362(d)(2) for lack of cause shown. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Coralia Beltran Rivas

Represented By
Stephen L Burton

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-12485 Robert Thomas Gonzales

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 24295 Brodiaea Avenue, Moreno Valley, CA 92553

MOVANT: WILMINGTON TRUST NA

EH__

Docket 37

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

Debtor had a previous bankruptcy filing dismissed on July 3, 2017. The instant case was filed on March 27, 2018. Therefore, by operation of 11 U.S.C. § 362(c)(3)(A), the automatic stay in the instant case expired on April 26, 2018. Therefore, the Court is inclined to CONFIRM that the automatic stay is not in effect and DENY the remaining requests for relief which are not *in rem* requests as moot.

The Court is to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d) (4) based on multiple bankruptcy filings affecting the property. Specifically, the Court notes that Debtor filed five skeletal bankruptcy petitions since 2010 which were all summarily dismissed. The Court is inclined to GRANT the request under ¶ 9 upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Robert Thomas Gonzales

Represented By
Brad Weil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

CONT... Robert Thomas Gonzales

Chapter 7

Movant(s):

WILMINGTON TRUST, NA,

Represented By
Jamie D Hanawalt

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1156 Sheila Court, Upland, CA 91784

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

EH__

Docket 43

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

HSBC Bank USA, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-12782 Justa Nelida Guzman

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3527 N. Bronson St. San Bernardino, California 92407

MOVANT: THE BANK OF NEW YORK MELLON

EH__

Docket 27

***** VACATED *** REASON: CONTINUED TO 10/2/18 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justa Nelida Guzman

Represented By
Lionel E Giron

Movant(s):

The Bank of New York Mellon, et al

Represented By
S Renee Sawyer Blume

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-14283 Jennifer A. Lawton

Chapter 7

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 32081, Rosemary St, Winchester, CA 92596

MOVANT: PENNYMAC LOAN SERVICES LLC

From: 8/21/18

EH__

Docket 24

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: Yes

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jennifer A. Lawton

Represented By
Steven E Cowen

Movant(s):

PennyMac Loan Services, LLC

Represented By
Kelsey X Luu
Jamie D Hanawalt

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-15098 Fatana Aziz

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 10340 Zion Dr, Fairfax, VA 22032

MOVANT: WELLS FARGO BANK N.A.

CASE DISMISSED 8/29/18

EH__

Docket 15

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

Due to Debtor's previous bankruptcy filing (case no. 17-17927), pursuant to 11 U.S.C. § 362(c)(3)(A) the automatic stay in the instant case expired on July 12, 2018. Therefore, the Court is inclined to GRANT the request under ¶ 3, conforming that the automatic stay is not in effect. The Court is inclined to GRANT waiver of the Rule 4001(a) stay and GRANT relief from the § 1301(a) stay. Based on the fact that the automatic stay is no longer in effect, both because of the operation of § 362(c)(3)(A) and because the case was dismissed on August 29, 2018, the Court is inclined to DENY as moot all remaining requests for relief which are not *in rem* requests.

The Court is inclined to GRANT relief from the automatic stay pursuant to 11 U.S.C. § 362(d)(4) based on multiple recent skeletal filings affecting the property. GRANT request for relief under ¶ 10. DENY requests for relief under ¶¶ 8 and 11 for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

CONT... Fatana Aziz

Chapter 13

Debtor(s):

Fatana Aziz

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-15334 David Leo Carroll and Lisa Kay Carroll

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 10

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

David Leo Carroll

Represented By
Todd L Turoci

Joint Debtor(s):

Lisa Kay Carroll

Represented By
Todd L Turoci

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

CONT... David Leo Carroll and Lisa Kay Carroll

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-15583 Shannon Martha Wisniewski

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford Fusion, VIN 3FA6P0H71GR329121

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 9

Tentative Ruling:

9/4/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shannon Martha Wisniewski

Represented By
Daniel King

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-16328 Guillermo Villalpando

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 HONDA ACCORD, VIN: 1HGC R2F5 0FA0 91678

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 8

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Guillermo Villalpando

Represented By
Francis Guilardi

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjan

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-16356 Kenneth Ronald Wolf and Carol Janet Wolf

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Wildcat 5th Wheel Travel Trailer

MOVANT: BANK OF THE WEST

EH__

Docket 8

Tentative Ruling:

9/4/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Kenneth Ronald Wolf

Represented By
Dana Travis

Joint Debtor(s):

Carol Janet Wolf

Represented By
Dana Travis

Movant(s):

BANK OF THE WEST

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

CONT...

Kenneth Ronald Wolf and Carol Janet Wolf

Mary Ellmann Tang

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

6:18-16662 Mark H Chappell

Chapter 13

#13.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14713 Valleyheart Drive, Sherman Oaks, CA 91403

MOVANT: AKSELROD BYPASS TRUST, ALEX AKSELROD, TRUSTEE

CASE DISMISSED 8/27/18

EH___

Docket 11

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: None

Because this case was dismissed on August 27, 2018, the Court is inclined to DENY as moot all requests for relief which are not *in rem* requests.

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (4) based on an unauthorized transfer of a partial interest in property around the petition date, and based on the fact that this was a skeletal bankruptcy filing. GRANT relief from Rule 4001(a) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark H Chappell

Pro Se

Movant(s):

Akselrod Bypass Trust, Alex

Represented By
Yevgeniya Lisitsa

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

10:00 AM

CONT... Mark H Chappell

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Goe & Forsythe, LLP et al

#14.00 Motion To Dismiss Amended Complaint Against Chapter 7 Trustee

EH__

Docket 14

*** VACATED *** REASON: CONTINUED TO 10/30/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Goe & Forsythe, LLP

Pro Se

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Movant(s):

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#15.00 Motion to Extend Deadline to File Schedules or Provide Required Information, and/or Plan (Case Opening Documents)

Also #16

EH__

Docket 49

Tentative Ruling:

9/4/2018

BACKGROUND

On March 7, 2018, Rick's Patio Inc. ("Debtor") filed a Chapter 11 voluntary petition. On May 5, 2018, the Court approved the application to employ Rosenstein & Associates as counsel.

At the original case management conference on April 24, 2018, the Court adopted the proposed deadline of July 30, 2018, for the filing of a disclosure statement and plan of reorganization. The case management conference was continued to July 31, 2018, the first date after the proposed deadlines. Debtor did not comply with the deadlines, and did not file the scheduling order prior to the continued case management conference.

On August 3, 2018, the scheduling order was entered, setting a deadline of July 30, 2018, to file and serve the disclosure statement and Chapter 11 plan. On August 10, 2018, Debtor filed its disclosure statement and Chapter 11 plan, as well as a motion to extend time to file disclosure statement and plan.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

2:00 PM

CONT... Rick's Patio Inc

Chapter 11

DISCUSSION

Debtor asserts that "[a] close analogy to the current situation can be found in the exclusive period allowed for chapter 11 debtors to file their own plans, a period which courts may extend or reduce for cause." [Dkt. No. 49, pg. 4, lines 22-25]. Debtor then recites a list of factors it argues the Court should consider when weighing the motion.

The Court declines to adopt Debtor's proposed "for cause" standard because it is incompatible with the Federal Rules of Bankruptcy Procedure. FED. R. BANKR. P. Rule 9006(b)(1) states:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

Therefore, FED. R. BANKR. P. Rule 9006(b)(1) imposes a for cause standard when the request for extension is made before the deadline has passed, and an excusable neglect standard when the request is made after the fact. Here, Debtor filed the motion for extension eleven days after the deadline has passed. Therefore, Debtor has recited the incorrect legal standard. Debtor has not attempted to argue or meet the excusable neglect standard and, as a result, the standard has not been met.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

2:00 PM

CONT... Rick's Patio Inc

Chapter 11

The Court is inclined to DENY the motion without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

Movant(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 4, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#16.00 Motion to Extend Time to have Plan of Reorganization Confirmed

Also #15

EH__

Docket 50

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

Movant(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

11:00 AM

6:18-14609 Lorena Mora Huante

Chapter 7

#1.00 Motion to set aside RE: dismissal

EH__

Docket 12

Party Information

Debtor(s):

Lorena Mora Huante Pro Se

Movant(s):

Lorena Mora Huante Pro Se

Trustee(s):

Arturo Cisneros (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

11:00 AM

6:17-13649 Fernando Fabrigas, Sr. and Estela F. Fabrigas

Chapter 7

#2.00 CONT Chapter 7 Trustee's Motion for Order Compelling Turnover of Real Property of the Estate

From: 8/29/18

EH __

Docket 86

***** VACATED *** REASON: CONTINUED TO 9/12/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

11:00 AM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#3.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18, 3/21/18, 4/11/18, 6/13/18, 8/22/18, 8/29/18

EH__

Docket 29

***** VACATED *** REASON: CONTINUED TO 9/12/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

11:00 AM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:18-01102 PRINGLE v. Capital One Bank (USA), National Association

#4.00 Status Conference RE: [1] Adversary case 6:18-ap-01102. Complaint by JOHN PRINGLE against Capital One Bank (USA), National Association. (Charge To Estate \$350.00). Complaint for: (1) Avoidance of Transfers Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05; (2) Avoidance of Transfers Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/7/18 AT 2:00 P.M.**

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Capital One Bank (USA), National

Represented By
Kevin M Eckhardt

Plaintiff(s):

JOHN PRINGLE

Represented By
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

6:18-12440 Paul Pound

Chapter 7

Adv#: 6:18-01147 Lloyd v. Pound

#5.00 Status Conference RE: Complaint by April Lloyd against Paul M Pound. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

EH__

Docket 1

Party Information

Debtor(s):

Paul Pound

Represented By
Todd L Turoci

Defendant(s):

Paul M Pound

Represented By
Todd L Turoci

Plaintiff(s):

April Lloyd

Represented By
Chane Buck

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

6:18-12920 Jeffrey W Paradis

Chapter 7

Adv#: 6:18-01150 Discover Bank v. Paradis

#6.00 Status Conference RE: [1] Adversary case 6:18-ap-01150. Complaint by Discover Bank against Jeffrey W Paradis.

EH__

Docket 1

Party Information

Debtor(s):

Jeffrey W Paradis

Represented By
Daniel King

Defendant(s):

Jeffrey W Paradis

Represented By
Daniel King

Plaintiff(s):

Discover Bank

Represented By
Holly J Nolan

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#7.00 Amended Motion for Order to Strike Joint Answer of Defendants for Willful Failure to Comply with the Initial Disclosures Under Rule 26(a) and Court's Order of June 13, 2018; and for Sanctions

Also #8

EH__

Docket 65

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Movant(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

CONT... Issa M Musharbash

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#8.00 CONT Status conference RE: [1] Adversary case 6:17-ap-01138. Complaint to Determine Non-Dischargeability of Debt by Phillip Musharbash , Violette Musharbash against Issa M Musharbbash , Amal Musharbbash

From: 9/20/17, 2/7/18, 3/7/18, 8/15/18

Also #7

EH__

Docket 1

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 5, 2018

Hearing Room 303

2:00 PM

6:18-17344 John Ryan

Chapter 13

#9.00 Notice of Motion and Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect 67800 Vista Chino Ste 101 Cathedral City CA 92234

Docket 4

Party Information

Debtor(s):

John Ryan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:13-28117 Manuel Sandoval Gonzalez and Andrea Michelle Gonzalez Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 425 Jenny Circle, Corona, CA 92882

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

Docket 90

Tentative Ruling:

TENTATIVE RULING:

9/11/2018

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request under ¶ 3 permitting Movant to offer Debtor loan workout options;
and GRANT order designating Debtor as "borrower" under Cal. Civil Code § 2920.5.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Manuel Sandoval Gonzalez

Represented By
Dana Travis

Joint Debtor(s):

Andrea Michelle Gonzalez

Represented By
Dana Travis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Manuel Sandoval Gonzalez and Andrea Michelle Gonzalez

Chapter 13

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Angie M Marth
Kelsey X Luu

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:16-20186 Donald John Hanson and Mary Merzella Hanson

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Toyota Tacoma, VIN: 5TFJU4GN4EX057009

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC

EH__

Docket 52

Tentative Ruling:

TENTATIVE RULING:

09/11/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Donald John Hanson

Represented By
Manfred Schroer

Joint Debtor(s):

Mary Merzella Hanson

Represented By
Manfred Schroer

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

**CONT... Donald John Hanson and Mary Merzella Hanson
Jennifer H Wang**

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:17-13923 Suzanne Berry

Chapter 13

#3.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11242 Sweetwater Dr. Riverside, California 92505

MOVANT: CHAMPION MORTGAGE COMPANY (NATIONSTAR MORTGAGE LLC, DBA)

From: 6/26/18, 7/31/18

EH__

Docket 26

Tentative Ruling:

6/26/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Suzanne Berry

Represented By
Christopher Hewitt

Movant(s):

Champion Mortgage Company

Represented By
Ashlee Fogle
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Suzanne Berry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:17-14908 Joan Eleanor Demiany

Chapter 13

#4.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 1055 East Via Colusa, Palm Springs, CA 92262

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

Docket 35

*** VACATED *** REASON: CONTINUED TO 10/30/18 AT 10:00 A.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joan Eleanor Demiany

Represented By
Jenny L Doling

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:17-15740 Mark Gehrig

Chapter 13

#5.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 22424 Tanager Street, Grand Terrace, CA 92313

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 6/6/18

EH__

Docket 59

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request for relief from the co-debtor stay. GRANT request under ¶ 3
permitting Movant to offer Debtor loan workout options; and GRANT order
designating Debtor as "borrower" under Cal. Civil Code § 2920.5. DENY request
pursuant to § 362(d)(2) for lack of cause shown and DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Mark Gehrig

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Ford Escape; VIN: 1FMCU0H93DUD72995

MOVANT: ALTA VISTA CREDIT UNION

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Movant(s):

Alta Vista Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-13172 Michelle Cadena Quinn

Chapter 13

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3656 N. Valley Court, San Bernardino, CA 92407

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION

From: 6/13/18, 8/28/18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Movant(s):

Seterus, Inc. as the authorized

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-14725 Percylyn Agustin Basa

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14623 Meadowsweet Drive, Eastvale, CA 92880

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Percylyn Agustin Basa

Represented By
Benjamin R Heston

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Angie M Marth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-15150 Gary Valbuena

Chapter 7

#9.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 5040 Breckenridge Ave, Banning CA 92220

MOVANT: FEDERAL HOME LOAN MORTGAGE CORPORATION

EH__

Docket 10

Tentative Ruling:

TENTATIVE RULING:

09/11/2018

Service: Proper

Opposition: Yes

The Debtor asserts he received insufficient notice. Specifically, he asserts he first knew about the Motion for relief from stay on 8/22/2018 when the Movant's counsel informed the Superior Court in the UD Action that a hearing would be happening on September 11, 2018. Debtor asserts he was denied a copy of the Motion when he requested it from the Movant but that he since obtained a copy of the Motion from the clerk's office on 8/24/18.

As to notice and service of the Motion, the Court's procedures permit Motions for Relief From Stay to pursue Residential Unlawful Detainer actions to be served not later than 5 court days prior to the date of the hearing with telephonic notice. Here, the Debtor admits that he had actual notice and a copy of the Motion more than 5 court days before the hearing. For these reasons, the Court finds that notice and service were sufficient under the circumstances. Moreover, the Mailbox rule and Movant's proof of service support that the Debtor was served.

The Debtor goes on to assert that the Movant is not the "Legal Title Owner" and/or that Movant has not complied with California law in foreclosing.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Gary Valbuena

Chapter 7

As a threshold matter, a motion for stay relief is a summary proceeding. *In re Santa Clara County Fair Ass'n, Inc.*, 180 B.R. 564 (9th Cir.BAP (Cal.) 1995) (citing *In re Computer Communications, Inc.*, 824 F.2d 725, 729 (9th Cir.1987)). In a summary proceeding, the court's discretion is broad. Courts may consider the factor of judicial economy when deciding lift stay issues. *Id.*

The only triable issues in a Motion for Relief from Stay are (1) lack of adequate protection; (2) the debtor's equity in the property; and (3) the necessity of the property to an effective reorganization of the debtor, or (4) the existence of other cause for relief from the stay. *In re Computer Communications, Inc.*, 824 F.2d 725, 729.

Here, the issues and defenses surrounding the validity of the underlying foreclosure do not directly relate to the lifting of the stay, and accordingly they are not issues that are before the bankruptcy court. The irregularities raised by the Debtor are more properly considered by a state court in the determination of an unlawful detainer action. For purposes of the bankruptcy court's summary consideration of the Motion, the Court finds that the Trustee's Deed Upon Sale presented by Movant is adequate to confer standing to Movant and establish that a "colorable claim" exists, and the Debtor, for his part, has not provided any cognizable evidence or argument that the Property holds any value that would be beneficial to the estate or its creditors. Tellingly, the Chapter 7 trustee has filed no opposition to the Motion despite having received regular notice and an opportunity to file opposition.

Based on the foregoing, the Court finds that the Movant has established cause for relief from the automatic stay to pursue its Unlawful Detainer action in State Court and the Debtor is free to pursue any and all defenses available to him under state law in that action.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gary Valbuena

Pro Se

Movant(s):

Federal Home Loan Mortgage

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Gary Valbuena

Agop G Arakelian

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-15435 Derek Lansdale and Kimberly Diane Lansdale

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Cruze, VIN: 1G1PB5SG1G7189932

MOVANT: ACAR LEASING LTD

EH__

Docket 8

Tentative Ruling:

TENTATIVE RULING:

09/11/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Derek Lansdale

Represented By
Julie J Villalobos

Joint Debtor(s):

Kimberly Diane Lansdale

Represented By
Julie J Villalobos

Movant(s):

ACAR Leasing LTD d/b/a GM

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

**CONT... Derek Lansdale and Kimberly Diane Lansdale
Sheryl K Ith**

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-15710 Francisco Parra

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: N 2017 NISSAN SENTRA

MOVANT: BANK OF AMERICA, N.A.

EH__

Docket 12

Tentative Ruling:

TENTATIVE RULING

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Francisco Parra

Represented By
Jessica De Anda Leon

Movant(s):

Bank of America, N.A.

Represented By
Megan E Lees

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-15900 Adrio Soedarmo and Yolanda Soedarmo

Chapter 13

#12.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Toyota Scion IM

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 16

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Adrio Soedarmo

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Yolanda Soedarmo

Represented By
Ethan Kiwhan Chin

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Adrio Soedarmo and Yolanda Soedarmo

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-15909 Michael James Watts

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Avalon

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 15

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service is Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request as to § 362(d)(1) for lack of cause shown.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Michael James Watts

Represented By
Julie J Villalobos

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-15911 Rogelio Hernandez Delgado

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Mercedes Benz C Class

MOVANT: WESCOM CREDIT UNION

EH__

Docket 10

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1) and § 362(d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rogelio Hernandez Delgado

Represented By
Robert G Uriarte

Movant(s):

Wescom Credit Union

Represented By
Karel G Rocha

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-16081 Rachael Dene Thomas

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Chrysler 200 Vln 1C3CCBB9DN763064

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH ____

Docket 15

Tentative Ruling:

Tentative Ruling

09/11/18

The Movant failed to check either box 6 or 7 indicating to the Debtor the timeline for response to the Motion. Additionally, the Movant did not check the basis for relief (i.e. (d)(1) or (d)(2) in the prayer for relief).

The primary issue, however, is that the Debtor filed a change of address on the Court's docket on August 17, 2018, only 3 days following the filing of the Motion. Based on the timing of the Debtor's change of address and in order to ensure due process, the Court is inclined to DENY the Motion without prejudice.
APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rachael Dene Thomas

Pro Se

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-16701 James Ralph Albano

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 36651 Indian Knoll Road, Temecula, CA 92592

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 9

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. GRANT pursuant to ¶¶ 3 and 12 of prayer for relief. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

James Ralph Albano

Represented By
Derik N Lewis

Movant(s):

U.S. Bank National Association, as

Represented By
Angie M Marth

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... James Ralph Albano

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-16815 Javier Ortega

Chapter 13

#17.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 4408 Tarzon Street, Los Angeles, CA 90063

MOVANT: JAVIER ORTEGA

EH__

Docket 12

Tentative Ruling:

09/11/18

The Debtor's evidence establishes that the dismissal of the prior case is excusable and that the instant case was not filed in bad faith. However, the Debtor asserts he is seeking to avoid foreclosure and failed to serve the secured lender on his residence via FRBP 7004(h).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Javier Ortega

Represented By
Alon Darvish

Movant(s):

Javier Ortega

Represented By
Alon Darvish
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-16932 Olivia Lopez

Chapter 13

#18.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 31160 Fretwell, Homeland CA 92548

MOVANT: OLIVIA LOPEZ

EH__

Docket 34

Tentative Ruling:

TENTATIVE RULING:

09/11/18

The Debtor has explained that the prior dismissal for failure to submit tax returns was due to a misunderstanding on the part of the Debtor regarding her obligation to file returns. However, there is no indication whether the Debtor has now remedied and filed her 2017 return. Additionally, the Debtor's Notice and Motion identify Troia Realty LLC as the primary party entitled to notice of the Motion. However, the proof of service fails to indicate that Troia Realty LLC was served.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Olivia Lopez

Represented By
William Radcliffe

Movant(s):

Olivia Lopez

Represented By
William Radcliffe
William Radcliffe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

CONT... Olivia Lopez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

10:00 AM

6:18-16996 Gabriel Cruz

Chapter 13

#19.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 2012 Ford Edge, 2004 Ford Excursion

MOVANT: GABRIEL CRUZ

EH__

Docket 11

Tentative Ruling:

09/11/2018

Service of the Motion was proper. The Debtor has demonstrated that his prior case was dismissed for failure to make plan payments after the Debtor lost his employment. The Debtor has provided evidence that he is has new employment and is able to propose a chapter 13 plan in good faith. Based on these facts, the Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Movant(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

2:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#20.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3095 Ocelot Circle, Corona, CA 92882

MOVANT: WELLS FARGO BANK, N.A.

From: 7/24/18, 8/21/18

EH__

Docket 71

***** VACATED *** REASON: ORDER ENTERED 8/24/18**

Tentative Ruling:

7/24/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶ 2,3, and 12.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#21.00 Motion for approval of chapter 11 disclosure statement

Also #22

EH__

Docket 45

*** VACATED *** REASON: CONTINUED TO 9/25/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 11, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#22.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 5/8/18, 8/21/18

Also #21

EH__

Docket 18

***** VACATED *** REASON: CONTINUED TO 9/25/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

10:00 AM

6:18-14044 Boyd Eugene Givens

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation re 12 Nissan Maxima

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Boyd Eugene Givens

Pro Se

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

10:00 AM

6:18-14061 Jennifer Monique Devore-Garcia

Chapter 7

#2.00 Reaffirmation Agreement Between Debtor and American Honda Finance Corporation re 2017 Honda Civic

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Monique Devore-Garcia

Represented By
Daniel King

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

10:00 AM

6:18-15553 Lance Davis and Cesar Castaneda

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Ally Bank re 2014 Buick Encore

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Davis

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Cesar Castaneda

Represented By
Terrence Fantauzzi

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

10:00 AM

6:18-15553 Lance Davis and Cesar Castaneda

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and Bank of the West re 2016 Mazda CX5 2WD

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lance Davis

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Cesar Castaneda

Represented By
Terrence Fantauzzi

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

10:00 AM

6:18-15767 Reva Mae Scott

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and Mercedes-Benz Financial Services USA LLC re 2013 Mercedes-Benz E350W

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reva Mae Scott

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

10:00 AM

6:18-16129 An Quoc To

Chapter 7

#6.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation re 2017 Lexus

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

An Quoc To

Represented By
Rex Tran

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

6:13-23186 Richard C Cox, Jr

Chapter 7

#7.00 CONT Motion for Turnover of Insurance Renewal Commissions

From: 8/22/18

EH __

Docket 150

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard C Cox Jr

Represented By
Summer M Shaw

Movant(s):

Helen R. Frazer (TR)

Represented By
Leonard M Shulman
Brandon J Iskander
Lynda T Bui

Trustee(s):

Helen R. Frazer (TR)

Represented By
Leonard M Shulman
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

6:14-18549 Matthew Joseph Pautz and Alice Louise Pautz

Chapter 7

#8.00 CONT Order to Show Cause re Bodily Detention Order

From: 8/15/17, 9/18/17, 10/18/17, 11/13/17, 11/27/17, 1/18/18, 3/21/18

EH__

Docket 135

Tentative Ruling:

Based on the Chapter 7 Trustee's Notice and Request that Order of Civil Contempt be Vacated and Discharged, the Court is inclined to DISCHARGE the OSC and this matter off calendar.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Matthew Joseph Pautz

Represented By
Todd L Turoci
Julie Philippi

Joint Debtor(s):

Alice Louise Pautz

Represented By
Todd L Turoci
Julie Philippi

Trustee(s):

Karl T Anderson (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe
Samuel J Romero

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

6:16-11086 Bernard Joseph O'Kelly

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 82

Tentative Ruling:

9/12/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 564.72

Trustee Expenses: \$ 197.88

Attorney Fees: \$ 6,134.90

Attorney Costs: \$ 804.69

Accountant Fees: \$ 1,630.50

Accountant Expenses: \$245.80

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Bernard Joseph O'Kelly

Represented By
Brian J Soo-Hoo

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

CONT... Bernard Joseph O'Kelly

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

6:17-13649 Fernando Fabrigas, Sr.

Chapter 7

Adv#: 6:17-01156 Daff v. Fabrigas, Jr.

#10.00 CONT Motion for Order Vacating Default Judgment

From: 2/28/18, 3/21/18, 4/11/18, 6/13/18, 8/22/18, 8/29/18, 9/5/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Defendant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Fernando Fabrigas, Jr.

Represented By
Kevin Tang

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

CONT... Fernando Fabrigas, Sr.

Chapter 7

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

6:17-13649 Fernando Fabrigas, Sr. and Estela F. Fabrigas

Chapter 7

#11.00 CONT Chapter 7 Trustee's Motion for Order Compelling Turnover of Real Property of the Estate

From: 8/29/18, 9/5/18

EH __

Docket 86

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander
Rika Kido

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

11:00 AM

6:18-13783 Bon Vyrak Chea and Somaly Leca Chea

Chapter 7

#12.00 Motion to Dismiss Case Pursuant to 11 USC Sections 707(b)(1), (b)(2) & (b)(3) and Contingent Motion to Extend the Discharge Deadline Pursuant to FRBP Procedure 4004 & 1017

EH ____

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bon Vyrak Chea

Represented By
Chris A Mullen

Joint Debtor(s):

Somaly Leca Chea

Represented By
Chris A Mullen

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Goe & Forsythe, LLP et al

#13.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01105. Complaint by Joana Johnson against Vance Zachary Johnson, Goe & Forsythe, LLP. (61 (Dischargeability - 523(a)(5), domestic support)) (Talkov, Scott)

From: 7/10/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/30/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Goe & Forsythe, LLP

Pro Se

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

2:00 PM

6:18-11717 Jordan Halston Amini

Chapter 7

Adv#: 6:18-01132 Marquez v. Amini

#14.00 Motion to Dismiss Adversary Proceeding For Failure To State A Claim

EH__

Docket 9

Tentative Ruling:

9/12/18

BACKGROUND

On March 5, 2018, Jordan Amini ("Debtor") filed a Chapter 7 voluntary petition.

On June 11, 2018, Gustavo Marquez ("Plaintiff") filed a complaint against Debtor for non-dischargeability pursuant to 11 U.S.C. § 523(a)(2)(A) and (a)(6).

On August 22, 2018, Debtor filed a motion to dismiss for failure to state a claim. On August 30, 2018, Plaintiff filed its opposition.

DISCUSSION

I. MOTION TO DISMISS STANDARD

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

2:00 PM

CONT... Jordan Halston Amini

Chapter 7

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

II. *NON-DISCHARGEABILITY STANDARD*

As a preliminary note, the Court notes that Debtor's motion to dismiss was not served at all. The Court also notes that the proof of service for Plaintiff's opposition to motion to dismiss was in an incorrect pdf format, yet Plaintiff did not remedy the deficiency after receiving a notice to filer.

11 U.S.C. § 523(a)(2)(A) and (a)(6) state:

- (a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –
 - (2) for money, property, services, or an extension, renewal, or refinancing of creditor, to the extent obtained by –
 - (A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;
 - (6) for willful and malicious injury by the debtor to another entity or to the property of another entity;

The elements of a § 523(a)(2)(A) claim are well-established: (a) the debtor made

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

2:00 PM

CONT...

Jordan Halston Amini

Chapter 7

representations; (b) which were known to be false; (c) the representations were made with the intention and purpose of deceiving the creditor; (d) the creditor relied on such representations; (e) the creditor sustained loss and damage as a proximate result of the representations. *See, e.g., In re Sabban*, 600 F.3d 1219, 1222 (9th Cir. 2010).

As implicitly noted by Debtor, FED. R. CIV. P. Rule 9(b) is applicable to a § 523(a)(2)(A) non-dischargeability proceeding. *See, e.g., In re Kimmel*, 2008 WL 5076380 at *1 (9th Cir. 2008). "In order to properly plead fraud with particularity, the complaint must allege the time, place, and content of the fraudulent representation such that a defendant can prepare an adequate response to the allegations." *Id.*

The Court disagrees with Debtor that the complaint at issue fails to plead a cause of action pursuant to § 523(a)(2)(A) with sufficient particularity. While the general allegations section of the complaint only contains general recitations of a misleading scheme that do not have any particular relationship to Plaintiff, Plaintiff has incorporated the state court complaint by reference. Paragraphs 6 and 7 of the state court complaint contain a detailed description of the allegedly false or fraudulent statements made by Debtor¹, and ¶¶ 18-22 of the state court complaint sufficiently allege the elements of a § 523(a)(2)(A) claim.²

To prevail on a claim under § 523(a)(6), a creditor must demonstrate three elements: (1) willful conduct; (2) malice; and (3) causation. *See In re Butcher*, 200 B.R. 675, 680 (Bankr. C.D. Cal. 1996) (*quoting In re Apte*, 180 B.R. 223, 230 (B.A.P. 9th Cir. 1995)). A willful injury is a "deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury." *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). "A malicious injury involves (1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse." *In re Barboza*, 545 F.3d 702, 706 (9th Cir. 2008) (*quoting In re Jercich*, 238 F.3d 1202, 1209 (9th Cir. 2001)).

Here, Debtor has not raised a coherent legal argument with respect to the claim for relief pursuant to § 523(a)(6), although the Court surmises that Debtor generally disagrees with the allegations. Nevertheless, it is unclear what or which elements of a § 523(a)(6) cause of action Debtor believes have not been satisfied here; a review of the state court complaint reveals allegations which are adequate to allege each of the above recited elements. Specifically, Plaintiff has alleged a deliberate or intentional

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 12, 2018

Hearing Room 303

2:00 PM

CONT... Jordan Halston Amini

Chapter 7

wrongful act which necessarily produced harm without just cause or excuse.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jordan Halston Amini	Pro Se
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Defendant(s):

Jordan Halston Amini	Pro Se
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Movant(s):

Jordan Halston Amini	Pro Se
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Plaintiff(s):

Gustavo Marquez	Represented By Curtis M King
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Trustee(s):

Steven M Speier (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01127 Tarhuni v. Lakeview Loan Servicing, LLC et al

#1.00 CONT Motion to Dismiss Adversary Proceeding filed by Defendants Zieve, Brodnax & Steele, LLP; Les Zieve; John Steele; and Janaya Carter

From: 8/23/18

EH__

Docket 10

***** VACATED *** REASON: ORDER DISMISSING ADVERSARY
FILED 8/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni	Pro Se
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Defendant(s):

Lakeview Loan Servicing, LLC	Represented By Jonathan C Cahill
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FNF Servicing Inc	Pro Se
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Les Zieve	Represented By Jennifer Needs
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John Steele	Represented By Jennifer Needs
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Janaya Carter	Represented By Jennifer Needs
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LoanCare, LLC	Represented By Jonathan C Cahill
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Zieve, Brodnax & Steele, LLP	Represented By
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Melanie Tarhuni

Chapter 13

Jennifer Needs

Movant(s):

Les Zieve

Represented By
Jennifer Needs

John Steele

Represented By
Jennifer Needs
Jennifer Needs

Janaya Carter

Represented By
Jennifer Needs
Jennifer Needs

Zieve, Brodnax & Steele, LLP

Represented By
Jennifer Needs

Plaintiff(s):

Melanie Tarhuni

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:14-15520 Jeremiah Johnson Nellis

Chapter 13

#2.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 8/30/18

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremiah Johnson Nellis

Represented By
Carey C Pickford

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:16-14476 Juan Rene Fullen, Jr.

Chapter 13

#3.00 CONT Motion to Authorize Loan Modification (LMM) Agreement and Modify Loan on Real Property (LBR 9013-1 (o))

From: 7/19/18, 8/23/18

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Rene Fullen Jr.

Represented By
Luis G Torres

Movant(s):

Nationstar Mortgage LLC

Represented By
Brandy N Foreman
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

#4.00 Motion to vacate and set aside for fraud order and dismissal arising from motion to dismiss chapter 13

EH__

Docket 166

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry Pro Se

Movant(s):

Luevina Henry Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#5.00 Motion to Disallow Claims #8 re Wells Fargo Bank N.A.

EH__

Docket 200

Tentative Ruling:

9/13/18

BACKGROUND:

On August 2, 2016, Edward & Georgia Zozaya ("Debtors") filed a Chapter 13 voluntary petition. On September 15, 2016, Debtors' Chapter 13 plan was confirmed.

On December 16, 2016, Wells Fargo Bank ("Creditor") filed a proof of claim for a secured claim in the amount of \$321,681.25 ("Claim 8"). Claim 8 appears to include \$22,923.99 in prepetition arrears. Subsequently, there were four notices of mortgage payment change. On July 26, 2018, the Court entered an order on Debtor's motion for authority to enter into loan modification [Dkt. No. 195]. The order stated, in part:

4) Debtor(s) shall file a motion to modify their Plan and amended Schedules I and J to properly treat any arrears or change in mortgage payment that results from a final loan modification;

5) Debtor(s) must address in the motion to modify whether any further payments are to be made through the plan on mortgage arrears altered by the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT...

Edward Edmund Zozaya and Georgia Parrilla Zozaya
modification; and

Chapter 13

6) Debtor(s) shall also object to any claim for the mortgage arrears or obtain an amended proof of claim within 30 days of a final loan modification

On August 6, 2018, Debtors filed an objection to Claim 8. Debtors assert that the loan modification eliminated the existing arrears

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Edward Edmund Zozaya and Georgia Parrilla Zozaya Chapter 13

preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Debtors have not presented evidence that the loan modification has been finalized.

The Court notes that the order authorizing entry into a loan modification program also contemplated amended schedules and a motion to modify plan. Debtors have not taken either of those steps at present. It appears that the relief requested by Debtors requires a motion to modify plan.

TENTATIVE RULING

The Court is inclined to **OVERRULE** the objection.

APPEARANCE REQUIRED.

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

**CONT... Edward Edmund Zozaya and Georgia Parrilla Zozaya
Dana Travis**

Chapter 13

Movant(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:16-17859 Juan Aguilera

Chapter 13

#6.00 CONT Motion to vacate dismissal

From: 8/30/18

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Aguilera

Represented By
A Mina Tran

Movant(s):

Juan Aguilera

Represented By
A Mina Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#7.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D Castro Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Jennifer Manda Castro

Represented By
Chris A Mullen

Movant(s):

John D Castro Jr

Represented By
Chris A Mullen

Jennifer Manda Castro

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-11770 Raymond Burrola and Estela Burrola

Chapter 13

#8.00 Debtor's Motion for Order Disallowing the Claim 13-1 filed by Santander Consumer USA, Inc.

EH__

Docket 44

Tentative Ruling:

9/13/18

BACKGROUND:

On March 6, 2018, Raymond & Estela Burrola ("Debtors") filed a Chapter 13 voluntary petition. On May 30, 2018, Debtors' Chapter 13 plan was confirmed.

On June 19, 2018, Chrysler Capital ("Creditor") filed an unsecured proof of claim in the amount of \$18,960.42 ("Claim 13"). On August 3, 2018, Debtors filed an objection to Claim 13. Debtors argue that Claim 13 should be disallowed as untimely.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... **Raymond Burrola and Estela Burrola**

Chapter 13

F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b)(9) provides:

(b) Except as provide in subsections (c)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States as of the date of the filing of the petition, and shall allow such claim in such amount, except to the extent that –

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... **Raymond Burrola and Estela Burrola**

Chapter 13

(9) proof of such claim is not timely filed, except to the extent tardily filed as permitted under paragraph (1), (2), or (3) of section 726(a) of this title or under the Federal Rules of Bankruptcy Procedure, except that a claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the Federal Rules of Bankruptcy Procedure may provide, and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required.

Here, the claims deadline was May 15, 2018. None of the enumerated exceptions being applicable to the instant situation, Creditor's Claim 13 was filed untimely. Therefore, the Court will sustain the objection.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection as DISALLOW Claim 13 as untimely.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Raymond Burrola

Represented By
Elena Steers

Joint Debtor(s):

Estela Burrola

Represented By
Elena Steers

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Raymond Burrola and Estela Burrola

Chapter 13

Movant(s):

Raymond Burrola

Represented By
Elena Steers

Estela Burrola

Represented By
Elena Steers

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:13-28940 Jose Castellanos and Hiliana Castellanos

Chapter 13

#9.00 Motion for Leave to File New Order on Debtors' Motion to Avoid Junior Lien on Debtor's Principal Residence.

EH__

Docket 124

Tentative Ruling:

9/13/18

BACKGROUND

On November 21, 2013, Jose & Hiliana Castellanos ("Debtors") filed a Chapter 7 voluntary petition. Debtors previously received a discharge in a Chapter 7 proceeding on October 21, 2010. As such, Debtors were ineligible for a discharge in the instant case.

On December 17, 2013, Debtors converted their case to Chapter 13. On December 24, 2013, Debtors filed a motion to avoid liens pursuant to § 506(d). The motion requested that the second and third liens on Debtors' principal residence, held by Bank of America and Excel National Bank, respectively be avoided conditioned upon "receipt of a chapter 13 discharge." On March 10, 2014, the Court granted the relief sought in the motion.

On June 6, 2018, the Chapter 13 trustee filed his final report. On July 3, 2018, Debtors filed a motion for leave to file new order on Debtors' motion to avoid junior lien. On July 25, 2018, Debtors re-filed the motion, and the matter was set for hearing.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Jose Castellanos and Hiliana Castellanos

Chapter 13

DISCUSSION

Debtors appear to argue that 11 U.S.C. § 105 provides the basis for the relief requested FED. R. CIV. P. Rule 60(b), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024, however, provides the mechanism whereby a party can seek relief from a final order. Pursuant to FED. R. CIV. P. Rule 60(c)(1), however, Debtors are time-barred from bringing an argument under FED. R. CIV. P. Rule 60(b)(1)-(3). Therefore, the only applicable bases for relief are FED. R. CIV. P. Rule 60(b)(4)-(6).

The motion filed by Debtors does not provide adequate information to allow the Court to apply the applicable legal framework, even if the Court were to construe the motion as requesting relief pursuant to an appropriate legal provision.

Furthermore, in light of this Court's ruling in *In re Washington*, 587 B.R. 349 (Bankr. C.D. Cal. 2018), permitting Debtors to amend their motion at the end of their case would be prejudicial to creditors and would open up a legal loophole. Pursuant to *In re Washington*, the Debtors may be required to pay the claims of the contingently avoided lienholders through the Chapter 13 plan *pro rata* with other unsecured creditors. Allowing Debtors to fix their own mistake, at the conclusion of the case, would allow Debtors to avoid the secured claims of the junior lienholders while avoiding paying those claims through the Chapter 13 plan, a result expressly rejected by *In re Washington*.

In conclusion, Debtors have failed to identify the appropriate legal provision for the relief requested, have failed to make an adequate legal showing to justify relief under a legally appropriate provision, and have requested relief which, if granted, would contravene this Court's decision in *In re Washington*. For all the above reasons, the Court is inclined to DENY the motion.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Jose Castellanos and Hiliana Castellanos

Chapter 13

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Castellanos

Represented By
Mark E Brenner

Joint Debtor(s):

Hiliana Castellanos

Represented By
Mark E Brenner

Movant(s):

Jose Castellanos

Represented By
Mark E Brenner
Mark E Brenner

Hiliana Castellanos

Represented By
Mark E Brenner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-16578 Angela M. Sandoval

Chapter 13

#10.00 Motion to Value Collateral held by Balboa Thrift & Loan

EH ____

Docket 15

Tentative Ruling:

9/13/2018

BACKGROUND

On August 3, 2018, Angela Sandoval ("Debtor") filed a Chapter 13 voluntary petition. Among the assets of the estate is a 2016 Honda Accord EX-L (the "Property"). On August 13, 2018, Debtor filed a motion to determine the value of the property. On August 23, 2018, Balboa Thrift & Loan ("Balboa") filed a secured claim in the amount of \$26,362.90 ("Claim 4"). On August 30, 2018, Balboa filed its opposition.

Debtor's motion contends that the value of the Property is \$15,089, leaving an unsecured balance of \$11,273.90. Balboa's opposition contends that the value of the Property is \$20,538.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... **Angela M. Sandoval**

Chapter 13

Presently the Ninth Circuit has not established a uniform method for valuations. *See In re Ayres*, 2010 WL 652825 at *5 (Bankr. N.D. Cal. 2010) (collecting cases detailing vehicle valuation and describing the state of the law in the Ninth Circuit). In *In re Morales*, however, which this Court has previously cited with approval, it was determined that retail value should be calculated "by adjusting the Kelley Blue Book or N.A.D.A. Guide retail value for a like vehicle by a reasonable amount in light of the evidence presented regarding the condition of the vehicle or any other relevant factors." *In re Morales*, 387 B.R. 36, 45 (Bankr.C.D.Cal.2008).

According to the court in *In re Morales*, the retail values, and not the private party values, are the appropriate starting points because the text of § 506(a)(2) refers to "the price a retail merchant would charge" and does not refer to the price a private party would charge. *Morales* at 46.

Here, Debtor has provided a Kelly Blue Book report stating that the trade-in value of the Property is \$15,043. Balboa, on the other hand, provides an (unauthenticated) Kelly Blue Book report which states that the "lending value" is \$19,570 and the "typical listing price" is \$21,506. Balboa proposes to take the average of the two identifies values, for reasons that are unclear. Given that Balboa has failed to properly authenticate its evidence or explain its method in arriving at its proposed figure, the Court is inclined to continue the matter for the parties to file supplements, if desired.

Finally, Balboa's arguments as to the appropriate interest rate are not appropriately raised in an opposition to a motion to value.

Tentative Ruling:

The Court is inclined to CONTINUE the matter for the parties to file supplemental declarations or evidence.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Angela M. Sandoval

Chapter 13

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Angela M. Sandoval

Represented By
Rabin J Pournazarian

Movant(s):

Angela M. Sandoval

Represented By
Rabin J Pournazarian
Rabin J Pournazarian
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-14388 Jesus Pabloff and Virginia Pabloff

Chapter 13

#11.00 Motion for Setting Property Value

EH__

Docket 38

Tentative Ruling:

9/13/2018

BACKGROUND

On May 23, 2018, Jesus & Virginia Pabloff ("Debtors") filed a Chapter 13 voluntary petition. Among the assets of the estate is certain real property located at 33695 Marigold Ln., Murrieta, CA 92563, the principal residence of Debtors (the "Property"). On August 17, 2018, Debtors filed a motion to determine the value of the property.

Debtors; motion contends that the value of the Property is \$420,000. Debtors' motion appears to be an attempt to bifurcate the lien of the Internal Revenue Service into a secured claim in the amount of \$17,175.04 and an unsecured claim of \$145,037.39.

DISCUSSION

11 U.S.C. § 1322(b)(2) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... **Jesus Pabloff and Virginia Pabloff**

Chapter 13

(b) Subject to subsections (a) and (c) of this section, the plan may –

(2) modify the rights of holders of secured claims, other than a claim secured only a security interest in real property that is the debtor's principal residence, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims

Here, the claim of the IRS is secured by Property, which is real property that is the debtor's principal residence, and, therefore, Debtors cannot utilize § 1322(b)(2) to bifurcate the claim.

Because Debtors' motion was filed for a legally impermissible basis, the Court declines to engage in the merits of a valuation which would serve no purpose.

Tentative Ruling:

The Court is inclined to DENY the motion

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jesus Pabloff

Represented By
Tom A Moore

Joint Debtor(s):

Virginia Pabloff

Represented By
Tom A Moore

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

CONT... Jesus Pabloff and Virginia Pabloff

Chapter 13

Movant(s):

Jesus Pabloff

Represented By
Tom A Moore

Virginia Pabloff

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-14257 Adam Casey Addison

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Casey Addison

Represented By
Nima S Vokshori
Luke Jackson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 8/2/18, 8/23/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Agustin Blanco

Represented By
Norma Duenas

Joint Debtor(s):

Jeneke Nicole Blanco

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-14816 Daniel W. Sargent

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 8/23/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel W. Sargent

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15587 Romeo Labastida

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Romeo Labastida

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15594 Henry Hurtado, Sr.

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Hurtado Sr.

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15598 Stephen Mark Caldwell

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stephen Mark Caldwell

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15609 Lewis K. Chism and Latoya A. Chism

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lewis K. Chism

Represented By
Christopher J Langley

Joint Debtor(s):

Latoya A. Chism

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15614 Javier Ortega

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Ortega

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15617 Juan Vargas and Anabely E Vargas

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Joint Debtor(s):

Anabely E Vargas

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15643 Letheron Antonio May

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Letheron Antonio May

Represented By
Marco A Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15664 Norberto Calalay Jimenez and Araceli Corrales Jimenez

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norberto Calalay Jimenez

Represented By
Christopher J Langley

Joint Debtor(s):

Araceli Corrales Jimenez

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15703 Steve Jaime

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Jaime

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15704 Jackie May Zapata

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jackie May Zapata

Represented By
Daniel King

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15727 Kalake Monisoni Toutai

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kalake Monisoni Toutai

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15728 Jacob Joseph, Jr

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacob Joseph Jr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15729 Victoria Charis Agathakis

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Charis Agathakis

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15732 Cameron Hudson

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cameron Hudson

Represented By
Stuart R Simone

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15766 Deborah A Neville and Ronnie L Neville

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah A Neville

Represented By
Hayk Grigoryan

Joint Debtor(s):

Ronnie L Neville

Represented By
Hayk Grigoryan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15795 Wanda Gonzalez and Filiberto Marquez Gonzalez

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wanda Gonzalez

Represented By
Benjamin R Heston

Joint Debtor(s):

Filiberto Marquez Gonzalez

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15836 David Michael Mason and Shannon Leigh Mason

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Michael Mason

Represented By
Bryant C MacDonald

Joint Debtor(s):

Shannon Leigh Mason

Represented By
Bryant C MacDonald

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15853 Luisa Demelo Luis

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luisa Demelo Luis

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-15857 Patricia Rodriguez

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Rodriguez

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:00 AM

6:18-14164 Charles Williams, III

Chapter 13

#34.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18, 8/23/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Williams, III

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:12-35447 Fernando Rodriguez and Gabriela Rodriguez

Chapter 13

#35.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH__

Docket 282

***** VACATED *** REASON: WITHDRAWAL OF MOTON FILED
9/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Rodriguez

Represented By
Tamar Terzian

Joint Debtor(s):

Gabriela Rodriguez

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:13-18557 Michael Anthony Clay and Brenda Ann Clay

Chapter 13

#36.00 Trustee's Motion to Dismiss Case

EH__

Docket 275

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Clay

Represented By
Dana Travis

Joint Debtor(s):

Brenda Ann Clay

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:14-13510 Carmen Lucia Mendez

Chapter 13

#37.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Lucia Mendez

Represented By
Sara E Razavi
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:14-17491 Rosalie Estella Crouch

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/30/18

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosalie Estella Crouch

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:14-20076 Delfina Ramos Hernandez

Chapter 13

#39.00 Trustee's Motion to Dismiss Case

EH__

Docket 82

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Delfina Ramos Hernandez

Represented By
Edward G Topolski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:14-24084 Michael Lee Barnes and Belinda Ann Barnes

Chapter 13

#40.00 Trustee's Motion to Dismiss Case

EH__

Docket 120

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Lee Barnes

Represented By
Todd L Turoci

Joint Debtor(s):

Belinda Ann Barnes

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:15-20062 Lilia Iveth Fong

Chapter 13

#41.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lilia Iveth Fong

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-10385 Adolfo Gonzalez and Angelica Gonzalez

Chapter 13

#42.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 68

*** VACATED *** REASON: WITHDRAWAL OF MOTON FILED
9/12/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adolfo Gonzalez

Represented By
Luis G Torres

Joint Debtor(s):

Angelica Gonzalez

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-12453 Michael Joseph Fodor

Chapter 13

#43.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Joseph Fodor

Represented By
Michael R Totaro
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-13729 Bradly Scott Aduddell

Chapter 13

#44.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 8/30/18

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bradly Scott Aduddell

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#45.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-16263 Tanyua A Gates-Holmes

Chapter 13

#46.00 CONT Trustee's Motion to Dismiss Case

From: 8/2/18, 8/30/18

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanyua A Gates-Holmes

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-17911 Elizabeth T Baker

Chapter 13

#47.00 Trustee's Motion to Dismiss Case

EH__

Docket 132

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-18430 Isaias Melo and Rosa Melo

Chapter 13

#48.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isaias Melo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Rosa Melo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-19240 Octavio Rubio Mata

Chapter 13

#49.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/2/18, 8/23/18

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Octavio Rubio Mata

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#50.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-11538 Michael Ray Sandoval

Chapter 13

#51.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Ray Sandoval

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-11790 Larry Patrick Egan and Elizabeth Ann Egan

Chapter 13

#52.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Patrick Egan

Represented By
Dana Travis

Joint Debtor(s):

Elizabeth Ann Egan

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-13107 Angel Benavidez

Chapter 13

#53.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angel Benavidez

Represented By
William P Mullins

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-15604 Mandy Catron

Chapter 13

#54.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH __

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mandy Catron

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie

Chapter 13

#55.00 CONT Trustee's Motion to Dismiss Case re delinquency

From: 8/30/18

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-17612 Jose Guadalupe Sandoval

Chapter 13

#56.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 22

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Guadalupe Sandoval

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-18777 Josephine Theobald

Chapter 13

#57.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/16

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Josephine Theobald

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-19132 Juan A Martinez

Chapter 13

#58.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/30/18

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-19589 Rodrigo Fernando Ramirez Guinea

Chapter 13

#59.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/30/18

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodrigo Fernando Ramirez Guinea

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-19853 Diego Lopez

Chapter 13

#60.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diego Lopez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-20262 Alma Barbara Ewing

Chapter 7

#61.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 31

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
9/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alma Barbara Ewing

Represented By
Steven A Alpert

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-20382 Raymond Ballejos and Veronica Ballejos

Chapter 13

#62.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Ballejos

Represented By
Natalie A Alvarado

Joint Debtor(s):

Veronica Ballejos

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:17-20652 Marian Amelia Pagano

Chapter 13

#63.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marian Amelia Pagano

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:18-10170 Vernita Goodwin

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vernita Goodwin

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:18-10741 Santiago A. Anonical, Jr. and Shallee V Anonical

Chapter 13

#65.00 CONT Trustee's Motion to Dismiss Case

From: 8/2/18, 8/23/18

EH__

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Santiago A. Anonical Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Shallee V Anonical

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:18-11989 Tina M Fugitt

Chapter 13

#66.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tina M Fugitt

Represented By
Stephen R Wade

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:18-11993 Anisha Christel Wilson

Chapter 13

#67.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anisha Christel Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:15-20023 Zachary Lee Nowak

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 98

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zachary Lee Nowak

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 13, 2018

Hearing Room 303

11:01 AM

6:15-20062 Lilia Iveth Fong

Chapter 13

#69.00 Trustee's Motion to Dismiss Case

EH__

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lilia Iveth Fong

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, September 17, 2018

Hearing Room 303

2:00 PM

6:18-17624 Jose Antonio Velasco and Lilian Micaela Velasco

Chapter 13

#1.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1931 Hammingway Pl, San Jacinto CA 92583

MOVANT: JOSE VELASCO & LILIAN MICAELA VELASCO

EH__

Docket 12

Party Information

Debtor(s):

Jose Antonio Velasco

Represented By
Danny K Agai

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 20, 2018

Hearing Room 303

11:01 AM

6:16-17031 Anderson L Pepper

Chapter 13

#1.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 8/23/18

Also #2

EH__

Docket 80

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 20, 2018

Hearing Room 303

11:01 AM

6:16-17031 Anderson L Pepper

Chapter 13

#2.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18, 8/23/18

Also #1

EH__

Docket 78

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:13-26277 Charles Frederick Biehl

Chapter 7

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6 Dover Court, Rancho Mirage, CA 92270

MOVANT: CALIBER HOME LOANS, INC

EH__

Docket 254

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Charles Frederick Biehl

Represented By
Daryl L Binkley - DISBARRED -
Steven L Bryson

Movant(s):

Caliber Home Loans, Inc.

Represented By
Nancy L Lee

Trustee(s):

John P Pringle (TR)

Represented By
James C Bastian Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT...

Charles Frederick Biehl

Chapter 7

Elyza P Eshaghi
Brandon J Iskander
Lynda T Bui
Leonard M Shulman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:15-10929 Christopher John Helme

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9950 Sofia Court, Moreno Valley, California 92557

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 161

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT relief from § 1301(a) stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Christopher John Helme

Represented By
Todd L Turoci

Movant(s):

US Bank National Association, as

Represented By
Tyneia Merritt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Christopher John Helme

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:17-12700 Eugene Alexis Padilla

Chapter 13

#3.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 420 Fenmore Drive, Barstow, CA 92311

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 8/21/18

EH __

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/31/18**

Tentative Ruling:

8/21/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Eugene Alexis Padilla

Represented By
John F Brady

Movant(s):

Freedom Mortgage Corporation, its

Represented By
Kristin A Zilberstein
Merdaud Jafarnia
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Eugene Alexis Padilla

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:17-15893 Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Cruze, VIN 1G1BE5SM3G7250074

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC

EH__

Docket 36

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Joseph Manuel Ruiz

Represented By
April E Roberts

Joint Debtor(s):

Shannon Elizabeth Ruiz

Represented By
April E Roberts

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

Movant(s):

Americredit Financial Services, Inc.,

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:17-20650 Silvia Patricia Zepeda

Chapter 7

#5.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2014 Toyota Camry, VIN 4T1BF1FK4EU771580

MOVANT: WELLS FARGO BANK NA dba WELLS FARGO DEALER
SERVICES

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/24/18**

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.
DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Silvia Patricia Zepeda

Represented By
James F Drake

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Silvia Patricia Zepeda

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14785 Alba Way, Moreno Valley, CA 92553

MOVANT: PACIFIC UNION FINANCIAL LLC

EH__

Docket 49

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Leonel Villa

Represented By
Todd L Turoci

Joint Debtor(s):

Lucila Pineda

Represented By
Todd L Turoci

Movant(s):

Pacific Union Financial, LLC

Represented By
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Leonel Villa and Lucila Pineda

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-10740 Karin Olaya

Chapter 7

#7.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1660 Quail Summit Dr Beaumont, CA 92223

MOVANT: U.S. NATIONAL ASSOCIATION SUCCESSOR TRUSTEE

EH__

Docket 40

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT request for relief from stay pursuant to § 362(d)(4) based on multiple bankruptcies affecting the property (four filings in nine months). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Karin Olaya

Represented By
Edward T Weber

Movant(s):

U.S. Bank National Association

Represented By
Darlene C Vigil

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 150 W. Highland Ave, San Bernardino, CA 92405

MOVANT: MILESTONE FINANCIAL LLC

EH__

Docket 49

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: Yes

As a preliminary note, the Court notes that Local Rule 4001-(1)(c)(4) states that: "[a] motion for relief from the automatic stay must be filed separately from, and not combined in the same document with, any other request for relief, unless otherwise ordered by the court." Therefore, the default position is that the alternative requests made by Movant, for dismissal of the case or modification of the plan, are inappropriately brought in conjunction with a motion for relief from stay. Here, the Court is inclined to not deviate from the default position, because such requests are more appropriately heard on a Chapter 13 calendar when the Chapter 13 Trustee is present. Therefore, the Court is inclined to DENY the alternative requests for dismissal of the case or modification of the plan without prejudice.

Regarding the request for relief from the automatic stay, the Court notes that Debtor is correct in asserting that the Chapter 13 plan is a conduit plan, with payments to be made to Del Toro Loan Servicing, Movant's servicer, through the plan. While the Court notes that the docket does not reflect that a motion to dismiss for delinquency has been filed in this case, Debtor has not provided any supporting documentation indicating that the Chapter 13 plan payments are current.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Fernando Coronel and Maria Coronel Chapter 13

Parties to discuss status of Chapter 13 plan payments and whether funds have been received by Movant and/or its loan servicer, Del Toro Loan Servicing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-12862 Antoinette Marie Tutt

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 5527 North Valles Drive, San Bernardino, California 92407

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

EH__

Docket 43

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

Parties to discuss status of arrears, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Antoinette Marie Tutt

Represented By
Brian C Miles

Movant(s):

U.S. Bank Trust National

Represented By
Jamie D Hanawalt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-14278 David Bruce Bremer and Tina Marie Bremer

Chapter 13

#10.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 TOYOTA PRIUS, VIN: JTDZ N3EU 7D31
87716

MOVANT: MECHANICS BANK

EH__

Docket 27

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY
alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

David Bruce Bremer

Represented By
Paul Y Lee

Joint Debtor(s):

Tina Marie Bremer

Represented By
Paul Y Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... David Bruce Bremer and Tina Marie Bremer

Chapter 13

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjian

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-14516 Gary Ray Osborn

Chapter 13

#11.00 CONT Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: sales proceeds from 1754 Valley Park Avenue, Hermosa Beach, CA 90254 per dissolution of marriage & statement of decision in state court action

MOVANT: CATHERINE OSBORN

From: 7/31/18

EH__

Docket 16

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Ray Osborn

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Catherine Osborn

Represented By
Robert S Altagen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-14945 Harish S. Sharma and Neha H. Sharma

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14346 Settlers Ridge Court, Corona, CA 92880

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harish S. Sharma

Represented By
Mark J Markus

Joint Debtor(s):

Neha H. Sharma

Represented By
Mark J Markus

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Jamie D Hanawalt

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-15893 Juan Duran

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 30622 Via Pared, Thousand Palms, CA 92276

MOVANT: VILLAGE CAPITAL & INVESTMENT, LLC

EH__

Docket 8

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Juan Duran

Represented By
Christopher Hewitt

Movant(s):

Village Capital & Investment, LLC

Represented By
Erin M McCartney

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-16311 Gregory Lee Haan, Jr. and Yisel Haan

Chapter 7

#14.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Buick Enclave

MOVANT: WESCOM CREDIT UNION

EH__

Docket 11

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Gregory Lee Haan Jr.

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Yisel Haan

Represented By
Terrence Fantauzzi

Movant(s):

Wescom Credit Union

Represented By
Karel G Rocha

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Gregory Lee Haan, Jr. and Yisel Haan

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-16356 Kenneth Ronald Wolf and Carol Janet Wolf

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Kia Optima, VIN: 5XXGV4L23GG074901

MOVANT: KIA MOTORS FINANCE

EH__

Docket 10

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Kenneth Ronald Wolf

Represented By
Dana Travis

Joint Debtor(s):

Carol Janet Wolf

Represented By
Dana Travis

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Kenneth Ronald Wolf and Carol Janet Wolf

Chapter 7

Movant(s):

Kia Motors Finance

Represented By
Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-16399 Charles J. La Chapelle and Doris L La Chapelle

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Dodge Journey, VIN: 3C4PDCDG4CT180053

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 21

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Charles J. La Chapelle

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Doris L La Chapelle

Represented By
Patricia M Ashcraft

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Charles J. La Chapelle and Doris L La Chapelle

Chapter 7

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-16683 Sherry Ann Beardsley

Chapter 13

#17.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1041 W 27th St, San Bernardino, CA 92405-3121 Under 11 U.S.C. § 362

MOVANT: WELLS FARGO BANK NA

CASE DISMISSED 8/27/18

EH__

Docket 12

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (4) based on multiple bankruptcy filings (four cases since March 2015) affecting the subject real property and the fact that the instant filing was a skeletal filing which was summarily dismissed. GRANT relief from Rule 4001(a)(3) stay. DENY all remaining requests as moot because this case was dismissed on August 27, 2018.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sherry Ann Beardsley

Pro Se

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Sherry Ann Beardsley

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-17018 Brittany Nicole Britt and Joshua Britt

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Ford Flex, VIN: 2FMGK5C86FBA21056

MOVANT: CAB WEST LLC

EH__

Docket 11

Tentative Ruling:

9/25/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Brittany Nicole Britt

Represented By
Aaron Lloyd

Joint Debtor(s):

Joshua Britt

Represented By
Aaron Lloyd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Brittany Nicole Britt and Joshua Britt

Chapter 7

Movant(s):

Cab West LLC

Represented By
Sheryl K Ith

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-17504 Jossue Aly Majana

Chapter 13

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25842 Dove Street, Corona, CA 92883

MOVANT: TERRA MADERIOS

CASE DISMISSED 9/24/18

EH__

Docket 7

Tentative Ruling:

9/25/2018

Service: Unclear
Opposition: None

Because the case was dismissed, the Court is inclined to DENY the requests for relief from stay under § 362(d)(1) and § 1301(a) as moot, and DENY request under ¶ 2. DENY request for relief pursuant to § 362(d)(4). Movant appears to be the owner of the subject Property and not a secured creditor. DENY request for relief under ¶ 7 for lack of cause shown. DENY request for relief under ¶ 6 and DENY waiver of Rule 4001(a) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jossue Aly Majana

Pro Se

Movant(s):

Terra Maderios

Represented By
Michael E Hickey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Jossue Aly Majana
Michael E. Hickey

Pro Se

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-17677 Chadwick Otieno Ochieng and Christine Achieng Matoka

Chapter 13

#20.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 4123 Pearl Street, Lake Elsinore, CA 92530

MOVANT: CHRISTINE ACHIEHG MATOKA

EH__

Docket 11

Tentative Ruling:

9/25/2018

The Court notes the following issues raised by the Motion:

1. The Notice of Motion incorrectly indicated that the hearing was on "regular" rather than "shortened" notice;
2. The Amended Notice did not name Amerihome as an interested party; and
3. The Text on §3(f), pg 6, is cut off.

APPEARANCES REQUIRED.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Joint Debtor(s):

Christine Achieng Matoka

Represented By
John F Brady

Movant(s):

Chadwick Otieno Ochieng

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Chadwick Otieno Ochieng and Christine Achieng Matoka Chapter 13

John F Brady

Christine Achieng Matoka

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

6:18-17886 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#20.10 Amended Motion (related document(s): 11 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1657 Via Verde Drive Rialto, CA 92377 SAN BERNARDINO . filed by Debtor Ricky Antonio Scott, Joint Debtor Shemida Shiloni Scott)

MOVANT: RICKY ANTONIO SCOTT AND SHEMIDA SHILONI SCOTT

EH__

Docket 14

Tentative Ruling:

09/25/2018

The Debtors' prior case was dismissed on July 25, 2018, for failure to submit 2017 federal and state tax returns to the Trustee. The Debtors and their counsel did not appear at the hearing and the case was dismissed. The Debtors have obtained new counsel. In support of their Motion, they assert that they believed they had complied with the Trustee's request for the returns by submitting Debtor Husband's returns but failed to notify the Trustee that the co-debtor was not required to file taxes. Additionally, the Debtors assert that because their plan proposed a 100% payout to creditors, they were not required to provide refund monies to the estate.

Here the Debtors request that their stay be continued as to the foreclosing creditor, Wells Fargo, who has a sale scheduled for September 26, 2018.

The Debtors have provided sufficient evidence to overcome the § 362(c)(3)(C) presumption that the case was not filed in good faith given that a relief from stay was pending in the prior case as to Wells Fargo when the case was dismissed.

Based on the foregoing, the Court is inclined to GRANT the Motion as to Wells Fargo, the foreclosing creditor.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

10:00 AM

CONT... Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Eva M Hollands

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Eva M Hollands

Movant(s):

Ricky Antonio Scott

Represented By
Eva M Hollands

Shemida Shiloni Scott

Represented By
Eva M Hollands

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#21.00 CONT Motion for relief from automatic stay with supporting declarations
ACTION IN NON-BANKRUPTCY FORUM RE: Federal Insurance Co., et al vs.
AMJ Plumbing Specialist, docket number BC649108; Los Angeles Superior
Court, Los Angeles

MOVANT: FEDERAL INSURANCE COMPANY AND LEXINGTON INSURANCE
COMPANY

From: 8/28/18

EH __

Docket 162

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/24/18**

Tentative Ruling:

08/28/2018

Service is Improper

Opposition: None

The Court finds that the attachment to the proof of service provides insufficient evidence of the parties served with the Motion and the manner of service. The Court is inclined to CONTINUE the hearing on the Motion to September 25, 2018, at 2:00 p.m. for Movant to file and serve an Amended Notice of Motion and Motion with notice of the continued hearing date and a properly completed proof of service. The deadline for Movant to file the amended pleadings is September 3, 2018.

APPEARANCES WAIVED.

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... AMJ Plumbing Specialists Corp.

Chapter 11

Movant(s):

Emporium Hardwoods Operating

Represented By
Susan M Benson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#22.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#23.00 CONT Status Conference Re: Complaint by Cambridge Medical Funding Group II, LLC against Allied Injury Management, Inc., John C. Larson. 02 - Other e.g. other actions that would have been brought in state court if unrelated to bankruptcy

HOLDING DATE

From: 11/1/16, 12/6/16, 1/31/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 10/3/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

John C. Larson

Pro Se

Plaintiff(s):

Cambridge Medical Funding Group

Represented By
Kenneth Hennesay

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Jason Balitzer
Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#24.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17,4/4/17, 4/25/17, 6/27/17, 7/11/17,
9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18

Also #25

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#25.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18

Also #24

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#26.00 Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii) 5065 Brooks Street, Montclair, CA 91763

MOVANT: TAYLOR FAMILY TRUST OF JUNE 16, 2004

Also #27 & #28

EH__

Docket 26

Tentative Ruling:

9/25/2018

Service: Adequate

Opposition: None

Pursuant to 11 U.S.C. § 362(c)(3)(A), the automatic stay in the instant case expired on the 30th day after the petition date. Here, Debtor filed an untimely motion to continue the automatic stay (set as matter 27 on the docket), which the Court, through a tentative ruling, has indicated it is inclined to deny. While Debtor offers various general arguments regarding the status of the case, Debtor has not provided a cognizable basis to support the denial of this motion. Therefore, the Court is inclined to GRANT the motion, confirming that the automatic stay terminated on August 22, 2018.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

Movant(s):

Taylor Family Trust of June 16, 2004

Represented By
Paul J Gutierrez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#27.00 Amended Motion (related document(s): 30 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 5065 Brooks Street, Montclair, Ca 91763 Notice of Motion and Motion in Individual Case for Order Imposing a Stay

MOVANT: RICHARD GARAVITO

Also #26 & #28

EH__

Docket 33

Tentative Ruling:

9/25/2018

Service: Proper
Opposition: None

Pursuant to 11 U.S.C. § 362(c)(3)(B), a motion to continue the automatic stay must be filed and heard within thirty days of the petition here. Here, the instant motion was filed forty-six days after the petition date, and the matter was set for hearing sixty-four days after the petition. While Debtor acknowledges the above time limitation in the motion, Debtor has provided no argument or basis to avoid the conclusion that the request sought in the motion is statutorily barred as untimely. The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#28.00 Motion to Dismiss Chapter 11 Case

Also #26 & #27

EH__

Docket 37

Tentative Ruling:

9/25/2018

BACKGROUND

On July 23, 2018, Richard Garavito ("Debtor") filed a Chapter 11 voluntary petition. Debtor previously filed a Chapter 13 case on April 17, 2018, which was dismissed on July 19, 2018.

On August 29, 2018, the Taylor Family Trust of June 16, 2004 ("Creditor"), the primary creditor in the instant case, filed a motion to confirm that the automatic stay terminated pursuant to 11 U.S.C. § 362(c)(3)(A). On September 7, 2018, Debtor filed a motion to continue/impose the automatic stay. Because Debtor has not offered a cognizable legal argument as to why the automatic stay has not terminated, or why Debtor can obtain a continuation of the automatic stay after the statutory deadline, the Court has posted tentative rulings indicating that it intends to grant Creditor's motion and deny Debtor's motion.

On September 11, 2018, Debtor filed a motion to dismiss the case and an application shortening time. On September 13, 2018, the Court approved the application shortening time, and set a hearing for September 25, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

DISCUSSION

11 U.S.C. § 1112(b)(1) states:

Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause – most of which are more appropriately considered when the moving party is an entity other than the debtor.

Here, Debtor's motion is unclear, at best. The entire argument why the case should be dismissed is reproduced, verbatim, as follows:

In the present case, since the motion to impose and/or continue the stay was not timely filed, the stay will no longer be in effect with the pending motion to terminate the stay filed by secured creditor Taylor Family Trust.

The Debtor should not be penalized due to counsel's inadvertent calendaring error of the 30 days rule of filing a motion to impose and/or continue the stay. However, an argument can be made that under the majority approach a motion

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Garavito

Chapter 11

to impose or continue the stay shall be filed as to the Debtor individually and not as to the property of the estate. Here, the Subject Property is property of the estate and the automatic stay should be in effect as to the Subject Property.

However, due to circumstances surrounding the possible termination of the stay, the Debtor requests dismissal of this case as there is no purpose if the stay is not in effect as to the Subject Property.

[Dkt. No. 37, pg. 5]. In summary, Debtor acknowledges that the stay has statutorily terminated and the deadline to continue the automatic stay has lapsed, but then argues that such stay termination is with regards to the Debtor only, not property of the estate. Despite the argument, the Debtor then asserts that due to "circumstances" the Debtor requests dismissal because there is "no purpose" if the stay has also terminated as to property of the estate.

There are multiple issues with the above line of argument. First, Debtor does not appear to have raised any coherent cause for dismissal – the only argument made in favor of dismissal, that the "Subject Property" is not protected by the automatic stay, (and thus this Chapter 11 case cannot be successful) is also explicitly rejected by Debtor. Second, § 1112(b) requires the Court to consider whether dismissal or conversion to Chapter 7 is in the best interests of creditors and the estate. Here, Debtor's schedules filed in the instant case indicate that all creditors would likely be paid in full if this case was converted to Chapter 7. Therefore, pursuant to the analysis required by § 1112(b), it is unclear why this case would be dismissed rather than converted to Chapter 7.

Finally, the Court acknowledges that, in a reply relating to its motion to confirm that the automatic stay has terminated, Creditor has requested that, if the case is dismissed, Debtor be restricted from re-filing by a bar. While raising this argument in a reply relating to a different motion is procedurally improper, the Court need not address the request at the current time given the issues above.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

TENTATIVE RULING

Debtor and Creditor to argue: (1) whether there is cause for dismissal; (2) whether the automatic stay is in effect as to the Subject Property; and (3) whether dismissal or conversion to Chapter 7 would be in the best interests of creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#29.00 Pacific Steel Group's Objection to Insider Compensation

Also #30

EH__

Docket 77

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#30.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 8/28/18

Also #29

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#31.00 Motion to Allow Claims:
9 - Donahoo & Associates PC
#10 - Juan Catano
#11 - Faustino Magana

Also #32 & #33

EH__

Docket 62

Tentative Ruling:

09/25/2018

BACKGROUND

On March 27, 2018, G Hurtado Construction, Inc. ("Debtor") filed its petition for chapter 11 relief. The bankruptcy was precipitated by a wage and hour lawsuit brought by two and possibly more former employees. Catana and Faustino v. G Hurtado Construction, Inc. On May 9, 2018, the Debtor issued a Notice of Bar Date indicating that the Court set a deadline of July 13, 2018 ("Bar Date"), for creditors to file proofs of claims against the Debtor's estate.

On July 16, 2018, the following claims were filed: Claim #9 by Donahoo & Associates, PC in the amount of \$134,475.02, Claim #10 by Juan Catano in the amount of \$230,081.64, Claim #11 by Faustino Magana in the amount of \$101,240.04 (collectively, "Litigation Claimants")

On August 29, 2018, the Litigation Claimants filed a Motion to allow their claims ("Motion"). Opposition was filed by the Debtor on September 10, 2018 ("Opposition"). On September 17, 2018, the Litigation Claimants filed their Reply to the Opposition ("Reply").

DISCUSSION

The Litigation Claimants seek the Court's permission to allow their claims as timely pursuant to FRBP 9006(b)(1). In support of the Motion, the Litigation Claimants have provided evidence that the claims at issue were ready on the Bar Date

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... **G Hurtado Construction, Inc.**

Chapter 11

but that due to "a misunderstanding", the claims were mailed to the Court instead of being personally filed by an attorney service. The result is that the claims arrived three days late. In response, the Debtor argues that the failure to timely file a claim was based on mistake, not excusable neglect, and that even assuming, arguendo, that there was neglect, that that neglect was not excusable.

The Court in *Pioneer* recognized that "excusable neglect" is a flexible, equitable concept, and also reminded us that "inadvertence, ignorance of the rules, or mistakes construing the rules do not usually constitute 'excusable' neglect." *Pioneer* at 389; *Kyle v. Campbell Soup Co.*, 28 F.3d 928, 931 (9th Cir. 1994), as amended on denial of reh'g (Apr. 8, 1994). Although the Debtor argues that the Litigation Claimants' statements amount to grounds under the concept of 'mistake' and not 'excusable neglect', the facts belie that assertion. Specifically, the declaration of Mr. Danhoo clearly indicates his instruction to his paralegal was to file the proof of claims on the bar date. There is no evidence or argument that the failure of the paralegal to accurately follow the instruction was due to a mistake in interpreting or applying the applicable rules. Instead, the facts presented comport most closely with the definition of "neglect" indicated in *Pioneer*, i.e., "to give little attention or respect" to a matter, or "to leave undone or unattended to esp[ecially] through carelessness. *Pioneer* at 389. The word therefore encompasses both simple, faultless omissions to act and, more commonly, omissions caused by carelessness. *Id.* Here, it is either the carelessness of the attorney in supervising the paralegal, or of the paralegal in following the instruction that most likely resulted in the mailing of the proofs of claim. As such, the remaining issue is whether the neglect in evidence is excusable.

The determination of whether neglect is "excusable" is "an equitable one, taking account of all relevant circumstances surrounding the party's omission." *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993). Such circumstances include "the danger of prejudice to the debtor, the length of the delay and its potential impact on judicial proceedings, the reason for the delay ... and whether the movant acted in good faith." *Id.* This list is not exhaustive. *In re Zilog, Inc.*, 450 F.3d 996, 1003 (9th Cir. 2006). The determination is essentially an equitable one, taking account of all relevant circumstances surrounding a party's omission. *In re Gordian Med., Inc.*, 499 B.R. 793, 798 (Bankr. C.D. Cal. 2013). No single circumstance in isolation compels a particular result regardless of the other factors. *Briones v. Riviera Hotel & Casino*, 116 F.3d 379, 382 n. 2 (9th Cir.1997).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... G Hurtado Construction, Inc.

Chapter 11

As to the length of the delay, the claims at issue were filed only three days late, which weighs in favor of allowing the claims. Additionally there is no evidence that the Litigation Claimants have acted other than in good faith. This second factor weighs in favor of allowing the claims.

The two remaining elements of the *Pioneer* test are danger of prejudice to the debtor and potential impact on judicial proceedings (and length of the delay in the claim's filing). As to a chapter 11 case,

When a proof of claim is timely filed, it puts the debtor and other parties in interest in a bankruptcy case on notice that a particular creditor is asserting a right to payment. When a proof of claim is filed after the bar date, this notice is delayed by the length of time running from the bar date to the date of the untimely claim's filing. During this interval, the debtor and other parties in interest may have taken action in reliance on their knowledge of the body of claims in the case as of the close of the bar date. For example, armed with information about the total amount of filed claims, a debtor may have reached certain tentative conclusions about how much it could afford to pay under a chapter 11 plan and, on that basis, conducted negotiations with the unsecured creditors committee and perhaps secured creditors as well. Equally true, the debtor may have conveyed information to the bankruptcy court during status conferences about the anticipated timing for the filing of a disclosure statement and plan of reorganization, and the bankruptcy court may have taken such information into account in setting various deadlines in the case.

The filing of a late claim has the potential to upend such negotiations and any informal agreements that may have been reached with creditors as well as to require the bankruptcy court to reconsider its previously imposed deadlines. Each case turns on its own facts, and there may be other instances of prejudice to the debtor and an adverse impact on judicial proceedings beyond those mentioned above.

Gordian Med. at 799.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

CONT... **G Hurtado Construction, Inc.**

Chapter 11

Here, there is no evidence that the short delay in filing the proofs of claim prejudiced the Debtor. To the contrary, the Litigation Claimants' claims were identified by the Debtor as a primary factor precipitating the bankruptcy filing. Under these circumstances, absent evidence from the Debtor that the late filing of the claims has materially impacted negotiations or deadlines, the Court finds that the third and fourth factors weigh in favor of allowing the claims.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion in its entirety. Finding that the failure of the Litigation Claimants to timely file their claims by the Bar Date was the result of excusable neglect and ordering the allowance of their claims under FRBP 9006(b)(1) as timely.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

Donahoo & Associates, PC

Represented By
Richard E Donahoo

Faustino Magana

Represented By
Richard E Donahoo

Juan Catano

Represented By
Richard E Donahoo

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#32.00 CONT Motion for approval of chapter 11 disclosure statement

From: 9/11/18

Also #31 & #33

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#33.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 5/8/18, 8/21/18, 9/11/18

Also #31 & #32

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#34.00 Motion for approval of chapter 11 disclosure statement

Also #35

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

Movant(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#35.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 4/24/18, 7/31/18

Also #34

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#36.00 CONT Emergency Motion for Order: (1) Authorizing Debtors to Use Cash Collateral on Interim Basis; (2) Granting Adequate Protection to Secured Creditors; and (3) Scheduling a Final Hearing
(FINAL HEARING)

From: 8/20/18

Also #37 & #40

EH__

Docket 7

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

Movant(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#37.00 CONT Emergency Motion for Order Authorizing The Debtor To Keep Two Pre-Petition Bank Accounts Open For The Sole Purpose of Accepting Electronic Deposits
(FINAL HEARING)

From: 8/20/18

Also #36 & #40

EH__

Docket 9

***** VACATED *** REASON: CONTINUED TO 10/30/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

Movant(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#38.00 CONT Emergency Motion for Order: (1) Authorizing Payment of PrePetition Payroll Obligations; and (2) Authorizing Debtor to Honor PrePetition Employment Procedures
(FINAL HEARING)

From: 8/20/18

Also #36 & #40

EH__

Docket 11

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

Movant(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#39.00 CONT Emergency Motion for Continuation of Utility Service and Approval of Adequate Assurance of Payment to Utility Company Under Section 366(b) , Notice of Motion and Motion in Individual Ch 11 Case for Order Authorizing Debtor to Provide Adequate Assurance of Payment to Utility Service Providers (11 U.S.C. Sec. 366)
(FINAL HEARING)

From: 8/20/18

Also #36 & #40

EH__

Docket 12

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

Movant(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, September 25, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#40.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 8/28/18

Also #36 & #39

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:17-19444 Norberto Luna Lopez

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 25

Tentative Ruling:

TENTATIVE RULING

09/26/2018

No opposition has been filed.
Service was Proper.

The Trustee's Final Report been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 990.93
Trustee Expenses: \$ 14.81

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

Party Information

Debtor(s):

Norberto Luna Lopez

Represented By
Peter Recchia

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:17-19508 Kenneth Christopher Ware

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 27

Tentative Ruling:

09/26/2018

No opposition has been filed.
Service was Proper.

The Trustee's Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 7,843.26
Trustee Expenses: \$ 48.84

The TFR is approved and the trustee may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Kenneth Christopher Ware

Represented By
Brian J Soo-Hoo

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:17-19717 Brian James Cooper and Kellie Jeanne Rose-Cooper

Chapter 7

#3.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 25

Tentative Ruling:

TENTATIVE RULING

09/26/2018

No opposition has been filed.
Service was Proper.

The Trustee's Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 1,267.70
Trustee Expenses: \$ 58.22

The TFR is approved and the trustee may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Brian James Cooper

Represented By
Jeremiah D Raxter

Joint Debtor(s):

Kellie Jeanne Rose-Cooper

Represented By
Jeremiah D Raxter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Brian James Cooper and Kellie Jeanne Rose-Cooper

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:18-10841 Theresa Susanne Ysiano

Chapter 7

#4.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 26

Tentative Ruling:

TENTATIVE RULING

09/26/2018

No opposition has been filed.
Service was Proper.

The Trustee's Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 1,148
Trustee Expenses: \$ 37.90

The TFR is approved and the trustee may submit on the tentative.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Theresa Susanne Ysiano

Represented By
William J Howell

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#5.00 CONT Motion for Turnover of Property

From: 4/11/18, 5/16/18, 7/25/18

EH__

Docket 102

Tentative Ruling:

09/26/2018

BACKGROUND

On November 23, 2015 ("Petition Date"), James Lloyd Walker ("Debtor") filed his petition for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate is certain real property located at 13247 Mammoth Street in Hesperia, CA 92344 (the "Mammoth Street Property"). The Mammoth Street Property is currently being rented out by the Debtor.

On March 9, 2018, the Trustee filed a Motion seeking turnover of the Mammoth Street Property ("Motion"). Specifically, the Trustee seeks an order:

1. Compelling the Debtor to turn over to the Trustee possession, custody, and control of the Mammoth Street Property, including any and all proceeds thereof as of and from the Petition Date and any and all other items to gain possession, custody and control of the Mammoth Street Property such as the property keys and security access codes;
2. Compelling the Debtor to turn over to the Trustee all books and records relating to the Mammoth Street Property, including an accounting of any and all proceeds thereof, as of and from the Petition Date; and
3. Requiring the Debtor to comply with the order on or before 14 days after the order becomes a final order.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... James Lloyd Walker

Chapter 7

Subsequent to the filing of the Motion, the parties agreed to several continuances of the hearing for settlement discussions. Settlement discussions eventually resulted in an agreement by the Debtor to pay administrative costs in exchange for an agreement to retain the Mammoth Street Property. However, after learning the amount of administrative fees incurred, the Debtor changed his position regarding the agreement.

On September 14, 2018, the Debtor filed a response to the Motion ("Response"). On September 19, 2018, the Trustee filed his reply ("Reply").

DISCUSSION

Under the Bankruptcy Code, a debtor has a duty to surrender property of the estate to the trustee. § 521(4). Furthermore, a trustee has the duty to "collect and reduce to money the property of the estate for which such trustee serves" § 704(1). Finally, "any entity, other than a custodian, in possession, custody or control of property that the trustee may use, sell, or lease under section 363 of this title ... shall deliver to the trustee, and account for, such property or the value of such property" *Id.* § 542 (a).

The Response does not dispute that the Mammoth Street Property is property of the estate. The primary response is that the Debtor needs extra time to save the properties and that the Trustee is needlessly incurring administrative expenses. The issues surrounding the amount of administrative fees, however, are not currently before this Court. Thus, based on the plain language of §521 and § 542, and for the reasons set forth in the Motion, the Court is inclined to order turnover.

TENTATIVE RULING

For these reasons, the Court is inclined to GRANT the Motion in its entirety. The Debtor's apparent refusal to cooperate and/or unwillingness to abide by the bankruptcy process are insufficient to justify further delay. The Court finds that turnover and an accounting are required by § 521 and § 542.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... James Lloyd Walker

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Lloyd Walker

Represented By
Andrew Edward Smyth

Movant(s):

Robert Whitmore (TR)

Represented By
Cathy Ta
Caroline Djang

Trustee(s):

Robert Whitmore (TR)

Represented By
Cathy Ta
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:16-11635 Sam Daniel Dason and Greeta Sam Dason

Chapter 7

#6.00 CONT Application for Compensation for Brett Ramsaur, Trustee's Attorney,
Period: 1/18/2017 to 2/28/2018, Fee: \$38910.50, Expenses: \$1554.36

From: 8/1/18

EH__

Docket 183

Tentative Ruling:

09/26/2018

No opposition has been filed.

Service was Proper.

The Court hereby approves Movant's Interim Fee Application as follows:

- (1) The Fees Requested (of \$38,910.50) are allowed; and
- (2) 100% of Expenses Requested (or \$1,554.36) are allowed.

As to fees allowed, Movant has established that legal services provided were reasonable and necessary.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

8/1/18

On February 26, 2016, Sam & Greeta Dason ("Debtors") filed a Chapter 7 voluntary petition. On February 22, 2017, the Court approved the employment application of Ramsaur Law Office ("Applicant") to serve as Trustee's counsel. On March 6, 2017, the Court approved Trustee's application to employ GlassRatner as real estate broker. On March 7, 2017, the Court approved the application of Karl T. Anderson CPA, Inc. to serve as Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT...

Sam Daniel Dason and Greeta Sam Dason

Chapter 7

accountant. Since the employment of these professionals, the Court has approved a Rule 9019 compromise [Dkt. No. 133] and two § 363 sale motions [Dkt. Nos. 146 & 172].

On July 11, 2018, Applicant filed the instant fee application.

Local Rule 2016-(1)(a)(2)(A) states, in part:

In all cases where the employment of more than one professional person has been authorized by the court, a professional person who files an application for interim fees must give other professional persons employed in the case not less than 45 days notice of the date and time of the hearing.

Here, there was more than one professional person employed, yet Applicant did not comply with the above rule. Therefore, the Court is inclined to CONTINUE the hearing to September 26, 2018, at 11:00 a.m. to comply with the above rule.

APPEARANCES WAIVED. Movant to file and service notice of continuance.

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Sam Daniel Dason and Greta Sam Dason

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:16-19799 Jaison Vally Surace

Chapter 7

#7.00 Motion to Allow Claim 24 and 25 of Chase Bank USA, NA as Late Filed Allowable Against a Surplus Only

Also #8

EH__

Docket 72

Tentative Ruling:

09/26/2018

BACKGROUND:

On November 2, 2016, Jaison Vally Surace ("Debtor") filed his petition for chapter 7 relief. John Pringle is the duly appointed chapter 7 trustee ("Trustee"). The deadline for filing claims in the case was April 11, 2017 ("Bar Date").

On August 20, 2018, the Trustee filed a Motion for allowance of claims 24 and 25 of Chase Bank USA, NA as late filed claims allowable against the surplus only ("Objection"). No opposition or response has been filed.

ANALYSIS and TENTATIVE RULING

09/26/2018

The Trustee has provided evidence that the claims of Chase Bank were filed after the Bar Date. Based on the Trustee's evidence, his request that the late-filed claims be paid against any surplus pursuant to § 726(a)(3) is appropriate and the Court is inclined to SUSTAIN the Objection on that basis.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace

Chapter 7

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal
Jeremy J Alberts

Movant(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:16-19799 Jaison Vally Surace

Chapter 7

#8.00 Motion to Allow Claim 26 filed by Citibank, NA as Late Filed Allowable Against Surplus Funds Only

Also #7

EH__

Docket 74

Tentative Ruling:

09/26/2018

BACKGROUND:

On November 2, 2016, Jaison Vally Surace ("Debtor") filed his petition for chapter 7 relief. John Pringle is the duly appointed chapter 7 trustee ("Trustee"). The deadline for filing claims in the case was April 11, 2017 ("Bar Date").

On August 20, 2018, the Trustee filed a Motion for allowance of Claim No. 26 of Citibank, N.A. as a late filed claims allowable against the surplus only ("Objection"). On September 14, 2018, the Debtor filed his opposition to the Objection ("Opposition") on the grounds that the debt should be disallowed for failure by Citibank to provide evidence to support its claim. On September 19, 2018, the Trustee filed his reply to the Opposition.

ANALYSIS and TENTATIVE RULING

09/26/2018

The Trustee has provided evidence that the claim of Citibank was filed after the Bar Date. Based on the Trustee's evidence, his request that the late-filed claim be paid against any surplus pursuant to § 726(a)(3) is appropriate and the Court is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Jaison Vally Surace
inclined to SUSTAIN the Objection on that basis.

Chapter 7

As to the Opposition, the Court agrees with the Trustee that the Debtor is advancing independent grounds for objection to claim and the request, which amounts to a request for disallowance of the claim must be brought by independent motion of the Debtor with notice to Citibank. For these reasons, and all of the reasons articulated by the Trustee, the Court finds that the Opposition must be disregarded.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Jaison Vally Surace

Represented By
Batkhand Zoljargal
Jeremy J Alberts

Movant(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

Trustee(s):

John P Pringle (TR)

Represented By
Todd A Frealy
Carmela Pagay
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#9.00 CONT Motion to Disallow Claims No. 8 filed by Sake Consulting Engineers, Inc. as Not Allowable Against the Estate

From: 8/22/18

Also #10 - #12

EH__

Docket 104

Tentative Ruling:

09/26/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 8 ("Claim") of Sake Consulting Engineers, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, an entity that is not the Debtor and therefore not entitled to allowance as a claim.

On August 6, 2018, the Claimant filed its response to the Objection ("Response"). On September 19, 2018, the Trustee filed his reply ("Reply")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, Trustee has pointed to the fact that the evidence attached to the Claim are addressed to Paul Minnick as a representative of MCG Development. In response, Claimant has provided the same documents referenced by the Trustee and has failed to provide any admissible evidence indicating that liability on the contract can be collected against the Debtor's estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objection disallowing Claim No. 8 of the Claimant.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#10.00 CONT Motion to Disallow Claims No. 10 filed by Gouvis Engineering Consulting Group, Inc. as Not Allowable Against Estate

From:

Also #9 - #12

EH__

Docket 108

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 10 ("Claim") of Gouvis Engineering Consulting Group, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, which is an entity that is not the Debtor and therefore is not entitled to allowance as a claim. The Objection was properly served and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Trustee has pointed to facts tending to defeat the claim by virtue of the fact that Claimant's own supporting documentation evinces a contractual relationship with Paul Minnick as representative of MCG Development Company, Inc., not on behalf of the Debtor. Absent evidence of a relationship between the Debtor and Claimant, the Claimant has failed to establish the existence of a claim against the Debtor's estate.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

The Court is inclined to SUSTAIN the Objection and DISALLOW Claim No. 10 in its entirety.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#11.00 CONT Motion to Allow Claim 7 filed by Norman A. Musselman as Fully Secured,
Not Entitled to a Dividend

From: 8/22/18

Also #9 - #12

EH__

Docket 102

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 7 ("Claim") of Norman Musselman (the "Claimant"). The Trustee's Objection asserts that the Claim is fully secured and not entitled to a dividend from the Estate.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

TENTATIVE RULING

The Claim indicates that it is secured by a Recorded Deed of Trust and Note and that the fair market value of the Property at issue exceeds the amount of the Claim such that it is fully secured. The Trustee requests that the Claim be allowed as fully secured but not entitled to a dividend from the estate. Based on the lack of prejudice to the Claimant and the Claimant's failure to file response or opposition which this Court deems as consent pursuant to LBR 9013-1(h), the Court is inclined to SUSTAIN the objection and ALLOW the Claim as a fully secured claim not entitled to a dividend.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#12.00 CONT Motion to Disallow Claims No. 9 filed by Erwin L. Seifert as Not Allowable Against the Estate

From: 8/22/18

Also #9 - #11

EH__

Docket 106

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/19/18**

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 9 ("Claim") of Erwin L. Seifert (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it regards an employment contract between Claimant and MCG Development. The Objection was properly served and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Trustee asserts that the Claim regards an employment contract between Claimant and MCG Development, not the Debtor. However, a separate Agreement dated May 27, 2014, between the Debtor and Claimant appears to indicate that although the employment contract was created between MDG Development and Claimant, the Debtor separately executed a Note and Deed of Trust in favor of Claimant to secure the obligations under the employment agreement in recognition that Claimant's employment contract with MDG was "for the benefit of Manors ...". (Objection at 18).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

TENTATIVE RULING

Based on the Agreement between Debtor and Claimant, which the Trustee has not addressed, the Court is inclined to **OVERRULE** the Objection without prejudice on the basis that the Agreement appears to form a basis for enforcement of the Claim against the Debtor's estate.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#13.00 Motion to Compel Debtor's and Counsel's Appearance at Continued 11 U.S.C. § 341(a) Meeting of Creditors

EH__

Docket 42

***** VACATED *** REASON: CONTINUED TO 10/17/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:18-15675 Ruben Thomas Rocha

Chapter 7

#14.00 Motion to set aside RE: Dismissal of Case

EH__

Docket 15

Tentative Ruling:

09/26/2018

TENTATIVE RULING

On September 5, 2018, the Debtor's case was dismissed for failure to properly sign the Declaration by Debtor regarding Income Received Within 60 Days of the Petition ("Declaration"). The Debtor has now moved to vacate the dismissal. The hearing has been set on shortened time per the Court's order with opposition due at the hearing. The Debtor's counsel indicates that although the Debtor had signed the deficient documents by the deadline, Counsel's office inadvertently filed the incorrect Declaration, which resulted in the dismissal of the case. The Debtor has now filed the amended Declaration. Having corrected the basis for dismissal, and given there is no apparent prejudice to creditors, the Court is inclined to GRANT the Motion to Vacate Dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ruben Thomas Rocha

Represented By
Edward T Weber

Movant(s):

Ruben Thomas Rocha

Represented By
Edward T Weber

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

CONT... Ruben Thomas Rocha

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

11:00 AM

6:18-10939 Vance Zachary Johnson

Chapter 7

#14.10 Trustees Motion For Entry Of An Order: (A) Approving Sale Of Real Property Free And Clear Of Certain Liens Or Interests; (B) Approving Overbid Procedures; (C) Approving The Carve-Out And Disbursements Of Sale Proceeds; And (D) Granting Related Relief

EH__

Docket 121

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Movant(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#15.00 Motion to Consolidate Lead Case 6:13-bk-27611 with 6:15-ap-01307-MH ; 6:16-ap-01163-MH; 6:16-ap-01199 for Discovery Purposes Only

EH__

Docket 88

*** VACATED *** REASON: CONTINUED TO 10/3/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Chad V Haes**

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#16.00 Motion to Consolidate Lead Case 6:14-ap-01248-MH with 6:15-ap-01307-MH ;
6:16-ap-01163-MH; 6:16-ap-01199 for Discovery Purposes Only

EH__

Docket 121

*** VACATED *** REASON: CONTINUED TO 10/3/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Movant(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#17.00 Motion to Consolidate Lead Case 6:14-ap-01248 with 6:15-ap-01307-MH ; 6:16-ap-01163-MH; 6:16-ap-01199 [Amended] for Discovery Purposes Only

EH__

Docket 77

***** VACATED *** REASON: CONTINUED TO 10/3/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01199 Revere Financial Corporation v. Bank of Southern California, N.A.

#18.00 Motion to Consolidate Lead Case 6:14-ap-01248-MH with 6:15-ap-01307-MH ;
6:16-ap-01163-MH; 6:16-ap-01199 for Discovery Purposes Only

EH__

Docket 99

***** VACATED *** REASON: CONTINUED TO10/3/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Bank of Southern California, N.A.

Represented By
Kathryn M.S. Catherwood

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:17-01085 PRINGLE v. Winn et al

#19.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01085. Complaint by JOHN P PRINGLE against Ralph Winn. (Charge To Estate - \$350.00). and other Defendants including DOES 1-25 Nature of Suit: 12 - Recovery of money/property - 547 preference, 13-Recovery of money/property - 548 fraudulent transfer, 21-Validity, priority or extent of lien or other interest in property, 14 - Recovery of money/property - other, 91- Declaratory judgment)

From: 7/12/17, 8/23/17, 10/25/17, 5/16/18, 6/27/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/23/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Ralph Winn

Represented By
Douglas A Plazak

Sterling Security Service, Inc.

Represented By
Seth W Wiener

Natalia V Knoch

Represented By
Seth W Wiener

Steven B Knoch

Represented By
Seth W Wiener

Stacy Winn

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Home Security Stores, Inc.

Chapter 7

Douglas A Plazak

Plaintiff(s):

JOHN P PRINGLE

Represented By
Charity J Manee
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:18-12027 Richard M. Thomas

Chapter 7

Adv#: 6:18-01156 Anderson, Chapter 7 Trustee v. Williams et al

#20.00 Status Conference RE: [1] Adversary case 6:18-ap-01156. Complaint by Karl T. Anderson, Chapter 7 Trustee against Amy Williams, Richard M Thomas Jr.. (Charge To Estate) (\$350.00). Complaint to: (1) Avoid and Recover Fraudulent Transfer; (2) Obtain Declaratory Relief as to Ownership of Real Property; and (3) Authorize Sale of Property Owned in Part by Non-Debtor Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer))

EH ____

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard M. Thomas

Represented By
Keith Q Nguyen

Defendant(s):

Amy Williams

Pro Se

Richard M Thomas Jr.

Pro Se

Joint Debtor(s):

Raquel Young

Represented By
Keith Q Nguyen

Plaintiff(s):

Karl T. Anderson, Chapter 7 Trustee

Represented By
Frank X Ruggier

Trustee(s):

Karl T Anderson (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT...

Richard M. Thomas

Larry D Simons
Frank X Ruggier

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#21.00 CONT Motion to Dismiss Adversary Proceeding

From: 7/11/18, 8/22/18

Also #22

EH__

Docket 13

Tentative Ruling:

09/26/2018

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors" or "Defendants") filed a Chapter 7 voluntary petition.

On March 12, 2018, Mina Farah ("Plaintiff" or "Creditor") filed a complaint against Mark Bastorous, Bernadette Shenouda, and Does 1-10, inclusive ("Defendants") for nondischargeability pursuant to § 523(a)(2)(A). On April 11, 2018, the Defendants filed a motion to dismiss. The Plaintiff subsequently amended her complaint ("FAC") on May 3, 2018.

The FAC alleges the Plaintiff gave the Defendants \$241,912.00 to invest in improvements to their real estate firm's commercial office building. Plaintiff alleges the Defendants intentionally concealed other, pending senior liens on the property during negotiations. Plaintiff further contends that her note and deed of trust from Defendants were intentionally recorded in an untimely manner. The property became over-encumbered, as its fair market value was \$2,360,000, but held a total debt of over \$3,106,156, providing evidence of no intention to repay creditors. The Plaintiff believes her loan was used to buy a large parcel of property in Hesperia for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... **Mark Bastorous**
Defendants' personal use.

Chapter 7

Plaintiff contends she relied on the Defendants' misrepresentations when offering the loan, and would not have offered a loan but for the false promises. Her numerous repayment demands in 2016 and 2017 were unsuccessful. Plaintiff further asserts that the Defendants made false representations in a similar manner to another lender, Anis Khalil. Plaintiff asks for compensatory damages of a minimum of \$300,000, and punitive damages in a minimum amount of \$600,000.

On June 4, 2018, Defendants filed this motion to dismiss ("Motion") for failure to state a claim pursuant to FED. R. CIV. P. Rule 12(b)(6). The Defendants allege the Plaintiff failed to claim nondischargeability under § 523(a)(2)(A) by not proving the claim's required elements. The Defendants assert that the Plaintiff has merely pled allegations, rather than a claim upon which relief can be granted.

DISCUSSION

I. MOTION TO DISMISS STANDARD

To avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

II. NON-DISCHARGEABILITY

Under 11 U.S.C. § 523(a)(2)(A), a debt is not discharged for money obtained by false pretenses, a false representation, or actual fraud. The elements of a § 523(a)(2)(A) claim are well-established: (1) a representation; (2) that the debtor knew was false; (3)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that the debtor made with the intention of deceiving the creditor; (4) reliance on the representation by the creditor; (5) and damages as a proximate result of reliance on the representations. *See, e.g., In re Eashai*, 87 F.3d 1082, 1086 (9th Cir. 1996).

Here, the first sentence of the complaint indicates that the Plaintiff is moving under § 523(a)(2)(A), and the five substantive subsections of the FAC closely track the elements outlined above. Defendants appear to argue that the FAC must cite the applicable bankruptcy law, identify the appropriate elements and apply those elements to the facts alleged. This argument misrepresents the pleading standard. *See, e.g., Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("Rule 8 marks a notable and generous departure from the hypertechnical, code-pleading regiment of a prior era."). Even if Plaintiff had failed to mention § 523(a)(2)(A) within the body of the FAC, such an omission would not be fatal where the FAC's subsections closely and precisely track the elements of the statute and where all parties and the Court are aware of the legal theory being articulated. *See, e.g., McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996) ("[E]ven though a complaint is not defective for failure to designate the statute or other provision of law violated, the judge may in his discretion . . . require such detailed as may be appropriate in the particular case."). Here, Plaintiff has adequately identified a cognizable legal theory and has provided adequate factual allegations to support the pled theory. *See Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001) ("Dismissal is proper only where there is no cognizable legal theory or an absence of sufficient facts alleged to support a cognizable legal theory.").

Separately, as to the argument by Defendants that the Plaintiff has failed to adequately provide notice of which Defendant made the alleged misrepresentation, the Court concurs that ¶14 of the FAC does not adequately identify the Defendant and manner in which the representations were made to the Plaintiff.

TENTATIVE RULING

For the foregoing reasons, consistent with the Court's prior rulings in the related Bastorous actions, the Court is incline to GRANT the Motion with leave to amend only as to the need for more specificity as to the circumstances surrounding the misrepresentations in accordance with FRCP 9(b).

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen
Larry G Noe

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#22.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Mina Farah against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18, 7/11/18, 8/22/18

Also #21

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Wayne W Suojanen
Larry G Noe

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#23.00 CONT Motion to Dismiss Adversary Proceeding

From: 7/11/18, 8/22/18

Also #24

EH__

Docket 13

Tentative Ruling:

09/26/2018

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors" or "Defendants") filed a Chapter 7 voluntary petition.

On March 12, 2018, Anis Khalil ("Plaintiff" or "Creditor") filed a complaint against Mark Bastorous, Bernadette Shenouda, and Does 1-10, inclusive ("Defendants") for nondischargeability pursuant to § 523(a)(2)(A). On April 11, 2018, the Defendants filed a motion to dismiss. The Plaintiff subsequently amended her complaint ("FAC") on May 3, 2018.

The FAC alleges the Plaintiff gave the Defendants around \$260,000.00 to invest in improvements to their real estate firm's commercial office building. Plaintiff alleges the Defendants intentionally concealed other, pending senior liens on the property during negotiations. Plaintiff further contends that her note and deed of trust from Defendants were intentionally recorded in an untimely manner. The property became over-encumbered, as its fair market value was \$2,360,000, but held a total debt of over \$3,106,156, providing evidence of no intention to repay creditors. The Plaintiff believes his loan was used to buy a large parcel of property in Hesperia for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous
Defendants' personal use.

Chapter 7

Plaintiff contends he relied on the Defendants' misrepresentations when offering the loan, and would not have offered a loan but for the false promises that the loan would be the senior lien. His numerous repayment demands in 2016 and 2017 were unsuccessful. Plaintiff further asserts that the Defendants made false representations in a similar manner to another lender, Mina Farah. Plaintiff asks for compensatory damages of a minimum of \$300,000, and punitive damages in a minimum amount of \$600,000.

On June 4, 2018, Defendants filed this motion to dismiss ("Motion") for failure to state a claim pursuant to FED. R. CIV. P. Rule 12(b)(6). The Defendants allege the Plaintiff failed to claim nondischargeability under § 523(a)(2)(A) by not proving the claim's required elements. The Defendants assert that the Plaintiff has merely pled allegations, rather than a claim upon which relief can be granted.

DISCUSSION

I. MOTION TO DISMISS STANDARD

To avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

II. NON-DISCHARGEABILITY

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Under 11 U.S.C. § 523(a)(2)(A), a debt is not discharged for money obtained by false pretenses, a false representation, or actual fraud. The elements of a § 523(a)(2)(A) claim are well-established: (1) a representation; (2) that the debtor knew was false; (3) that the debtor made with the intention of deceiving the creditor; (4) reliance on the representation by the creditor; (5) and damages as a proximate result of reliance on the representations. *See, e.g., In re Eashai*, 87 F.3d 1082, 1086 (9th Cir. 1996).

Here, the first sentence of the FAC indicates that the Plaintiff is moving under § 523(a)(2)(A), and the five substantive subsections of the FAC closely track the elements outlined above. Defendants appear to argue that the FAC must cite the applicable bankruptcy law, identify the appropriate elements and apply those elements to the facts alleged. This argument simply misrepresents the pleading standard. *See, e.g., Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) ("Rule 8 marks a notable and generous departure from the hypertechnical, code-pleading regiment of a prior era."). Even if Plaintiff had failed to mention § 523(a)(2)(A) within the body of the FAC, such an omission would not be fatal where the FAC's subsections closely and precisely track the elements of the statute and where all parties and the Court are aware of the legal theory being articulated. *See, e.g., McHenry v. Renne*, 84 F.3d 1172, 1179 (9th Cir. 1996) ("[E]ven though a complaint is not defective for failure to designate the statute or other provision of law violated, the judge may in his discretion . . . require such detailed as may be appropriate in the particular case."). Here, Plaintiff has adequately identified a cognizable legal theory and has provided adequate factual allegations to support the pled theory. *See Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001) ("Dismissal is proper only where there is no cognizable legal theory or an absence of sufficient facts alleged to support a cognizable legal theory.").

Separately, as to the argument by Defendants that the Plaintiff has failed to adequately provide notice of which Defendant made the alleged misrepresentation, the Court notes that ¶14 of the FAC appears to identify Defendant Bastorous as the party that made the misrepresentations. If this is the case, the FAC appears insufficient to state a claim against Defendant Shenouda.

TENTATIVE RULING

For the foregoing reasons, consistent with the Court's prior rulings in the related

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... **Mark Bastorous**

Chapter 7

Bastorous actions, the Court is incline to GRANT the Motion with leave to amend only as to the need for more specificity as to the circumstances surrounding the misrepresentations in accordance with FRCP 9(b) and to amend to state a claim against Shenouda if Plaintiff intends to maintain claim as against the joint debtor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen
Larry G Noe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#24.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Anis Khalil against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18, 7/11/18, 8/22/18

Also #23

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Wayne W Suojanen
Larry G Noe

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#25.00 CONT Defendants' Motion to Dismiss The Amended Adversary Complaint Under Fed. R. Civ. P. 12(B)(6) and Fed. R. Bank. P

From: 7/24/18, 7/25/18

Also #26

EH__

Docket 11

*** VACATED *** REASON: CONTINUED TO 10/3/18 AT 2:00 P.M.

Tentative Ruling:

07/25/2018

Moving Defendant leads the analysis astray by conflating issues of standing to enforce the Consent Judgment with the question of standing of a Debtor-in-possession to prosecute a fraudulent conveyance action under § 548. However, that misdirection is rendered irrelevant once the focus shifts to the § 548 elements outlined in Plaintiff's opposition, and in particular on the glaring, inescapable conclusion that Plaintiff has failed to allege facts to support that a transfer occurred -- an essential element of a Section 548 cause of action.

Here the facts at issue pertain to the Defendants' alleged **failure to act** (at some point, although the Court is unclear of the basis for Plaintiff's allegation of a specific date for the transfer) to release or extinguish a junior lien against Debtor's property. But no specific affirmative act, or transfer of possession or ownership is alleged to have occurred. *See Bernard v. Sheaffer (In re Bernard)*, 96 F.3d 1279, 1282 (9th Cir. 1996) ("[A] transfer is a disposition of an interest in property. The definition is as broad as possible. ... Under this definition, any transfer of an interest in property is a transfer, including a transfer of possession, custody, or control even if there is no transfer of title, because possession, custody, and control are interests in property.") (citations omitted); *Greenspan v. Orick, Herrington & Sutcliffe LLP (In re Brobeck, Phleger & Harrison LLP)*, 408 B.R. 318, 338 (Bankr. N.D. Cal. 2009) ("Within the confines of these general principles, the general rule is that "[t]he hallmark of a 'transfer' is a change in the rights of the transferor with respect to the property after the transaction."); *In re Feiler*, 218 B.R. 957, 960 (Bankr. N.D. Cal. 1998), *aff'd*, 230 B.R.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

164 (B.A.P. 9th Cir. 1999), *aff'd*, 218 F.3d 948 (9th Cir. 2000) ("Within the context of a fraudulent transfer, the definition of transfer is sufficiently broad to include a transfer that results in a modification of form or value of property transferred or a deposit into or withdrawal from a bank account.") (citations omitted); *Kapila v. U.S. (In re Taylor)*, 386 B.R. 361, 369 (Bankr.S.D.Fla.2008) (debtor's waiver of an NOL carryback constitutes a transfer).

Here, Plaintiff simply hasn't alleged any change of rights in property after any particular transaction, nor has Plaintiff otherwise presented any authority for its proposition that the Defendants' failure to release the lien somehow constitutes a transfer. Basically, it appears here that what the estate MAY have is a right to enforce the Consent Judgment so as to compel extinguishment of the junior lien. But that question is not before the Court, and the Court takes no position on whether it is a viable cause of action or if the Debtor even has standing to prosecute it. For that reason, the Court is inclined to find that the Plaintiff has failed to state an actionable claim under the bankruptcy code, and therefore the Amended Complaint should be dismissed.

APPEARANCES REQUIRED

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Movant(s):

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#26.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01094. Complaint by Markus Anthony Boyd against U.S. BANK, SPECIALIZED LOAN SERVICING LLC, Series 2007-FFC First Franklin Mortgage Loan Trust. (Charge To Estate). (Attachments: # 1 Exhibit Exhibits to Complaint # 2 Exhibit Exhibits to Complaint # 3 Exhibit Exhibits to Complaint # 4 Exhibit Exhibits to Complaint # 5 Exhibit Exhibits to Complaint # 6 Exhibit Exhibits to Complaint # 7 Exhibit Exhibits to Complaint) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment)) (Gebelt, Nicholas)

From: 6/26/18, 7/24/18, 7/25/18

Also #25

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/3/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#27.00 CONT Order to Show Cause As To Why Defendants Should Not Be Held In Contempt For Violation Of Court Order To Respond To Discovery

From: 8/29/18

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Movant(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

Plaintiff(s):

Itria Ventures, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, September 26, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif

Michael F Chekian

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01129 Tarhuni v. Home Loan Investment Bank FSB et al

#1.00 OSC why adversary proceeding should not be dismissed

Also #2

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni	Pro Se
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Defendant(s):

Home Loan Investment Bank FSB	Represented By Angie M Marth
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US Department of Hud	Pro Se
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Everett A Barton Jr	Pro Se
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Plaintiff(s):

Melanie Tarhuni	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-12557 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01129 Tarhuni v. Home Loan Investment Bank FSB et al

#2.00 CONT Status Conference Re: Complaint (Fee Not Required) by Melanie Tarhuni against Home Loan Investment Bank FSB , US Department of Hud , Everett A Barton Jr. Nature of Suit: 21 - Validity, priority or extent of lien or other interest in property, 71 - Injunctive relief - reinstatement of stay, 91 - Declaratory judgment

From: 8/23/18

Also #1

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni	Pro Se
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Defendant(s):

Home Loan Investment Bank FSB	Represented By Angie M Marth
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US Department of Hud	Pro Se
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Everett A Barton Jr	Pro Se
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Plaintiff(s):

Melanie Tarhuni	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:13-19250 Robert B Eppley

Chapter 13

#3.00 Application for Compensation Re: Doc #43 for Sundee M Teeple Debtor's Attorney, Period: to, Fee: \$425.00, Expenses: \$0.00

Also #4

EH__

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert B Eppley

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Robert B Eppley

Represented By
Michael Smith
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:13-19250 Robert B Eppley

Chapter 13

#4.00 Application for Compensation Re: Doc #93, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$350.00, Expenses: \$0.00

Also #3

EH__

Docket 98

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert B Eppley

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Robert B Eppley

Represented By
Michael Smith
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:13-28666 Mildred Goodridge Crawford

Chapter 13

#5.00 Application for Compensation Re: Doc #219, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$350.00, Expenses: \$0.00

EH__

Docket 229

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mildred Goodridge Crawford

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Movant(s):

Mildred Goodridge Crawford

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:14-20002 Steven W Moll

Chapter 13

#6.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 8/23/18

EH __

Docket 98

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven W Moll

Represented By
Gary J Holt

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:15-12404 Anthony E Turkson

Chapter 13

#7.00 Application for Compensation RE: Doc #120, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$425.00, Expenses: \$0.00

Also #8

EH__

Docket 129

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:15-12404 Anthony E Turkson

Chapter 13

#8.00 Application for Compensation RE: Doc #69, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$425.00, Expenses: \$0.00

Also #7

EH__

Docket 128

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:16-12849 Elsy G. Mejia

Chapter 13

#9.00 Motion for an Order Vacating the Dismissal of Case due to attorney error and to reinstate case pursuant to 11 U.S.C § 105 AND F.R.C.P 60(b)(l)

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Joint Debtor(s):

Elsy G. Mejia

Represented By
James Geoffrey Beirne

Movant(s):

Elsy G. Mejia

Represented By
James Geoffrey Beirne
James Geoffrey Beirne
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

Also #11

EH__

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D Castro Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Jennifer Manda Castro

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#11.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 9/13/18

Also #10

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D Castro Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Jennifer Manda Castro

Represented By
Chris A Mullen

Movant(s):

John D Castro Jr

Represented By
Chris A Mullen

Jennifer Manda Castro

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:16-20926 Mario Mondragon

Chapter 13

#12.00 Motion for Authority to Refinance Real Property

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mario Mondragon

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Mario Mondragon

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:17-13092 Debra J. Falcone and Charles W. Blackburn

Chapter 13

#13.00 Application for Compensation Re: Doc#54, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$350.00, Expenses: \$0.00

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra J. Falcone

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Joint Debtor(s):

Charles W. Blackburn

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Movant(s):

Debra J. Falcone

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Charles W. Blackburn

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

CONT... Debra J. Falcone and Charles W. Blackburn

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:17-17861 Arturo Olvera

Chapter 13

#14.00 Motion to vacate dismissal

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Olvera

Represented By
William Radcliffe

Movant(s):

Arturo Olvera

Represented By
William Radcliffe
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-11327 Latoya Joy Armstrong

Chapter 7

#15.00 CONT Order to show cause why John Alarcon should not be held in contempt of court pursuant to 11 U.S.C. §105 and F.R.B.P. 9020

From: 8/30/18

EH__

Docket 20

***** VACATED *** REASON: CONTINUED TO 10/17/18 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Latoya Joy Armstrong

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:13-10122 Lesley M Castle

Chapter 13

#16.00 Application for Compensation Re: Doc #101, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$350.00, Expenses: \$0.00

EH__

Docket 109

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lesley M Castle

Represented By
Michael Smith
Dale Parham - INACTIVE -
Sundee M Teeple

Movant(s):

Lesley M Castle

Represented By
Michael Smith
Michael Smith
Michael Smith
Dale Parham - INACTIVE -
Dale Parham - INACTIVE -
Dale Parham - INACTIVE -
Sundee M Teeple
Sundee M Teeple
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:13-18779 Rigoberto Baez

Chapter 13

#17.00 Application for Compensation Re: Doc #155, for Sundee M Teeple, Debtor's Attorney, Period: to, Fee: \$350.00, Expenses: \$0.00

EH__

Docket 160

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rigoberto Baez

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Rigoberto Baez

Represented By
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-14388 Jesus Pabloff and Virginia Pabloff

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Pabloff

Represented By
Tom A Moore

Joint Debtor(s):

Virginia Pabloff

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-14725 Percylyn Agustin Basa

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 8/23/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Percylyn Agustin Basa

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15900 Adrio Soedarmo and Yolanda Soedarmo

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrio Soedarmo

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Yolanda Soedarmo

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15907 Antonio Anaya and Maria Anaya

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antonio Anaya

Represented By
Jaime A Cuevas

Joint Debtor(s):

Maria Anaya

Represented By
Jaime A Cuevas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15909 Michael James Watts

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael James Watts

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15944 Jeffrey Wayne Grieves and Brande Rae Grieves

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey Wayne Grieves

Represented By
Mona V Patel

Joint Debtor(s):

Brande Rae Grieves

Represented By
Mona V Patel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15970 Incha K Lockhart

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Incha K Lockhart

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15972 Rafael Loyola

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafael Loyola

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15977 John Arquillano and Janet Arquillano

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Arquillano

Represented By
Andrew Nguyen

Joint Debtor(s):

Janet Arquillano

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15985 David Vogel

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Vogel

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15987 Joseph Daniel Shubin

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Daniel Shubin

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-15998 Sheikh Azeem Akhtar

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheikh Azeem Akhtar

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16028 Rimtautas Marcinkevicius

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rimtautas Marcinkevicius

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16050 Luis R. Contreras

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis R. Contreras

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16060 Frank Prouty

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Prouty

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16061 Michelle Denise Kelly

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Denise Kelly

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16064 Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael D. Wickham

Represented By
M Wayne Tucker

Joint Debtor(s):

JoAnn Y. Wickham

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16098 Brianne Lucinda Pituley and Michele Diana Niehe Sharik

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brianne Lucinda Pituley

Represented By
Steven A Alpert

Joint Debtor(s):

Michele Diana Niehe Sharik Pituley

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16105 John David Kraus

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John David Kraus

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16117 Charlena Clark

Chapter 13

#37.00 Motion for Order for Levying Officer to Return Funds to Debtor

Also #38

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlena Clark

Represented By
William Radcliffe

Movant(s):

Charlena Clark

Represented By
William Radcliffe
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16117 Charlena Clark

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

Also #37

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charlena Clark

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16135 Devon Boisvert and Jennifer Narita

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Devon Boisvert

Represented By
Paul Y Lee

Joint Debtor(s):

Jennifer Narita

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16141 Ignacio Diaz

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ignacio Diaz

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16153 Shannon Williams

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shannon Williams

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16155 John Ryan

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Ryan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16158 Willie Mills Sanders, Jr.

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willie Mills Sanders Jr.

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16175 Jose F Mejia

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose F Mejia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16178 Eriberto A. Sandoval

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16196 Barbara Sue Patten

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Barbara Sue Patten

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16208 Joe Rivas

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Rivas

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16220 Paul Sheldon Kirkwood

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Sheldon Kirkwood

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16234 Martin Ontiveros

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Ontiveros

Represented By
Allan O Cate

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16237 Miguel Santa Maria and Lilia Maldonado

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Santa Maria

Represented By
Todd L Turoci

Joint Debtor(s):

Lilia Maldonado

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16257 Jorge Luis Puerto and Diana Lazara Puerto

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Luis Puerto

Represented By
Michael E Clark

Joint Debtor(s):

Diana Lazara Puerto

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16261 Joseph R. Hernandez

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph R. Hernandez

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16264 Robert Ray Schmidt, Jr. and Debbie Lynn Schmidt

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Ray Schmidt Jr.

Represented By
Carey C Pickford

Joint Debtor(s):

Debbie Lynn Schmidt

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16299 Reyna Castro

Chapter 13

#54.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reyna Castro

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16312 Jenny Angela Bernal

Chapter 13

#55.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jenny Angela Bernal

Represented By
John H Kibbler

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16337 Coree Anne Apaez

Chapter 13

#56.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Coree Anne Apaez

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:00 AM

6:18-16552 Patrick Lovato

Chapter 13

#57.00 Motion to vacate dismissal

EH__

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick Lovato

Represented By
Justin Lynch

Movant(s):

Patrick Lovato

Represented By
Justin Lynch
Justin Lynch

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:14-11369 Robert Wayne Cook, Sr. and Kelly Danielle Cook

Chapter 13

#58.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 152

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Wayne Cook Sr.

Represented By
Steven A Alpert

Joint Debtor(s):

Kelly Danielle Cook

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:14-17491 Rosalie Estella Crouch

Chapter 13

#59.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/30/18, 9/13/18

EH__

Docket 91

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosalie Estella Crouch

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:14-18156 Jose Luis Gutierrez and Patricia Gutierrez

Chapter 13

#60.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Gutierrez

Represented By
Kelly Warren

Joint Debtor(s):

Patricia Gutierrez

Represented By
Kelly Warren

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:14-22637 Michelle Ann Maki

Chapter 13

**#61.00 Trustee's Motion to Dismiss Case
(Also opposing docket entry no. 69)**

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Ann Maki

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#62.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 8/30/18

EH__

Docket 225

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:15-11269 Brett R Bourbeau and Nicole S Bourbeau

Chapter 13

#63.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brett R Bourbeau

Represented By
H. Christopher Heritage

Joint Debtor(s):

Nicole S Bourbeau

Represented By
H. Christopher Heritage

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:15-16637 Martin D Woods and Shante L Woods

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH__

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin D Woods

Represented By
M Wayne Tucker

Joint Debtor(s):

Shante L Woods

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:15-20062 Lilia Iveth Fong

Chapter 13

#65.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18, 9/13/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lilia Iveth Fong

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:16-13030 Richard Hill Lindsay and Laura Lee Lindsay

Chapter 13

#66.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 109

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Hill Lindsay

Represented By
Emilia N McAfee

Joint Debtor(s):

Laura Lee Lindsay

Represented By
Emilia N McAfee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:16-17031 Anderson L Pepper

Chapter 13

#67.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18, 8/23/18, 9/20/18

Also #68

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:16-17031 Anderson L Pepper

Chapter 13

#68.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 8/23/18, 9/20/18

Also #67

EH__

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anderson L Pepper

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:16-18125 Marc Meisenheimer

Chapter 13

#69.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Meisenheimer

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:16-18224 Anna Doreen Valles and Andy Valles, Jr.

Chapter 13

#70.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Doreen Valles

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Andy Valles Jr.

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-10082 Francisco R Palacios

Chapter 13

#71.00 Trustee's Motion to Dismiss Case

EH__

Docket 157

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco R Palacios

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-11790 Larry Patrick Egan and Elizabeth Ann Egan

Chapter 13

#72.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry Patrick Egan

Represented By
Dana Travis

Joint Debtor(s):

Elizabeth Ann Egan

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-13063 Ethel N Odimegwu

Chapter 13

#73.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH __

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ethel N Odimegwu

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-13599 Maurice Frank Manceau

Chapter 13

#74.00 Trustee's Motion to Dismiss Case

EH__

Docket 74

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maurice Frank Manceau

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-14187 Andre J Booker and Carrie L Booker

Chapter 13

#75.00 CONT Trustee's Motion to Dismiss Case

From: 8/23/18

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre J Booker

Represented By
Paul Y Lee

Joint Debtor(s):

Carrie L Booker

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-14292 Lubna Shiraz Ahmed

Chapter 13

#76.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lubna Shiraz Ahmed

Represented By
Joshua L Sternberg

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 13

#77.00 Trustee's Motion to Dismiss Case

EH__

Docket 88

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-15646 Elida Soto

Chapter 13

#78.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18, 8/23/18

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elida Soto

Represented By
William G Cort

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-17589 Ryan Patrick McHugh and Jennifer Lynne McHugh

Chapter 13

#79.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Patrick McHugh

Represented By
Paul Y Lee

Joint Debtor(s):

Jennifer Lynne McHugh

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#80.00 CONT Trustee's Motion to Dismiss Case

From: 8/23/18, 8/30/18

EH ____

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-18482 Roberto Garcia Garcia and Maria Martha Garcia

Chapter 13

#81.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH __

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Garcia Garcia

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Maria Martha Garcia

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-18531 Victor Manuel Rosales

Chapter 13

#82.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Manuel Rosales

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-19589 Rodrigo Fernando Ramirez Guinea

Chapter 13

#83.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18, 8/30/18, 9/13/18

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodrigo Fernando Ramirez Guinea

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-19787 Gloria Hayslet

Chapter 13

#84.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Hayslet

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:17-20272 Jesus E. Montano and Nichole Montano

Chapter 13

#85.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus E. Montano

Represented By
Paul Y Lee

Joint Debtor(s):

Nichole Montano

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-10170 Vernita Goodwin

Chapter 13

#86.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vernita Goodwin

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-10209 Ertun Reshat and Hale Reshat

Chapter 13

#87.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

*** VACATED *** REASON: CASE DISMISSED 8/30/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ertun Reshat

Represented By
April E Roberts

Joint Debtor(s):

Hale Reshat

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-11270 Yvonne Irene Rodriguez

Chapter 13

#88.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yvonne Irene Rodriguez

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-11320 Aaron Edward Steve

Chapter 13

#89.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Edward Steve

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-11636 Amanuel Montrell Bradberry and Katrina Lashall

Chapter 13

#90.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanuel Montrell Bradberry

Represented By
Gary S Saunders

Joint Debtor(s):

Katrina Lashall Bradberry

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-11890 Rogelio Ramos and Maria Escobar

Chapter 13

#91.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18

EH __

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rogelio Ramos

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Maria Escobar

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-11993 Anisha Christel Wilson

Chapter 13

#92.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anisha Christel Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#93.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-12754 Caleb Gervin and Ashley Gervin

Chapter 13

#94.00 Trustee's Motion to Dismiss Case

EH__

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Caleb Gervin

Represented By
Christopher Hewitt

Joint Debtor(s):

Ashley Gervin

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-13924 Sandra Lorena Parra

Chapter 13

#95.00 Trustee's Motion to Dismiss Case

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Lorena Parra

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

6:18-12949 Lenton Hutton

Chapter 13

Adv#: 6:18-01153 Hutton v. WELLS FARGO BANK, N.A. et al

#96.00 Motion to Dismiss Adversary Proceeding [First Amended Complaint]

Also #97

EH__

Docket 14

Tentative Ruling:

09/27/2018

BACKGROUND

On April 10, 2018 ("Petition Date"), Lenton Hutton ("Debtor") filed his petition for chapter 13 relief. Among the assets of the Debtor's estate on the petition date was certain real property located at 13370 Sea Gull Dr. in Victorville, CA. On the Petition Date, Wells Fargo Bank, N.A. ("Wells") held a Trustee's sale of the Property.

On April 23, 2018, Wells filed a motion for relief from stay (the "RFS Motion"). On May 21, 2018, the Court denied the RFS Motion on the grounds that no stay was in effect in the case pursuant to § 362(c)(4) (the "RFS Order"). The record reflects that the Debtor did not seek reconsideration of the RFS Order, nor was the RFS Order appealed. On June 14, 2018, the bankruptcy case was dismissed following the confirmation hearing.

On May 17, 2018, the Debtor filed an action against Wells seeking damages and equitable relief based on various state law claims, in addition to two claims arising from the bankruptcy proceeding (the "Action"). On July 12, 2018, Wells removed the Action filed by the Debtor in State Court to the Bankruptcy Court.

On August 9, 2018, the Debtor filed an Amended Complaint (the "FAC"). On August 23, 2018, Wells filed the instant Motion to Dismiss the FAC ("Motion"). The Debtor filed Opposition to the Motion on September 7, 2018. Wells filed its reply to the Motion on September 13, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

CONT... Lenton Hutton

Chapter 13

DISCUSSION

The Action appears premised primarily upon the incorrect assertion that Wells foreclosed in violation of the automatic stay. However, as set forth in the background section and as indicated on the Court's Docket for the Main Case and, specifically, the RFS Order (of which the Court takes judicial notice), there was no stay when Wells foreclosed. The Debtor has not challenged the RFS Order either by seeking reconsideration or by appealing the order. Therefore, the Court is inclined to find that under the doctrine of collateral estoppel, the FAC must be dismissed as to the allegations alleging that a violation of the automatic stay occurred.

As to the remaining allegations going to state law claims regarding violations of the covenant of good faith and fair dealing, violation of the Business and Professions Code, Promissory Estoppel, and Violation of C.C.P. § 726, the Court finds as follows:

The dismissal of a bankruptcy case has several ramifications as set out in Bankruptcy Code Section 349. The Ninth Circuit has explained, "Section 349 of the Bankruptcy Code lists the various effects of dismissal of the underlying bankruptcy case; conspicuously absent from that list is automatic termination of jurisdiction of related cases." *In re Carraher*, 971 F.2d 327, 328 (9th Cir. 1992). The bankruptcy court may retain jurisdiction over a related proceeding subject to considerations of judicial economy, fairness, convenience and comity. *In re Casamont Inv'rs, Ltd.*, 196 B.R. 517, 522 (9th Cir. BAP 1996).

Here, the Debtor's underlying bankruptcy case was dismissed on June 14, 2018. The instant adversary proceeding is at its early stages. Given the Court's tentative ruling that the Debtor is precluded from arguing that Wells foreclosed in violation of the automatic stay, the remaining allegations of the Debtor relate primarily to a determination of rights arising under state law, which are more appropriately raised in State Court and over which this Court cannot make final rulings pursuant to *Stern v. Marshall*, 564 U.S. 462, 131 S. Ct. 2594, 180 L. Ed. 2d 475 (2011). Based on the foregoing, the Court has determined that the principles of judicial economy, fairness, convenience and comity do not favor this Court's retention of jurisdiction over the action. Additionally, as an alternative grounds for dismissal, the Court incorporates the findings related to jurisdiction and finds that abstention is also appropriate as to the state law allegations and claims of the Debtor.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

11:01 AM

CONT... Lenton Hutton

Chapter 13

TENTATIVE RULING

The Court is inclined to DISMISS the FAC as to the Wrongful Foreclosure and Violation of the Stay claims, to the extent that these claims arise solely from the alleged violation of the automatic stay, and to REMAND the FAC to the State Court as to the remaining non-bankruptcy related issues both under a theory of declining jurisdiction and of absence.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lenton Hutton

Represented By
Christopher Hewitt
Patricia Rodriguez

Defendant(s):

WELLS FARGO BANK, N.A.

Represented By
J. Barrett Marum

Clear Recon Corp.

Pro Se

DOES 1 through 10, inclusive

Pro Se

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
J. Barrett Marum

Plaintiff(s):

Lenton T. Hutton

Represented By
Patricia Rodriguez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, September 27, 2018

Hearing Room 303

12:30 PM

6:18-12949 Lenton Hutton

Chapter 13

Adv#: 6:18-01153 Hutton v. WELLS FARGO BANK, N.A. et al

#97.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01153. Notice of Removal by Wells Fargo Bank, N.A. by Lenton T. Hutton. Lynette)

From: 8/30/18

Also #96

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenton Hutton

Represented By
Christopher Hewitt
Patricia Rodriguez

Defendant(s):

WELLS FARGO BANK, N.A.

Represented By
J. Barrett Marum

Clear Recon Corp.

Pro Se

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

Lenton T. Hutton

Represented By
Patricia Rodriguez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, October 1, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#1.00 CONT Motion to Dismiss Chapter 11 Case

From: 9/25/18

EH__

Docket 37

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:15-14652 Donald Ray Eskridge

Chapter 13

#1.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 14798 Ladybird Lane, Victorville, CA 92394

MOVANT: PENNYMAC LOAN SERVICES, LLC

From: 6/20/18, 7/24/18, 8/21/18

EH__

Docket 53

*** VACATED *** REASON: ORDER ENTERED 10/1/18

Tentative Ruling:

TENTATIVE RULING:

Service: Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donald Ray Eskridge

Represented By
Paul Y Lee

Movant(s):

PennyMac Loan Services, LLC

Represented By
John D Schlotter
Karrollanne K Cayce
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:15-18702 Frank Munoz and Nanci Jessie Munoz

Chapter 13

#2.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 3334 Antler Rd., Ontario, CA 91761-0329

MOVANT: WELLS FARGO BANK NA

EH__

Docket 45

***** VACATED *** REASON: ORDER ENTERED 10/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Munoz

Represented By
Alon Darvish

Joint Debtor(s):

Nanci Jessie Munoz

Represented By
Alon Darvish

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:17-13982 Clarice Morris

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6924 Grand Vacations Way, Orlando, FL 32821

MOVANT: HILTON RESORTS CORPORATION

EH__

Docket 68

***** VACATED *** REASON: CASE DISMISSED 8/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clarice Morris

Represented By
Paul Y Lee

Movant(s):

Hilton Resorts Corporation

Represented By
Thomas R Mulally

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:17-20372 Anna C. Hopson and George E. Hopson

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Hyundai Sonata, VIN: 5NPE24AF9FH130462

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 57

Tentative Ruling:

10/02/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Anna C. Hopson

Represented By
Julie J Villalobos

Joint Debtor(s):

George E. Hopson

Represented By
Julie J Villalobos

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

CONT... Anna C. Hopson and George E. Hopson

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-12189 Keely J Barrett

Chapter 13

#5.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 45645 Jaguar Way, Temecula, CA 92592

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 26

***** VACATED *** REASON: ORDER ENTERED 10/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keely J Barrett

Represented By
Carey C Pickford

Movant(s):

Freedom Mortgage Corporation

Represented By
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1156 Sheila Court, Upland, CA 91784

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

From: 9/4/18

EH__

Docket 43

Tentative Ruling:

9/4/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

HSBC Bank USA, National

Represented By
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-12782 Justa Nelida Guzman

Chapter 13

#7.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3527 N. Bronson St. San Bernardino, California 92407

MOVANT: THE BANK OF NEW YORK MELLON

From: 9/4/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justa Nelida Guzman

Represented By
Lionel E Giron

Movant(s):

The Bank of New York Mellon, et al

Represented By
S Renee Sawyer Blume

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-13924 Sandra Lorena Parra

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 44670 San Clemente Cir, Palm Desert, CA 92260-3526

MOVANT: WILLMINGTON SAVINGS FUND SOCIETY FSB dba CHRISTIANA TRUST

CASE DISMISSED 9/27/18

EH__

Docket 39

Tentative Ruling:

10/02/2018

Service: Proper

Opposition: Yes

Debtor's case was dismissed on September 27, 2018. Debtor filed opposition to the Motion but did not address the assertion by Movant that the case was filed in bad faith with evidence of two prior cases which the Court's records reflect were both dismissed for failure by Debtor to make plan payments. Based on the evidence, coupled with the recent dismissal of the instant case for failure to make plan payments, the Court is inclined to GRANT relief from the stay under § 362(d)(4). GRANT waiver of 4001(a)(3) stay. The remaining requests for relief are DENIED as moot based on the dismissal of the case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sandra Lorena Parra

Represented By
Christopher J Langley

Movant(s):

Wilmington Savings Fund Society,

Represented By
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

CONT... Sandra Lorena Parra

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-14278 David Bruce Bremer and Tina Marie Bremer

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Scion XB

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 29

Tentative Ruling:

10/02/2018

Service is Proper

Opposition: YES

Parties to indicate whether there has been progress on an agreement for an APO.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

David Bruce Bremer

Represented By
Paul Y Lee

Joint Debtor(s):

Tina Marie Bremer

Represented By
Paul Y Lee

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-16821 Frederick Hale Powers

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Avalon

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 8

Tentative Ruling:

10/02/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Frederick Hale Powers

Represented By
Linda Roberts-Ross

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-17169 Richard M Bolter and Shantell V Bolter

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Carson Trailer Fun Runner

MOVANT: ALTURA CREDIT UNION

EH__

Docket 9

Tentative Ruling:

10/02/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Richard M Bolter

Represented By
Christopher J Langley

Joint Debtor(s):

Shantell V Bolter

Represented By
Christopher J Langley

Movant(s):

Altura Credit Union

Represented By
Brian T Harvey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

CONT... Richard M Bolter and Shantell V Bolter

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-17502 Shaun Besci

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 18991 Roberts Rd (RV) Riverside CA 92508

MOVANT: THE DAVID J. ROGALIA AND PENNY L. ROGALIA JOINT LIVING TRUST, PENNY L. ROGALIA TRUSTEE

EH__

Docket 8

***** VACATED *** REASON: CASE DISMISSED 9/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shaun Besci

Pro Se

Movant(s):

The David J Rogalia and Penny L

Represented By
Barry L O'Connor

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-17597 David Meisland

Chapter 13

#13.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 26818
Montseratt Court, Murietta, CA 92563

MOVANT: DAVID MEISLAND

EH__

Docket 11

Tentative Ruling:

10/02/2018

The Debtor's proposed plan indicates a good faith attempt to address the reasons for dismissal of the prior case. Service was proper. No opposition was filed. Based on the foregoing, the Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

David Meisland

Represented By
Nima S Vokshori

Movant(s):

David Meisland

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-17624 Jose Antonio Velasco and Lilian Micaela Velasco

Chapter 13

#14.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1931 Hammingway Pl, San Jacinto CA 92583

MOVANT: JOSE VELASCO & LILIAN MICAELA VELASCO

From: 9/17/18

EH__

Docket 12

*** VACATED *** REASON: ORDER ENTERED 10/1/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Velasco

Represented By
Danny K Agai

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Danny K Agai

Movant(s):

Jose Antonio Velasco

Represented By
Danny K Agai

Lilian Micaela Velasco

Represented By
Danny K Agai
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

10:00 AM

6:18-17735 Carlos Garcia

Chapter 13

#15.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 480 Bryn Mawr Ct., Colton CA 92324-1405

MOVANT: CARLOS GARCIA

EH__

Docket 11

Tentative Ruling:

10/02/2018

Debtor's efforts to address the issues which cause dismissal in the prior case, as detailed in the Debtor's declaration, provide clear and convincing evidence that overcomes the presumption that the Debtor's case was not filed in good faith. For these reasons, including the lack of opposition, the Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carlos Garcia

Represented By
John F Brady

Movant(s):

Carlos Garcia

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#16.00 Motion to Continue Hearing On Patient Care Ombudsman's Emergency Motion For Order Approving Review Of Confidential Patient Records Under §333, And Approving Notice To Patients Under Bankruptcy Rule 2015.1(b)

Also #17

EH__

Docket 106

***** VACATED *** REASON: ORDER ENTERED 9/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#17.00 Patient Care Ombudsman's Emergency Motion for Order Approving Review of Confidential Patient Records Under § 333, and Approving Notice to Patients Under Bankruptcy Rule 2015.1(b)

Also #16

EH__

Docket 75

***** VACATED *** REASON: CONTINUED TO 10/30/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
Todd L Turoci

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 2, 2018

Hearing Room 303

2:00 PM

6:18-17533 Antoine Hossein Babai

Chapter 11

#18.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoine Hossein Babai

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

10:00 AM

6:18-14061 Jennifer Monique Devore-Garcia

Chapter 7

#1.00 CONT Reaffirmation Agreement Between Debtor and American Honda Finance Corporation re 2017 Honda Civic

From: 9/12/18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Monique Devore-Garcia

Represented By
Daniel King

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

10:00 AM

6:18-15767 Reva Mae Scott

Chapter 7

#2.00 CONT Pro se Reaffirmation Agreement Between Debtor and Mercedes-Benz Financial Services USA LLC re 2013 Mercedes-Benz E350W

From: 9/12/18

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reva Mae Scott

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

11:00 AM

6:18-11025 James Freeman and Darnetta Smith-Freeman

Chapter 7

#3.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 30

Tentative Ruling:

10/3/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,153.25
Trustee Expenses: \$ 30.80

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

James Freeman

Represented By
Robert W Ripley

Joint Debtor(s):

Darnetta Smith-Freeman

Represented By
Robert W Ripley

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#4.00 CONT Motion to Disallow Claims No. 1 filed by Milligan Beswick Levine & Knox, LLP as Not Allowable Against the Estate

From: 8/22/18

EH__

Docket 98

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/19/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

11:00 AM

6:18-17065 Jose Peralta-Velasquez, Jr

Chapter 7

#5.00 Motion By United States Trustee To Dismiss Case With A Filing Bar

EH__

Docket 7

Tentative Ruling:

10/3/18

BACKGROUND

On August 21, 2018, Jose Peralta-Velasquez ("Debtor") filed a Chapter 7 voluntary petition. Debtor had previously filed three bankruptcies in the previous fifteen months, all of which were dismissed for failure to file information. On September 6, 2018, UST filed a motion to dismiss case, requesting a one-year re-filing bar.

DISCUSSION

I. Dismissal

11 U.S.C. § 707(b)(1) permits the Court to dismiss a Chapter 7 case for abuse. 11 U.S.C. § 707(b)(3)(A) states:

(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

11:00 AM

CONT...

Jose Peralta-Velasquez, Jr

Chapter 7

paragraph (2)(A)(i) does not arise or is rebutted, the court shall consider –

(A) whether the debtor filed the petition in bad faith

In determining whether a case should be dismissed under § 707(b)(3)(A), the Court considers the totality of the circumstances, but is ultimately instructed to consider whether "the debtor's intention in filing a bankruptcy petition is inconsistent with the Chapter 7 goals of providing a 'fresh start' to debtors and maximizing the return to creditors." *In re Mitchell*, 357 B.R. 142, 154-55 (Bankr. C.D. Cal. 2006) (listing factors to be considered in making that determination).

The majority of the *Mitchell* factors are inapplicable when, as here, a debtor files a skeletal petition that does not provide the Court with sufficient information to apply the *Mitchell* test. Only factor seven (history of bankruptcy filings) and, possibly, factor nine (egregious behavior) can be assessed when a debtor files a skeletal petition. Both those factors weigh in favor of dismissal when, as here, a debtor repeatedly files skeletal petitions during a short period of time, and does not disclose previous filings.¹ While § 707(a)(1) and (3) provide for dismissal when a debtor fails to fulfill his duties under the Bankruptcy Code, when a debtor repeatedly files bankruptcy and fails to evince any attempt to comply with the filing requirements, it can be inferred, absent any indication to the contrary, that the debtor's purpose in filing bankruptcy is not to take advantage of the fresh start. *See, e.g., In re Craighead*, 377 B.R. 648, 655 (Bankr. N.D. Cal. 2007) ("Courts generally hold that when a debtor repeatedly files bankruptcy petitions and then repeatedly fails to file schedules or to comply with other requirements, this pattern of behavior is evidence of bad faith and an attempt to abuse the system."). Dismissal under § 707(b)(3) is appropriate in those circumstances.

II. Re-Filing Bar

The court is empowered to impose a refiling bar under 11 U.S.C. § 349(a). As

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

11:00 AM

CONT... Jose Peralta-Velasquez, Jr

Chapter 7

COLLIER notes, courts' analysis of this section is somewhat confused due to confounding "dismissal with prejudice" with "dismissal with injunction against future filings." COLLIER ON BANKRUPTCY ¶ 349.02[3]; *compare In re Garcia*, 479 B.R. 488 (Bankr. N.D. Ind. 2012) (denying motion for dismissal with prejudice, but imposing three-year refiling bar) *with In re Craighead*, 377 B.R. 648 (Bankr. N.D. Cal. 2007) (appearing to equate dismissal with prejudice with an injunction against refiling).

There is also a circuit split concerning whether an injunction on refiling for more than 180 days is allowed under the Bankruptcy Code. *Compare In re Frieouf*, 938 F.2d 1099 (10th Cir. 1991) (180 days is maximum allowed length of refiling injunction) *with Casse v. Key Bank Nat. Ass'n*, 198 F.3d 327 (2nd Cir. 1999) (injunction against filing for more than 180 days permissible). 11 U.S.C. § 349(a) reads:

Unless, the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.

The disagreement revolves around whether the qualifier "Unless, the court, for cause, orders otherwise" modifies the content after the semi-colon. *In re Leavitt* noted this disagreement, but since the court was dealing with a dismissal with prejudice, rather than an injunction against refiling, it did not resolve the issue. 209 B.R. 935, 942 (9th Cir. B.A.P. 1997). Within the Ninth Circuit, it appears the trend is to adopt the reasoning of the Second Circuit and allow injunctions for more than 180 days. *See e.g. In re Velasques*, 2012 WL 8255582 at *3 (Bankr. E.D. Cal. 2012).

Here, Debtor has filed three skeletal bankruptcies in the previous fifteen months and failed to file the balance of the required case commencement documents in the instant case. As noted above, the Court has determined that Debtor's behavior is sufficient to warrant dismissal for bad faith and the Court finds the requested one year refiling bar to be appropriate.

Moreover, Debtor's failure to oppose is deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

11:00 AM

CONT... Jose Peralta-Velasquez, Jr

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Peralta-Velasquez Jr

Pro Se

Movant(s):

United States Trustee (RS)

Represented By
Mohammad Tehrani

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#6.00 CONT Motion to Consolidate Lead Case 6:13-bk-27611 with 6:15-ap-01307-MH ; 6:16-ap-01163-MH; 6:16-ap-01199 for Discovery Purposes Only

From: 9/26/18

EH__

Docket 88

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#7.00 CONT Motion to Consolidate Lead Case 6:14-ap-01248 with 6:15-ap-01307-MH ; 6:16-ap-01163-MH; 6:16-ap-01199 [Amended] for Discovery Purposes Only

From: 9/26/18

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01199 Revere Financial Corporation v. Bank of Southern California, N.A.

#8.00 CONT Motion to Consolidate Lead Case 6:14-ap-01248-MH with 6:15-ap-01307-MH ; 6:16-ap-01163-MH; 6:16-ap-01199 for Discovery Purposes Only

From: 9/26/18

EH__

Docket 99

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Bank of Southern California, N.A.

Represented By
Kathryn M.S. Catherwood

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#9.00 CONT Motion to Consolidate Lead Case 6:14-ap-01248-MH with 6:15-ap-01307-MH ; 6:16-ap-01163-MH; 6:16-ap-01199 for Discovery Purposes Only

From: 9/26/18

EH__

Docket 121

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw

Movant(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

A. Cisneros

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#10.00 CONT Status Conference Re: Adversary case 6:17-ap-01197. Complaint by Itria Ventures, LLC against Malik Muhammad Asif, Zobia Asif. Fee Amount \$350
Complaint Objecting To Dischargeability of Debt Nature of Suit: (62
(Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))

From: 11/15/17, 12/6/17, 1/10/18, 6/6/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Plaintiff(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01100 Zamucen & Curren LLP v. Johnson

#11.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01100. Complaint by Zamucen & Curren LLP against Vance Zachary Johnson . (d),(e))

From: 7/31/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Vance Zachary Johnson

Represented By
Robert P Goe
Stephen Reider

Plaintiff(s):

Zamucen & Curren LLP

Represented By
Patricia J Grace

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#12.00 CONT Defendants' Motion to Dismiss The Amended Adversary Complaint Under Fed. R. Civ. P. 12(B)(6) and Fed. R. Bank. P

From: 7/24/18, 7/25/18, 9/26/18

Also #13

EH__

Docket 11

Tentative Ruling:

10/03/18

The Debtor's FAC is premised on the assumption that the Consent Judgment required BOFA and its successors to extinguish the second lien on his principal residence. However, while the Debtor asserts he is not seeking enforcement of the Consent Judgment, in order to maintain a claim under § 544 (b)(1) or §§ 28 U.S.C. 3301-3308, the Debtor must demonstrate, at a minimum, that the Consent Judgment required BOFA to release his second mortgage. The FAC thus sets forth the provisions of the Consent Judgment which he believes establish that his second mortgage should have been extinguished. (FAC at pp. 6-7, subheading C. The Terms of the Judgment). Whether or not the Debtor seeks enforcement of the Consent Judgment, its provisions and conditions must be interpreted for the Debtor to prevail.

Here, a quick examination of the Consent Judgment reveals several hurdles as it pertains to the Debtor's claims: first, the language of the Consent Judgment which purportedly resulted in a 'transfer' of the Debtor's property is found under the 'Consumer Relief' provisions of the Consent Judgment. However, a plain reading of ¶ 5 of the Consent Judgment indicates that BOFA was required to provide **up to** "\$7,626,200,000 of relief to consumers who meet eligibility criteria... and \$948,000,000 of refinancing relief." This provision calls into question the Debtor's assumption that his second mortgage was required to be extinguished pursuant to the Consent Judgment when read alongside the language of page 169, part 2.c.i., which states, in pertinent part, "Servicer agrees that it must write down second liens consistent with the following program **until** its Consumer Relief Requirement credits are fulfilled." The Court gleans from these provisions that as to the Consumer Relief

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... **Markus Anthony Boyd**

Chapter 11

Requirements, not **all** second liens having met the criteria of part 2.c.i.2.a. were required to be extinguished as part of the Consent Judgment. Instead, the Consent Judgment provides which kinds of second liens were **eligible** for relief and placed a minimum dollar amount of relief that BOFA was required to meet. However, it appears that so long as BOFA met the stated dollar amount of required consumer relief, BOFA would have been in compliance with the Consent Judgment.

In sum, the Court agrees with Defendants that to prevail, the Debtor must establish that BOFA was required to release the lien pursuant to the Consent Judgment. Absent such a finding, the Debtor cannot be said to have been parted from property pursuant to § 101(54) (defining "transfer"). Having failed to aver in the FAC "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face,'" the Court finds that the FAC must be dismissed. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). Specifically, the Court finds that Debtor has failed to plead sufficient facts underpinning the existence of a transfer to allege a cognizable legal theory.

Finally, although the Court need not reach this issue today, the Court questions whether a request to make findings that the Consent Judgment would have required BOFA to extinguish the second lien amounts to "enforcement" such that exclusive jurisdiction lies with the District Court for the District of Columbia.

TENTATIVE RULING

The Court is inclined to GRANT the Motion and DISMISS the FAC without leave to amend. APPEARANCES REQUIRED.

07/25/2018

Moving Defendant leads the analysis astray by conflating issues of standing to enforce the Consent Judgment with the question of standing of a Debtor-in-possession to prosecute a fraudulent conveyance action under § 548. However, that misdirection is rendered irrelevant once the focus shifts to the § 548 elements outlined in Plaintiff's opposition, and in particular on the glaring, inescapable conclusion that Plaintiff has failed to allege facts to support that a transfer occurred -- an essential element of a Section 548 cause of action.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... **Markus Anthony Boyd**

Chapter 11

Here the facts at issue pertain to the Defendants' alleged **failure to act** (at some point, although the Court is unclear of the basis for Plaintiff's allegation of a specific date for the transfer) to release or extinguish a junior lien against Debtor's property. But no specific affirmative act, or transfer of possession or ownership is alleged to have occurred. *See Bernard v. Sheaffer (In re Bernard)*, 96 F.3d 1279, 1282 (9th Cir. 1996) ("[A] transfer is a disposition of an interest in property. The definition is as broad as possible. ... Under this definition, any transfer of an interest in property is a transfer, including a transfer of possession, custody, or control even if there is no transfer of title, because possession, custody, and control are interests in property.") (citations omitted); *Greenspan v. Orick, Herrington & Sutcliffe LLP (In re Brobeck, Phleger & Harrison LLP)*, 408 B.R. 318, 338 (Bankr. N.D. Cal. 2009) ("Within the confines of these general principles, the general rule is that "[t]he hallmark of a 'transfer' is a change in the rights of the transferor with respect to the property after the transaction."); *In re Feiler*, 218 B.R. 957, 960 (Bankr. N.D. Cal. 1998), *aff'd*, 230 B.R. 164 (B.A.P. 9th Cir. 1999), *aff'd*, 218 F.3d 948 (9th Cir. 2000) ("Within the context of a fraudulent transfer, the definition of transfer is sufficiently broad to include a transfer that results in a modification of form or value of property transferred or a deposit into or withdrawal from a bank account.") (citations omitted); *Kapila v. U.S. (In re Taylor)*, 386 B.R. 361, 369 (Bankr.S.D.Fla.2008) (debtor's waiver of an NOL carryback constitutes a transfer).

Here, Plaintiff simply hasn't alleged any change of rights in property after any particular transaction, nor has Plaintiff otherwise presented any authority for its proposition that the Defendants' failure to release the lien somehow constitutes a transfer. Basically, it appears here that what the estate MAY have is a right to enforce the Consent Judgment so as to compel extinguishment of the junior lien. But that question is not before the Court, and the Court takes no position on whether it is a viable cause of action or if the Debtor even has standing to prosecute it. For that reason, the Court is inclined to find that the Plaintiff has failed to state an actionable claim under the bankruptcy code, and therefore the Amended Complaint should be dismissed.

APPEARANCES REQUIRED

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Movant(s):

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

Adv#: 6:18-01094 Boyd v. U.S. BANK et al

#13.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01094. Complaint by Markus Anthony Boyd against U.S. BANK, SPECIALIZED LOAN SERVICING LLC, Series 2007-FFC First Franklin Mortgage Loan Trust. (Charge To Estate). (Attachments: # 1 Exhibit Exhibits to Complaint # 2 Exhibit Exhibits to Complaint # 3 Exhibit Exhibits to Complaint # 4 Exhibit Exhibits to Complaint # 5 Exhibit Exhibits to Complaint # 6 Exhibit Exhibits to Complaint # 7 Exhibit Exhibits to Complaint) Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(14 (Recovery of money/property - other)),(91 (Declaratory judgment)) (Gebelt, Nicholas)

From: 6/26/18, 7/24/18, 7/25/18, 9/26/18

Also #12

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Defendant(s):

U.S. BANK

Pro Se

SPECIALIZED LOAN SERVICING

Pro Se

Series 2007-FFC First Franklin

Pro Se

First Franklin Mortgage Loan Trust,

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 3, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

Plaintiff(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Friday, October 5, 2018

Hearing Room 303

8:30 AM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#1.00 Emergency motion Debtor and Debtor in Possession's Emergency Motion for Order (a) Prohibiting Utilities From Altering, Refusing, or Discontinuing Service; and (b) Deeming Utilities Adequate Assured of Future Performance Pursuant to 11 U.S.C. § 366

Also #2

EH__

Docket 2

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Friday, October 5, 2018

Hearing Room 303

8:30 AM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#2.00 Emergency motion Debtor and Debtor in Possession's Notice of Motion and Emergency Motion for (a) Order Approving Stipulation for Interim Use of Cash Collateral; (b) Granting of Adequate Protection; (c) Granting Related Relief

Also #1

EH__

Docket 3

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

Adv#: 6:17-01286 ASR Constructors Inc a California Corporation et a v. Gotte Electric, Inc. et

#1.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01286. Complaint by ASR Constructors Inc a California Corporation, Another Meridian Company, LLC, Inland Machinery, Inc. against Gotte Electric, Inc., Insurance Company Of The West, Employment Development Department, Trico-Savi Business Park, L.P., a California limited partnership, Angela Denise McKnight, Steven Schonder, Western Alliance Bank, an Arizona corporation, United states of america, Carlin Law Group APC, Ledcor Construction, Inc., a Washington corporation, DOES 1 through 10, inclusive. (Charge To Estate - \$350.00). Complaint in Interpleader Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Bastian, James)
Trico-Savi Business Park L.P. - Dismissed 12/28/17
Western Alliance Bank, dba Torrey Pines Bank - Dismissed 2/1/18
Gotte Electric, Inc - Dismissed 3/14/18
Ledcor Construction Inc - Dismissed 3/26/18

From: 2/27/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Defendant(s):

Gotte Electric, Inc.

Pro Se

Insurance Company Of The West

Represented By
Jennifer Leland
David B Shemano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

CONT... ASR Constructors Inc a California Corporation Chapter 11

Howard J Weg

Employment Development

Represented By
Elisa B Wolfe-Donato

Angela Denise McKnight

Pro Se

Steven Schonder

Pro Se

United states of america

Represented By
Charles Parker

Carlin Law Group APC

Represented By
Kevin R Carlin

Ledcor Construction, Inc., a

Represented By
Daniel P Scholz

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Another Meridian Company, LLC

Represented By
James C Bastian Jr
Melissa Davis Lowe

Inland Machinery, Inc.

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#2.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Inland Machinery, Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18

Also #

EH__

Docket 630

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#3.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **ASR Constructors Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18

Also #

EH__

Docket 630

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#4.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Another Meridian Company LLC**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18

Also #

EH__

Docket 630

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#5.00 CONT Application for Compensation of Final Fees and/or Expenses with proof of service for Fredman Lieberman Pearl LLP, Debtor's Attorney, Period: 5/11/2016 to 12/5/2016, Fee: \$278,079.00, Expenses: \$4,603.13

From: 12/19/17, 4/24/18

EH__

Docket 306

*** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Fredman Lieberman Pearl LLP

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 9, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

Adv#: 6:18-01116 Forte v. B & B Family, Incorporated

#6.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01116. Complaint by Patricia Forte against B & B Family, Incorporated

From: 7/24/18, 7/31/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/16/18 AT 2:00 P.M.**

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

Defendant(s):

B & B Family, Incorporated

Represented By
Todd L Turoci

Plaintiff(s):

Patricia Forte

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#1.00 CONT Motion For Summary Judgment/Memorandum of Points and Authorities
on the Preclusive Effect of Plaintiff's State Court Judgment

From: 7/18/18, 7/31/18

Also #2

EH__

Docket 208

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

Movant(s):

Charles Edward Schrader

Pro Se

Plaintiff(s):

Charles Edward Schrader

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#2.00 CONT Status Conference RE: Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha . willful and malicious injury
HOLDING DATE

From: 7/8/15, 11/4/15, 3/2/16, 12/14/16, 12/13/17, 4/5/17, 6/7/17, 7/12/17, 8/2/17, 9/27/17, 10/4/17, 11/1/17, 12/6/17, 12/20/17, 2/28/18, 3/21/18, 6/20/18, 7/18/18, 7/31/18

Also #1

EH__

Docket 1

Tentative Ruling:

02/28/2018

This hearing is vacated. The Status Conference is CONTINUED to March 21, 2018, at 2:00 p.m. The Court has provided notice to the parties of the continuance.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi
Ryan F Thomas

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT... Narinder Sangha

Chapter 7

Plaintiff(s):

Charles Edward Schrader

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

**#3.00 CONT Motion For Summary Judgment
(Holding Date)**

From: 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17,
1/24/18, 1/31/18, 5/30/18

Also #4

EH__

Docket 62

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell Pro Se

Defendant(s):

Nancy Ann Howell Pro Se

Movant(s):

Law Office of Andrew S. Bisom Represented By
Andrew S Bisom

Plaintiff(s):

Law Office of Andrew S. Bisom Represented By
Andrew S Bisom

Eisenberg Law Firm, APC Represented By
Andrew S Bisom

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT... Nancy Ann Howell

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

6:13-29922 Nancy Ann Howell

Chapter 7

Adv#: 6:14-01070 Law Office of Andrew S. Bisom et al v. Howell

#4.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01070. Complaint by Law Office of Andrew S. Bisom, Eisenberg Law Firm, APC against Nancy Ann Howell. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 5/14/14, 7/2/14, 12/10/14, 3/18/15, 4/22/15, 5/20/15, 7/22/15, 10/28/15, 12/2/15, 2/17/16, 3/2/16, 3/16/16, 4/27/16, 9/21/16, 12/14/16, 6/21/17, 1/24/18, 1/31/18, 5/30/18

Also #3

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Ann Howell	Pro Se
------------------	--------

Defendant(s):

Nancy Ann Howell	Pro Se
------------------	--------

Plaintiff(s):

Law Office of Andrew S. Bisom	Represented By Andrew S Bisom
-------------------------------	----------------------------------

Eisenberg Law Firm, APC	Represented By Andrew S Bisom
-------------------------	----------------------------------

Trustee(s):

Steven M Speier (TR)	Pro Se
----------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT... Nancy Ann Howell

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#5.00 CONT Motion For Summary Judgment

From: 7/25/18

Also #6

EH__

Docket 54

Tentative Ruling:

10/10/2018

This hearing on the Plaintiff's Motion for Summary Judgment was continued from July 25, 2018. At the prior hearing, the Court continued the hearing for the Plaintiff and Defendant to have an opportunity to address the issue of willfulness under § 523(a)(6) in accordance with the Ninth Circuit BAP's decision in *In re Arden*, 2015 WL 4068962, at *9 (9th Cir. BAP 2015)(citing *Sheldon Appel Co. v. Albert Oliker*, 47 Cal.3d 863, 871-72 (1989)).

PERSONAL SERVICE

The Defendant/Debtor again argues that under California law, issue preclusion is not available unless the defendant "has been personally served with summons or has actual knowledge of the existence of the litigation." (Docket 176 at 6). In support, the Debtor cites to *In re Williams' Estate (Williams)*, 36 Cal. 2d 289, 297, 223 P.2d 248, 254 (1950), which was in turn cited with approval by *In re Harmon*, 250 F.3d 1240, 1246 (9th Cir. 2001). These cases, however, underscore that in order to limit the principle of collateral estoppel, there must be a "**complete lack of knowledge** on the part of a defendant of the action". *Id.* (emphasis added). In its prior tentative ruling, the Court noted that the failure of the Debtor's declaration to address when or whether

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

he had knowledge of the litigation that resulted in the default judgment was fatal. Now, having had the opportunity to file a new declaration, the Debtor still fails to address this issue instead reiterating that he was out of the country when the Plaintiff tried to effectuate service on him. The Plaintiff had previously indicated that due to the failure to locate the Debtor, that the Debtor was served via publication in the prior action and in response, the Debtor asserted that the failure of the Plaintiff to provide evidence of an order permitting service by publication should be determinative. However, in reply, the Plaintiff has now provided a copy of the State Court's Order for Publication. (Docket 177, at Ex. 1). Based on the foregoing evidence that Debtor was properly served by publication and, in particular due to Defendant/Debtor's failure to address the issue of whether he had "complete lack of knowledge" of the State Court litigation, the Court finds that the Plaintiff's objection that collateral estoppel should not apply to the instant case is overruled. Finally, the Debtor's related arguments that the State Court Default Judgment is void as a matter of law for denying the Debtor due process are found to be unpersuasive.

WILLFULLNESS

"A 'willful' injury is a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury." *Barboza*, 545 F.3d at 706, quoting *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). To satisfy the willfulness requirement, it must be shown that the debtor either had "a subjective intent to harm or a subjective belief that harm is substantially certain." *Su*, 290 F.3d at 1144. When determining the debtor's intent under § 523(a)(6), there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby*, 591 F.3d at 1206.

As a threshold matter, the Court overrules the Debtor's objections to the declaration of the Deborah Slaieh.

As to the issue of "willfulness", the Court finds the Plaintiff's Supplemental Brief persuasive. (Docket No. 175). In particular, the Supplemental Brief points to the specific allegations that the Debtor intended to injure the Plaintiff by filing litigation against him. The State Court Complaint contained numerous allegations that Debtor's actions were "carried out in a deliberate, callous, malicious, despicable and intentional manner in order to injure and damage him." Additionally, the record before the trial

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

court contained declaration from both the Plaintiff and Debtor's ex-wife which supported a finding that the primary purpose behind the filing of the litigation was to injure the Plaintiff. Here, the Court finds that the State Court necessarily awarded punitive damages based on the Debtor's intent to injure the Plaintiff and infers such intent to injure from a finding that the actor committed malice in fact based on the facts in the record detailed above, in addition to the facts set forth in the Plaintiff's filings in support of the Motion for Summary Judgment. Based on the foregoing, the Court finds that the Plaintiff has met the requirements to satisfy California's requirements for application of collateral estoppel on the issue of "intent to injure", and on that basis, the Court finds that the Default Judgment against the Debtor is determinative on the issue of willfulness under § 523(a)(6).

TENTATIVE RULING

Based on the Court's prior tentative ruling, in addition to the instant tentative ruling, and having considered the arguments and filings of the parties, the Court finds that the Plaintiff has established that there is no genuine dispute as to any material fact and that the Plaintiff is entitled to judgment as a matter of law. The Court is inclined to GRANT the Motion in its entirety.

07/25/2018

BACKGROUND

On December 18, 2013, Nabeel Slaieh ("Debtor") filed his petition for chapter 7 relief. On March 24, 2014, W E Jon Albrecht ("Plaintiff") filed the instant complaint to determine dischargeability of debt pursuant to § 523(a)(6). On June 13, 2018, the Plaintiff filed his Motion for Summary Judgment ("Motion"). On July 3, 2018, the Debtor filed his opposition to the Motion ("Opposition"). On the same date, the Debtor filed a substitution of attorney by which the Debtor indicated his intent to represent himself *in propria persona* going forward.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

As a threshold matter, the Court must address the manner in which the Opposition was filed. Prior to the filing of the Substitution of Attorney Form, the Debtor was represented by George Saba ("Saba"). However, per the State Bar of California website, Mr. Saba has not been eligible to practice law in California since December 2017. Pursuant to the Court's manual, Section 3.1(c) and Section 3.2(b), attorneys admitted to practice in the Central District of California, currently in good standing, are eligible to register as CM/ECF users with the rights to log in and file documents. Here, the Debtor, acting in pro per, is not eligible to file documents using CM/ECF and it was improper for Mr. Saba to use the CM/ECF system to improperly file a document for a party who he is no longer representing and who he is no longer able to represent given his ineligibility to practice law. Further, Section 3.2(d)(1) prohibits a registered user from knowingly permitting or causing to permit his or her login and password to be utilized by anyone. Here, Mr. Saba has violated the Court's rules regarding CM/ECF filing. Based on the improper filing of the Opposition, the Court is inclined to issue an OSC why Mr. Saba's CM/ECF rights should not be suspended or cancelled pursuant to Section 3.2(d)(3) of the Court Manual.

Based on the foregoing, the Court strikes the Opposition as improperly filed. A reply to the Opposition was filed on July 11, 2018 ("Reply"), as well as separately filed objections to the Declaration of Defendant in support of the Opposition (Docket No. 172).

DISCUSSION

Summary Judgment

A court may grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. FRBP 7056 (incorporating FRCP 56). In determining whether to grant a motion for summary judgment, courts must view the record and all inferences drawn from it in the light most favorable to the nonmoving party. *Trunk v. City of San Diego*, 629 F.3d 1099, 1105 (9th Cir.2011).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

Judicial Notice

In support of the Motion, Plaintiff requests that this Court take judicial notice of (1) The Certified Copy of Complaint for Malicious Prosecution, RJN, Ex. 1, (2) the Certified Copy of Summons filed January 25, 2011, RJN, Ex. 2, (3) the Certified Copy of Proof of Service of Summons, RJN, Ex. 3, and (4) the Copy of Judgment, RJN, Ex. 4. The Court takes judicial notice of these filings.

Nondischargeability under § 523(a)(6)

Section 523(a)(6) excepts from discharge debts arising from a debtor's willful and malicious injury to another person. *Barboza v. New Form, Inc. (In re Barboza)*, 545 F.3d 702, 706 (9th Cir.2008). The willful and malice requirements must be analyzed separately, *Carillo v. Su (In re Su)*, 290 F.3d 1140, 1146–47 (2002), and the court must determine that both have been met, *Ormsby v. First Am. Title Co. of Nev. (In re Ormsby)*, 591 F.3d 1199, 1206 (9th Cir. 2010).

"A 'willful' injury is a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury." *Barboza*, 545 F.3d at 706, quoting *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). To satisfy the willfulness requirement, it must be shown that the debtor either had "a subjective intent to harm or a subjective belief that harm is substantially certain." *Su*, 290 F.3d at 1144. When determining the debtor's intent under § 523(a)(6), there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby*, 591 F.3d at 1206.

"A malicious injury involves '(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse.'" *Su*, 290 F.3d at 1146–47, quoting *Petralia v. Jercich (In re Jercich)*, 238 F.3d 1202, 1209 (9th Cir.2001). "Within the plain meaning of this definition, it is the wrongful act that must be committed intentionally rather than the injury itself." *Jett v. Sicroff (In re Sicroff)*, 401 F.3d 1101, 1106 (9th Cir.2005), citing *Murray v. Bammer (In re Bammer)*, 131 F.3d 788, 791 (9th Cir.1997)("This four-part definition does not require a showing of biblical malice, i.e., personal hatred, spite, or ill will. Nor does it require a showing of an intent to injure, but rather it requires only an intentional act which causes injury."). "Malice may be inferred based on the nature of the wrongful act."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

Ormsby, 591 F.3d at 1206, citing *Transamerica Comm. Fin. Corp. v. Littleton (In re Littleton)*, 942 F.2d 551, 554 (9th Cir.1991)(determining that, in the case of conversion, malice may be inferred).

In the instant action, the Plaintiff obtained a judgment ("Judgment") in State Court as against the Defendant based on a complaint for malicious prosecution (the "State Action"). The Plaintiff now moves under a theory of collateral estoppel for summary judgment finding that the Judgment is nondischargeable under § 523(a)(6).

Collateral Estoppel

A bankruptcy court may grant summary judgment based on the issue preclusive effect of an existing state court judgment. *See Harmon v. Kobrin (In re Harmon)*, 250 F.3d 1240, 1245 (9th Cir.2001). In doing so, it must apply the forum state's issue preclusion law. *Id. See also* 28 U.S.C. § 1738. Here, California preclusion law applies.

In California, issue preclusion bars relitigation of an issue when: 1) the issue sought to be precluded is identical to that decided in a prior proceeding; 2) the issue was actually litigated in the prior proceeding; 3) the issue was necessarily decided in the prior proceeding; and 4) the decision in the prior proceeding is final and on the merits. *Lucido v. Superior Court*, 51 Cal.3d 335, 341 (1990). Additionally, in California, issue preclusion may only be applied if it furthers underlying public policies. *See id.* at 343.

The party asserting issue preclusion bears the burden of establishing these requirements. *Id.* at 341. To do so, "[the] party must produce a record sufficient to reveal the controlling facts and pinpoint the exact issues litigated in the prior action. Any reasonable doubt as to what was decided by a prior judgment should be resolved against allowing [issue preclusive] effect." *Kelly v. Okoye (In re Kelly)*, 182 B.R. 255, 258 (9th Cir.BAP1995), *aff'd*, 100 F.3d 110 (9th Cir.1996).

Here, the Plaintiff obtained a Judgment on a malicious prosecution action under California law. The Court now turns to whether 'malicious prosecution' satisfies the requirements for collateral estoppel under California law.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

Application of law to cause of action for malicious prosecution

In California, the common law tort of malicious prosecution provides a remedy for individuals subjected to maliciously instituted criminal and civil proceedings. *In re Arden*, 2015 WL 4068962, at *9 (9th Cir. BAP 2015)(citing *Sheldon Appel Co. v. Albert Oliker*, 47 Cal.3d 863, 871–72 (1989)). To establish a cause of action for malicious prosecution of a civil proceeding, the plaintiff must show "that the prior action (1) was commenced [or continued] by or at the direction of the defendant and was pursued to a legal termination in his [or her], plaintiff's, favor; (2) was brought without probable cause; and (3) was initiated [or continued] with malice." *Id.*, quoting *Bertero v. Nat'l Gen. Corp.*, 13 Cal.3d 43, 50 (1974)(internal quotation marks omitted).

In *Arden*, the BAP specifically considered whether the tort of malicious prosecution satisfies both the willful and malicious prongs of § 523(a)(6):

"The 'malice' element of the malicious prosecution tort relates to the subjective intent or purpose with which the defendant acted in initiating the prior action." *Estate of C. Delores Tucker v. Interscope Records, Inc.*, 515 F.3d 1019, 1030 (9th Cir.2008) ("*Tucker*"), quoting *Sheldon Appel Co.*, 47 Cal.3d at 874 (internal quotation marks omitted). However, the malice required in malicious prosecution "is not limited to actual hostility or ill will toward [the] plaintiff but exists when the proceedings are instituted primarily for an improper purpose." *Albertson v. Raboff*, 46 Cal.2d 375, 383 (Cal.1956). *See also Tucker*, 515 F.3d at 1030, quoting *Sierra Club Found. v. Graham*, 72 Cal.App. 4th 1135, 1147 (1999)("Sierra Club").

The California Supreme Court has explained:

[T]he principal situations in which the civil proceedings are initiated for an improper purpose are those in which (1) the person instituting them does not believe that his claim may be held valid; (2) the proceedings are begun primarily because of hostility or ill will; (3) the proceedings are initiated solely for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

the purpose of depriving the person against whom they are instituted of a beneficial use of his property; [or] (4) the proceedings are initiated for the purpose of forcing a settlement which has no relation to the merits of the claim.

Albertson, 46 Cal.2d at 383, quoting Rest., Torts § 676. Accordingly, in a malicious prosecution action, the proof may or may not establish a willful intent to injure on the part of the defendant.

Arden at *9-10.

As underscored in *Arden*, willfulness is not a separate and distinct element of the tort of malicious prosecution, though willfulness may be inferred from the debtor's intent in commencing or continuing litigation. Moreover, " '[m]erely because a tort is classified as intentional does not mean that any injury caused by the tortfeasor is willful.' " *Ditto v. McCurdy*, 510 F.3d 1070, 1078 (9th Cir.2007), quoting *Miller v. J.D. Abrams Inc. (In re Miller)*, 156 F.3d 598, 604 (5th Cir.1998). Here, the Judgment obtained against Defendant/Debtor was a default judgment and although the BAP found that 'malicious prosecution' likely satisfies the malice requirement under § 523(a)(6), it also specifically found that the 'willfulness' element was not necessarily decided by the state court because 'willfulness' is not required to enter judgment on a malicious prosecution cause of action. In *Arden*, the jury instructions indicated that the specific question of intent to injure was not posed to the jury. As such, the willfulness requirement was not necessarily decided or actually litigated by the state court. Similarly, the Judgment obtained by Plaintiff Albrecht did not require the State Court to consider, let alone determine whether Defendant Slaieh intended injury to Plaintiff. The Plaintiff's Motion assumes the issue of intent was decided by the State Court. However, absent authority to distinguish the *Arden* case, whose reasoning this Court adopts as its own, the Motion does not satisfy the requirements for collateral estoppel because the Judgment is insufficient to establish the elements required under § 523(a)(6). It is possible that the issue of willfulness is subsumed by the state court's determination that punitive damages were appropriate. However, such a theory must be addressed with reference to the Ninth Circuit BAP's decision in *In re Plyam* that a California state court punitive damage award, standing alone, does not preclude relitigation of § 523(a)(6)'s "willful" intent requirement. *In re Sangha*, 678 F. App'x

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

561, 562 (9th Cir. 2017); *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 463–65 (9th Cir. BAP 2015) (holding that "under California law, the general definition of malice in fact encompasses less reprehensible states of mind" than § 523(a)(6)'s "willful" intent requirement).

Finally, although the Court has stricken the Opposition as improperly filed, the Court shall also address the one cognizable legal issue raised in the Opposition – namely, that the State Action Complaint was not personally served on him. As to this issue, the Court agrees with the Plaintiff that the Defendant’s declaration fails to address whether and when he learned of the State Action. The declaration of Defendant is conspicuously silent on these facts and as such determined to be not credible on the issue of lack of service.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the Motion for additional briefing regarding the issue of "willfulness".

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba - INACTIVE -

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Movant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

Bruce A Boice

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#6.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01081. Complaint by W.E. Jon Albrecht against Nabeel Slaieh. willful and malicious injury))

HOLDING DATE

From: 10/19/16, 12/14/16, 2/15/17, 3/29/17, 6/7/17, 10/25/17, 4/25/18, 7/25/18

Also #5

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba - INACTIVE -

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 10, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

David Wood
Matthew Grimshaw

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, October 15, 2018

Hearing Room 303

1:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#1.00 CONT Emergency motion Debtor and Debtor in Possession's Notice of Motion and Emergency Motion for (a) Order Approving Stipulation for Interim Use of Cash Collateral; (b) Granting of Adequate Protection; (c) Granting Related Relief

From: 10/5/18

Also #2

EH__

Docket 3

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, October 15, 2018

Hearing Room 303

1:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#2.00 Motion for Order: (1) Approving the Sale of Substantially All of the Assets of the Estate Free and Clear of Liens Pursuant to Bankruptcy Code § 363(b)(1); (2) Approving the Assumption and Assignment of Executory Contracts; and (3) Granting Related Relief
(FINAL HEARING)

Also #1

EH ____

Docket 8

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:14-18349 Fabiola Adame

Chapter 13

#1.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 795 West Arrow Highway, Upland, CA 91786

MOVANT: HSBC BANK USA N.A.

EH__

Docket 180

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fabiola Adame

Represented By
Ramiro Flores Munoz

Movant(s):

HSBC BANK USA

Represented By
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:14-19029 Sheila Marie Dejesa

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8366 Forest Park Street, Chino, CA 91708-0000

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 87

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Sheila Marie Dejesa

Represented By
Lisa H Robinson
John F Brady

Movant(s):

U.S. Bank National Association, not

Represented By
Angie M Marth
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Sheila Marie Dejesa

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:16-10048 Margaret Crain

Chapter 13

#3.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3300 Mary Ellen Dr, Riverside, California 92509-0816

MOVANT: WELLS FARGO BANK, N.A.

From: 5/15/18, 6/26/18, 8/1/18, 8/21/18

EH__

Docket 66

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Yes

Parties to apprise Court regarding extent of arrears and status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Margaret Crain

Represented By
Yelena Gurevich

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Jamie D Hanawalt
Jessica L Carter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Margaret Crain

Tavon Taylor

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:16-12609 Ryan J. Watson

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6484 Lorena Avenue, Mira Loma, CA 91752

MOVANT: PROVIDENT SAVINGS BANK

EH__

Docket 41

***** VACATED *** REASON: ORDER ENTERED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan J. Watson

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Provident Savings Bank

Represented By
John A Boyd

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:17-10082 Francisco R Palacios

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 23856 Citrus Avenue, Perris, California 92570

MOVANT: HSBC BANK USA NATIONAL ASSOCIATION

EH__

Docket 163

***** VACATED *** REASON: ORDER ENTERED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco R Palacios

Represented By
Paul Y Lee

Movant(s):

HSBC Bank USA, National

Represented By
Matthew R. Clark III
Keith Labell
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:17-14619 Candice Maria Borrego

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 33455 Brand St Lake Elsinore, CA 92530

MOVANT: WELLS FARGO BANK NA

EH__

Docket 46

***** VACATED *** REASON: ORDER ENTERED 10/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Candice Maria Borrego

Represented By
Andy C Warshaw

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:17-15893 Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

#7.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Cruze, VIN 1G1BE5SM3G7250074

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC

From: 9/25/18

EH__

Docket 36

***** VACATED *** REASON: CONTINUED TO 10/30/18 AT 10:00 A.M.**

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Joseph Manuel Ruiz

Represented By
April E Roberts

Joint Debtor(s):

Shannon Elizabeth Ruiz

Represented By
April E Roberts

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

Movant(s):

Americredit Financial Services, Inc.,

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: for property located at 370 Claremont St Hemet, CA 92545

MOVANT: US BANK NATIONAL ASSOCIATION

EH__

Docket 30

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carolyn Maxine Bodden

Represented By
Edward G Topolski

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:17-20487 Ann Marie Smith

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6140 Sard St, Alta Loma, CA 91701

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 52

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT relief from § 1301(a) co-debtor stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ann Marie Smith

Represented By
Brian J Soo-Hoo

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee
Jonetta A Graves

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-13172 Michelle Cadena Quinn

Chapter 13

#10.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3656 N. Valley Court, San Bernardino, CA 92407

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION

From: 6/13/18, 8/28/18, 9/11/18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Movant(s):

Seterus, Inc. as the authorized

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-15624 Hugo Perez

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1860 Bel Air Street, Corona, California 92881

MOVANT: THE BANK OF NEW YORK MELLON

EH__

Docket 26

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

Noting that Debtor has failed to file an opposition to the instant motion, which the Court deems consent to the relief requested pursuant to Local Rule 9013-(1)(h), the Court is inclined to GRANT the relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Hugo Perez

Pro Se

Movant(s):

THE BANK OF NEW YORK

Represented By
Sean C Ferry

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-15680 Ryan Yance Bradley and Jessica Lee Bradley

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Chevrolet Sonic, VIN 1G1JC5SBXE4155221

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 12

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ryan Yance Bradley

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Jessica Lee Bradley

Represented By
Brian J Soo-Hoo

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

**CONT... Ryan Yance Bradley and Jessica Lee Bradley
Sheryl K Ith**

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-16081 Rachael Dene Thomas

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Chrysler 200 VIN 1C3CCBB9DN763064

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

Docket 24

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Rachael Dene Thomas Pro Se

Movant(s):

SchoolsFirst Federal Credit Union Represented By
Paul V Reza

Trustee(s):

Howard B Grobstein (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-16642 Juan A Flores Rodriguez and Jocelyn Chavez

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Chevrolet Impala LT Sedan 4D

MOVANT: BALBOA THRIFT & LOAN

EH__

Docket 10

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT annulment of the automatic stay retroactive to the petition date as to Movant. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Juan A Flores Rodriguez

Represented By
Paul Y Lee

Joint Debtor(s):

Jocelyn Chavez

Represented By
Paul Y Lee

Movant(s):

Balboa Thrift & Loan

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

**CONT... Juan A Flores Rodriguez and Jocelyn Chavez
Keith E Herron**

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-16798 Renard Louis Hamilton and Regina Elizabeth Hamilton

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 Lexus RX350, VIN 2T2GK31U97C019668

MOVANT: AMERICREDIT FINANCIAL SERVICES INC.

EH__

Docket 10

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Renard Louis Hamilton Pro Se

Joint Debtor(s):

Regina Elizabeth Hamilton Pro Se

Movant(s):

Americredit Financial Services, Inc., Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Renard Louis Hamilton and Regina Elizabeth Hamilton

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-16826 Leo Peter Benitez and Kathryn Jewell Benitez

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 Ford Expedition, VIN 1FMFU15538LA18295

MOVANT: PARTNERS FEDERAL CREDIT UNION

EH__

Docket 11

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief from the automatic stay pursuant to § 362(d)(2) because the evidence submitted by Movant indicates that there is equity in the property. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Leo Peter Benitez

Represented By
Todd L Turoci

Joint Debtor(s):

Kathryn Jewell Benitez

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Leo Peter Benitez and Kathryn Jewell Benitez

Chapter 7

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-16905 Tina M Coca

Chapter 7

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2345 Cornell Circle, Corona, CA 92881-6625

MOVANT: FIRST MIDWEST BANK

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tina M Coca

Represented By
Emilia N McAfee

Movant(s):

First Midwest Bank, its successors

Represented By
Nichole Glowin

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17006 Juan Alvarado and Maria Susana Guzman

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3523 Fillmore St., Riverside, CA 92503

MOVANT: U.S. BANK TRUST N.A.

EH__

Docket 9

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Juan Alvarado

Represented By
Bernal P Ojeda

Joint Debtor(s):

Maria Susana Guzman

Represented By
Bernal P Ojeda

Movant(s):

U.S. Bank Trust, N.A., as Trustee for

Represented By
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Juan Alvarado and Maria Susana Guzman

Chapter 7

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17041 Hank William Romine

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford F150, VIN 1FTEW1EG3GFD20453

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 10

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Hank William Romine

Represented By
Todd L Turoci

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17060 Julisa V Martinez

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Toyota Scion FR-S

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 11

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Julisa V Martinez

Represented By
William Radcliffe

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17258 Harold Lundy and Clare Ann Lundy

Chapter 7

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 28942 Via La Espalda, Murrieta, CA

MOVANT: POSITIVE INVESTMENT INC.

EH__

Docket 11

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court notes that the request for relief section of the motion [Dkt. No. 11, pg. 5] does not actually request relief from the automatic stay. Therefore, the Court is inclined to DENY requests under ¶¶ 2 and 6 as premature.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Harold Lundy	Pro Se
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Joint Debtor(s):

Clare Ann Lundy	Pro Se
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Movant(s):

Positive Investment, Inc.	Represented By Helen G Long
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Trustee(s):

Arturo Cisneros (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17323 Keith T. Marshall and Sonia M. Marshall

Chapter 7

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Dodge Ram, VIN 1C6RD6FT8CS267760

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 8

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court notes that rather than attach the appropriate exhibits, it appears that Movant has inadvertently replaced those exhibits with a second copy of the motion. As a result, Movant has failed to establish that it has a security interest in the subject property nor has Movant established the fair market value of the property. Therefore, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Keith T. Marshall

Represented By
Christopher J Langley

Joint Debtor(s):

Sonia M. Marshall

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Keith T. Marshall and Sonia M. Marshall

Chapter 7

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17631 Luis E. Sanchez and Martha J. Amaro De Sanchez

Chapter 7

#23.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford Edge, VIN 2FMPK4AP6HBB74639

MOVANT: CAB WEST LLC

EH__

Docket 11

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Luis E. Sanchez

Represented By
William E Windham

Joint Debtor(s):

Martha J. Amaro De Sanchez

Represented By
William E Windham

Movant(s):

Cab West LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

**CONT... Luis E. Sanchez and Martha J. Amaro De Sanchez
Sheryl K Ith**

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17883 Norberto Calalay Jimenez and Araceli Corrales Jimenez

Chapter 13

#24.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: NORBERTO CALALAY JIMENEZ AND ARACELI CORRALES JIMENEZ

EH__

Docket 10

Tentative Ruling:

10/16/2018

The Court is inclined to DENY the motion. Debtors' previous case was dismissed for failure to make pre-confirmation plan payments. The instant motion does not address the cause for dismissal or identify any change in financial circumstances in order to overcome the presumption of bad faith arising under § 362(c)(3)(C).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Norberto Calalay Jimenez

Represented By
Christopher J Langley

Joint Debtor(s):

Araceli Corrales Jimenez

Represented By
Christopher J Langley

Movant(s):

Norberto Calalay Jimenez

Represented By
Christopher J Langley

Araceli Corrales Jimenez

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Norberto Calalay Jimenez and Araceli Corrales Jimenez

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

6:18-17886 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#25.00 CONT Amended Motion (related document(s): 11 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 1657 Via Verde Drive Rialto, CA 92377 SAN BERNARDINO . filed by Debtor Ricky Antonio Scott, Joint Debtor Shemida Shiloni Scott)

MOVANT: RICKY ANTONIO SCOTT AND SHEMIDA SHILONI SCOTT

From: 9/25/18

EH__

Docket 14

Tentative Ruling:

09/25/2018

The Debtors' prior case was dismissed on July 25, 2018, for failure to submit 2017 federal and state tax returns to the Trustee. The Debtors and their counsel did not appear at the hearing and the case was dismissed. The Debtors have obtained new counsel. In support of their Motion, they assert that they believed they had complied with the Trustee's request for the returns by submitting Debtor Husband's returns but failed to notify the Trustee that the co-debtor was not required to file taxes. Additionally, the Debtors assert that because their plan proposed a 100% payout to creditors, they were not required to provide refund monies to the estate.

Here the Debtors request that their stay be continued as to the foreclosing creditor, Wells Fargo, who has a sale scheduled for September 26, 2018.

The Debtors have provided sufficient evidence to overcome the § 362(c)(3)(C) presumption that the case was not filed in good faith given that a relief from stay was pending in the prior case as to Wells Fargo when the case was dismissed.

Based on the foregoing, the Court is inclined to GRANT the Motion as to Wells

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

10:00 AM

CONT... Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

Fargo, the foreclosing creditor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Eva M Hollands

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Eva M Hollands

Movant(s):

Ricky Antonio Scott

Represented By
Eva M Hollands

Shemida Shiloni Scott

Represented By
Eva M Hollands

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

Adv#: 6:17-01286 ASR Constructors Inc a California Corporation et a v. Insurance Company

#26.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01286. Complaint by ASR Constructors Inc a California Corporation, Another Meridian Company, LLC, Inland Machinery, Inc. against Gotte Electric, Inc., Insurance Company Of The West, Employment Development Department, Trico-Savi Business Park, L.P., a California limited partnership, Angela Denise McKnight, Steven Schonder, Western Alliance Bank, an Arizona corporation, United states of america, Carlin Law Group APC, Ledcor Construction, Inc., a Washington corporation, DOES 1 through 10, inclusive. (Charge To Estate - \$350.00). Complaint in Interpleader Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Bastian, James)
Trico-Savi Business Park L.P. - Dismissed 12/28/17
Western Alliance Bank, dba Torrey Pines Bank - Dismissed 2/1/18
Gotte Electric, Inc - Dismissed 3/14/18
Ledcor Construction Inc - Dismissed 3/26/18

From: 2/27/18, 10/9/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Defendant(s):

Insurance Company Of The West

Represented By
Jennifer Leland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

CONT... ASR Constructors Inc a California Corporation Chapter 11

David B Shemano
Howard J Weg

Employment Development

Represented By
Elisa B Wolfe-Donato

Angela Denise McKnight

Pro Se

Steven Schonder

Pro Se

United states of america

Represented By
Charles Parker
Najah J Shariff

Carlin Law Group APC

Represented By
Kevin R Carlin

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Another Meridian Company, LLC

Represented By
James C Bastian Jr
Melissa Davis Lowe

Inland Machinery, Inc.

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#27.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Inland Machinery, Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18, 10/9/18

Also #28 & 29

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#28.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Another Meridian Company LLC**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18, 10/9/18

Also #27 & #29

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#29.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **ASR Constructors Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18, 10/9/18

Also #27 & 28

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#30.00 CONT Application for Compensation of Final Fees and/or Expenses with proof of service for Fredman Lieberman Pearl LLP, Debtor's Attorney, Period: 5/11/2016 to 12/5/2016, Fee: \$278,079.00, Expenses: \$4,603.13

From: 12/19/17, 4/24/18, 10/9/16

EH__

Docket 306

Tentative Ruling:

On May 11, 2016, Allied Injury Management, Inc. ("Debtor") filed a Chapter 11 voluntary petition. On June 6, 2016, the Court approved the employment application of Fredman Lieberman Pearl LLP to serve as counsel to Debtor ("Applicant"). On November 17, 2016, the Court approved an application to expand the scope of Applicant's representation. On November 30, 2018, the Court ordered the appointment of a Chapter 11 Trustee and, five days later, David Goodrich was appointed as the Chapter 11 Trustee.

On October 6, 2017, Applicant filed an application for compensation for an aggregate amount of \$282,682.13 covering the period of May 11, 2016 to December 5, 2016. Applicant and UST have twice stipulated to a continuance of the hearing.

Pursuant to 11 U.S.C. § 330(a)(1), the court may award reasonable compensation for actual, necessary services. The court has an independent duty to review the fee application in the absence of objections. *See* 11 U.S.C. § 330(a)(2). The court "will not indulge in extensive labor and guesswork to justify a fee for an attorney who has not done so himself." *In re Taylor*, 66 B.R. 390 (Bankr. W.D. Pa. 1986).

11 U.S.C. § 330(a)(3) provides factors to be considered in determining the reasonableness of requested compensation. These factors include time spent, rates charged, necessity of the service, reasonableness of the service, expertise of attorney, and comparable market rates.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

First of all, the Court notes that Applicant's fee application is somewhat unclear. The application requests \$278,079 for professional fees related to the main bankruptcy case and three adversary proceeding, and a summary identifying the amount of fees in each proceeding is provided on the tables that spans pages 6 and 7 of the fee application. That tables identifies fees in the amount of \$242,270.50 in the main case. Nevertheless, the very next table, which deals with categories of tasks performed and spans pages 7-8 of the fee application, only identifies \$227,244.50 in fees for the main case. It does not appear that the fee application addresses or explains this discrepancy of \$15,026, and, therefore, the Court is inclined to reduce the fee application by \$15,026.

The "Summary of Fees for the Main Case" table is additionally problematic because of the fact that the majority of the rows and tables in this summary do not add up to the identified total. While the miscalculations are not egregious, and are sometimes to the disadvantage of Applicant, the errors force put the credibility of the fee application as a whole, including its more than 100 pages of billing entries, into question. The inherent contradictions of the fee application continue when comparing the summary tables with the more detailed tables in the application's sections on the adversary matters.

Additionally, the Court notes that the first two pages of Exhibit 4 include billing for services provided which predate the effective date of the employment order. Those billing entries related to services provided by Mr. Lieberman are also lumped entries. For those two reasons, the Court is inclined to reduce the fee application by an additional amount of \$6,068.

Otherwise, the Court has reviewed the fee application and finds the requested fees and costs to be generally reasonable. The Court is inclined to CONTINUE the hearing for Counsel to file an amended application correcting the arithmetical errors and apparent contradictions throughout the fee application.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Fredman Lieberman Pearl LLP

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

Adv#: 6:18-01116 Forte v. B & B Family, Incorporated

#31.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01116. Complaint by Patricia Forte against B & B Family, Incorporated

From: 7/24/18, 7/31/18, 10/9/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

Defendant(s):

B & B Family, Incorporated

Represented By
Todd L Turoci

Plaintiff(s):

Patricia Forte

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#32.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 8/21/18

EH ____

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#33.00 Application for Compensation and Notice of Hearing with Proof of Service for Todd L Turoci, Debtor's Attorney, Period: 12/2/2017 to 9/17/2018, Fee: \$164280.00, Expenses: \$7207.77. (Turoci, Todd)

EH__

Docket 414

*** VACATED *** REASON: CONTINUED TO 10/30/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#34.00 Application for Compensation First And Final Application Of Glassratner Advisory & Capital Group LLC, Financial Assistants To The CRO Of The Debtor, For Compensation And Reimbursement Of Expenses

Also #35 & #36

EH ____

Docket 297

***** VACATED *** REASON: CONTINUED TO JUDGE YUN'S
CALENDAR FOR 11/1/18 AT 1:30 P.M. IN CTRM 302**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

GlassRatner Advisory & Capital

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#35.00 Application for Compensation First And Final Application Of Winthrop Couchot Golubow Hollander, LLP, General Insolvency Counsel For The Debtor, For Compensation And Reimbursement Of Expenses

Also #34 & #36

EH ____

Docket 292

***** VACATED *** REASON: CONTINUED TO JUDGE YUN'S
CALENDAR FOR 10/18/18 AT 1:30 P.M. IN CTRM 302**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

Winthrop Couchot Golubow

Represented By
Robert E Opera
Richard H Golubow
Andrew B Levin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#36.00 Application for Compensation First And Final Application Of Troutman Sanders LLP, Serving as Special Corporate Counsel For The Debtor and Debtor in Possession, For Compensation And Reimbursement Of Expenses

Also #34 & #35

EH ____

Docket 295

***** VACATED *** REASON: CONTINUED TO JUDGE YUN'S
CALENDAR FOR 11/1/18 AT 1:30 P.M. IN CTRM 302**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Movant(s):

Troutman Sanders LLP

Represented By
Robert E Opera

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#37.00 CONT Emergency Motion for Order: (1) Authorizing Payment of PrePetition Payroll Obligations; and (2) Authorizing Debtor to Honor PrePetition Employment Procedures
(FINAL HEARING)

From: 8/20/18, 9/25/18

Also #38 & #39

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#38.00 CONT Emergency Motion for Continuation of Utility Service and Approval of Adequate Assurance of Payment to Utility Company Under Section 366(b) , Notice of Motion and Motion in Individual Ch 11 Case for Order Authorizing Debtor to Provide Adequate Assurance of Payment to Utility Service Providers (11 U.S.C. Sec. 366)
(FINAL HEARING)

From: 8/20/18, 9/25/18

Also #37 & #39

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#39.00 CONT Emergency Motion for Order: (1) Authorizing Debtors to Use Cash Collateral on Interim Basis; (2) Granting Adequate Protection to Secured Creditors; and (3) Scheduling a Final Hearing
(FINAL HEARING)

From: 8/20/18, 9/25/18

Also #37 & #38

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

3:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi and

Chapter 11

#40.00 CONT Motion for Order: (1) Approving the Sale of Substantially All of the Assets of the Estate Free and Clear of Liens Pursuant to Bankruptcy Code § 363(b)(1); (2) Approving the Assumption and Assignment of Executory Contracts; and (3) Granting Related Relief
(FINAL HEARING)

From: 10/15/18

Also #41

EH ____

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 16, 2018

Hearing Room 303

3:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi and

Chapter 11

#41.00 CONT Emergency motion Debtor and Debtor in Possession's Notice of Motion and Emergency Motion for (a) Order Approving Stipulation for Interim Use of Cash Collateral; (b) Granting of Adequate Protection; (c) Granting Related Relief

From: 10/5/18, 10/15/18

Also #40

EH__

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

10:00 AM

6:18-16968 Ashley R Smith and Justin C Smith

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and Bank of America, N.A. re 2013 Dodge Avenger

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley R Smith Pro Se

Joint Debtor(s):

Justin C Smith Pro Se

Trustee(s):

Larry D Simons (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

10:00 AM

6:18-16515 Mark Stephen Shuttlesworth

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Ally Bank re 2015 Jeep Cherokee

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Stephen Shuttlesworth

Represented By
Michael E Clark

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

10:00 AM

6:18-15550 Richard Anthony Moreno

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and American Honda Finance Corporation re 2014 Honda Accord

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Anthony Moreno

Represented By
Michael E Clark

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

10:00 AM

6:18-14982 Audrey Yasui-Iwata

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and wescom central credit union re 2014 Nissan Rogue

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Audrey Yasui-Iwata

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

10:00 AM

6:18-14971 Raul Zamora

Chapter 7

#5.00 Reaffirmation Agreement Between Debtor and Harley-Davidson Credit Corp re
2014 Harley-Davidson FLHXS Street Glide

Also #6

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Zamora

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

10:00 AM

6:18-14971 Raul Zamora

Chapter 7

#6.00 Reaffirmation Agreement Between Debtor and Harley-Davidson Credit Corp re
2016 Harley-Davidson FXDF - 103 DTBA Fat Bob

Also #5

EH__

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raul Zamora

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:17-19680 Christina Suzanna Faris Pena and Hector Pena

Chapter 7

#7.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 30

Tentative Ruling:

TENTATIVE RULING

10/17/2018

No opposition has been filed.

Service was Proper.

The Final Report of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 2,781

Trustee Expenses: \$ 129.54

The TFR is approved and the trustee may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Christina Suzanna Faris Pena

Represented By
Dina Farhat

Joint Debtor(s):

Hector Pena

Represented By
Dina Farhat

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Christina Suzanna Faris Pena and Hector Pena

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:14-16872 William Redfield Barlow, III and Lindsay Marie Barlow

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 30

Tentative Ruling:

10/17/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Application of the associated professional, the following administrative claims will be allowed:

Trustee Fees: \$ 3,533.69

Trustee Expenses: \$ 98.74

Attorney Fees: \$10,190

Attorney Costs: \$394.24

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

William Redfield Barlow III

Represented By
Michael E Clark
Heather J Canning

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... William Redfield Barlow, III and Lindsay Marie Barlow

Chapter 7

Joint Debtor(s):

Lindsay Marie Barlow

Represented By
Michael E Clark
Heather J Canning

Trustee(s):

Robert Whitmore (TR)

Represented By
Julie Philippi
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:15-20226 Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 164

Tentative Ruling:

10/17/18

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee, Counsel for the Trustee, and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Applications of the associated professionals, the following administrative claims will be allowed:

Trustee Fees: \$ 27,771.40

Attorney Fees: \$45,196.88

Attorney Costs: \$2,322.45

Accountant Fees: \$2,572

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Ann Lee Eid-Brooks

Represented By
Vincent Renda

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Ann Lee Eid-Brooks and Darrell Edward Brooks, Jr.

Chapter 7

Joint Debtor(s):

Darrell Edward Brooks Jr.

Represented By
Vincent Renda

Trustee(s):

Robert Whitmore (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:18-15911 Rogelio Hernandez Delgado

Chapter 7

#10.00 Motion to Reconsider Dismissal of Case

EH__

Docket 20

Tentative Ruling:

10/17/18

BACKGROUND

On July 16, 2018, Rogelio Delgado ("Debtor") filed his petition for chapter 7 relief. The case was dismissed on September 17, 2018, after the Debtor failed to file pay stubs required under Section 521(a)(1)(B)(iv). On September 24, 2018, the Debtor filed his Motion to Reconsider Dismissal.

The Debtor filed the deficient document on September 24, 2018. Prior to the dismissal, the Trustee had filed on August 23, 2018, a Report of No Distribution indicating the case is a no asset case.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Rogelio Hernandez Delgado

Represented By
Robert G Uriarte

Movant(s):

Rogelio Hernandez Delgado

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Rogelio Hernandez Delgado

Chapter 7

Robert G Uriarte
Robert G Uriarte
Robert G Uriarte

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#11.00 Motion to Dismiss Bankruptcy Case

Also #12

EH__

Docket 47

Tentative Ruling:

10/17/2018

BACKGROUND

On April 13, 2018, Desert Ice Castle, LLC ("Debtor") filed its petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). The Debtor's Managing Member and alleged sole owner is Anthony Liu ("Liu"). The petition indicated that the Debtor owned assets totaling \$1,864.61 and had liabilities totaling \$860,500. The Debtor listed two claimants in Schedule F, one claim of Andrzej Luczynski ("Luczynski") in the amount of \$800,000 (as disputed) and a claim of Lui Bin in the amount of \$60,500. On September 12, 2018, Luczynski filed Claim No 1-1 in the amount of \$3,200,000 based on a State Court Action for "unlawful termination [of] joint venture; conversion; unlawful eviction". Luczynski has further indicated that a trial date for the State Court Action is set for November 2, 2018. The Docket reflects that a Motion to Disallow Claim No. 1 has been set for hearing on October 24, 2018.

On September 10, 2018, the Debtor filed a motion to dismiss the bankruptcy ("Motion"). A notice of Non-opposition was filed by Lui Bin on the same date. Opposition to the Motion was filed by Luczynski and the Trustee on October 3, 2018 (the "Oppositions"). The Debtor filed an Omnibus Reply to the Oppositions on October 10, 2018 ("Reply").

DISCUSSION

The Debtor seeks dismissal pursuant to § 305(a)(1). Section 305(a)(1)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC
provides as follows:

Chapter 7

The court, after notice and a hearing, may dismiss a case under this title, or may suspend all proceedings in a case under this title, at any time if—

(1) the interests of creditors and the debtor would be better served by such dismissal or suspension;

11 U.S.C. § 305(a)(1); *In re Eastman*, 188 B.R. 621, 625 (9th Cir. BAP 1995). The courts that have construed § 305(a)(1) are in general agreement that abstention in a properly filed bankruptcy case is an extraordinary remedy, and that dismissal is appropriate under § 305(a)(1) **only** in the situation where the court finds that both "creditors and the debtor" would be "better served" by a dismissal. *Id.* (internal citations omitted). The legislative history uses the following example of such a situation:

an arrangement is being worked out by creditors and the debtor out of court, there is no prejudice to the rights of creditors in that arrangement, and an involuntary case has been commenced by a few recalcitrant creditors to provide a basis for future threats to extract full payment.

H.R.Rep. No. 95–595, 95th Cong., 1st Sess. 325 (1977); 1978 U.S.C.C.A.N. 5963, 6281.

As the statutory language and legislative history demonstrate, the test under § 305(a) is not whether dismissal would give rise to a substantial prejudice to the debtor. Nor is the test whether a balancing process favors dismissal. Rather, the test is whether both the debtor and the creditors would be "better served" by a dismissal.

In support of the Motion, the Debtor argues that (1) Luczynski will suffer no prejudice from dismissal of the case because the amended complaint filed in the State Action dismissed the Debtor from the complaint; (2) Creditor Lui Bin will be paid in full; (3) the only parties benefitting from continuation of the case are the Trustee and his professionals. Although the Debtor has seemingly been dismissed from the underlying State Court litigation, the State Action retains allegations that the Debtor is an alter ego of the named defendant, Liu. (Roman Decl. ¶ 2).

The Oppositions essentially assert that (1) Luczynski has filed a proof of claim that constitutes prima facie evidence of a claim; and (2) avoidable insider payments

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

have been discovered that will benefit the Debtor's creditors.

On the current record, the Court is inclined to DENY the Motion. Here, assuming (as the Court must at this juncture) that Luczynski may have an enforceable claim against the Debtor's estate, dismissal is likely to result in plain legal prejudice to Luczynski because the Debtor and its principal/sole shareholder seek to payoff the only other unsecured creditor in full in order to force a dismissal. The Debtor's strategy is a transparent violation of the bankruptcy code's command that similarly situated creditors must be treated similarly. Additionally, the Court is unconvinced that the dismissal of the Debtor from the underlying State Court Action is a sufficient basis to find that the Debtor has no remaining liability to Luczynski. In fact, the Debtor's evidence confirms that Luczynski's complaint continues to argue that the Debtor and Liu are alter egos. For now, the Court agrees with the Trustee and Luczynski that dismissal would be premature at this point.

TENTATIVE RULING

Based on the foregoing, the Court finds that Debtor has not met its burden of demonstrating that both the Debtor and creditors will be "better served" by dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#12.00 CONT Motion to Compel Debtor's and Counsel's Appearance at Continued 11 U.S.C. § 341(a) Meeting of Creditors

From: 9/26/18

Also #11

EH__

Docket 42

Tentative Ruling:

10/17/2018

BACKGROUND

On April 13, 2018, Desert Ice Castle, LLC ("Debtor") filed its petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). The Debtor's Managing Member and alleged sole owner is Anthony Liu ("Liu"). The petition indicated that the Debtor owned assets totaling \$1,864.61 and had liabilities totaling \$860,500. The Debtor listed two claimants in Schedule F, one claim of Andrzej Luczynski ("Luczynski") in the amount of \$800,000 (as disputed) and a claim of Lui Bin in the amount of \$60,500. On September 12, 2018, Luczynski filed Claim No 1-1 in the amount of \$3,200,000 based on a State Court Action for "unlawful termination [of] joint venture; conversion; unlawful eviction". Luczynski has further indicated that a trial date for the State Court Action is set for November 2, 2018. The Docket reflects that a Motion to Disallow Claim No. 1 has been set for hearing on October 24, 2018.

On August 23, 2018, the Trustee filed a Motion to Compel Debtor and Counsel's Appearance at Continued 341(a) Meeting of Creditors ("Motion"). The Motion details Liu and the Debtor's Counsel's failures to appear at 6 separate scheduled 341(a) meetings of creditors, including failing to appear at the initial meeting. (Speier Decl. ¶¶3-8). The Debtor filed an Opposition to the Motion on September 12, 2018. In the Opposition, the Debtor asserts that negotiations and "informal" meetings with Karl Anderson wherein the Debtor provided numerous documents to the Trustee through Mr. Anderson serve to demonstrate that the Debtor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

has been cooperating with the Trustee. The Trustee filed his Reply on September 19, 2018.

DISCUSSION

The language of § 343 is clear that the Debtor "shall submit to examination under oath at the meeting of creditors." The Trustee's declaration in Reply to the Opposition indicates that he specifically told Liu and his Counsel that their attendance at the 341(a) was mandatory. Absent evidence that they were formally excused from appearance at the 341(a) meeting of creditors, the Debtor's evidence is inapposite. Informal cooperation does not obviate the code's requirement that the Debtor submit to questioning under oath at a scheduled 341(a) meeting of creditors. The Stoddard declaration's recitation of interactions with Mr. Anderson are unavailing. It is nowhere indicated that Mr. Anderson was ever directly asked by Counsel for the Debtor whether the discussions obviated the need to attend the 341(a) meetings of creditors. The Debtor appears to be under the misconception that a formal command of some kind was required. No such demand is required. The statute is clear that attendance is mandatory and the Debtor does not dispute that notice of the 341(a) meetings of creditors were received. The Debtor's failure to address this requirement of the code is inexcusable.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:17-16272 Martha Lorena Soto Jimenez

Chapter 7

#13.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee

EH__

Docket 48

Tentative Ruling:

10/17/2018

BACKGROUND

On July 27, 2017, Martha Lorena Soto Jimenez ("Debtor") filed a petition for chapter 7 relief. Todd Frealy is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate is certain real property located at 1475 Capri Lane in San Jacinto, CA 92583. (the "Property").

On September 17, 2018, the Trustee filed his Motion For Sale of Property of the Estate under Section 363(b) ("Motion").

Service was proper and no opposition has been filed.

DISCUSSION

Sale of Estate Property Pursuant to Section 363(b)

The trustee, after notice and a hearing, may sell property of the estate. 11 U.S.C. § 363(b)(1); *see also Commodity Futures Trading Comm'n v. Weintraub*, 471 U.S. 343, 352 (1985). The sale must be in the best interests of the estate and the price must be fair and reasonable. *In re Canyon Partnership*, 55 B.R. 520 (Bankr. S.D. Cal. 1985); *see also In re Wilde Horse Enterprises, Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal. 1991)(sale must have fair/reasonable price, accurate/reasonable notice to creditors and sale made in good faith). The trustee must articulate some "business justification" for selling estate property out of the "ordinary course of business" before the court may approve the transaction. *In re Lionel Corp.*, 722 F.2d 1063, 1071 (2d Cir. 1983); *In re Ernst Home Ctr., Inc.*, 209 B.R. 974, 979 (Bankr. W.D. Wash. 1997). Objections to sale that are based on inadequacy of price are often resolved the court ordering an auction, which may occur in open court. *Simantrob v. Claims Prosecutor*,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... **Martha Lorena Soto Jimenez**

Chapter 7

LLC (In re Lahijani), 325 B.R. 282, 287 (9th Cir. BAP 2005) *citing* Fed. R. Bankr. P. 6004(f).¹

The Trustee seeks an order authorizing him to sell the Property to Right Solutions LLC ("Buyer"), or in the alternative, to the highest bidder at the hearing on the Motion. The Trustee indicates that the Property is subject to property tax liens totaling \$2,664, \$130,000 in favor of Carrington Mortgage Services, and \$10,000 in favor of the Law Office of Curtis R. Aijala. The Motion proposes that all liens will be paid off from escrow. The Trustee's analysis indicates that after payment of liens on the Property and deducting closing costs, including broker's commissions, the net proceeds for the estate is estimated to be \$68,106 based on a proposed sales price of \$229,000. Claims totaling \$17,198.63 have been filed in the case. Based on these figures, the sale should enable the Trustee to pay allowed claims in full. The Court finds that the trustee's proposed sale is in the best interests of the estate and the price is fair and reasonable.

a) Bidding Procedures

Generally, bidding procedures must be untainted by self-dealing, encourage bidding and be fair/reasonable/serve the best interests of the estate. *See In re Crown Corp.*, 679 F.2d 774 (9th Cir. 1982). Here, the Trustee has proposed bidding procedures which require an initial overbid of \$10,000 above the proposed purchase price of \$229,000, with each additional bid in increments of \$5,000, and a deposit of \$23,900 provided to the Trustee 7 days prior to the sale. The Trustee's proposed bidding procedures are reasonable, under the circumstances, and are therefore approved.

b) Sale Made in Good Faith

The proposed sale has been brought in good faith and has been negotiated on an "arms-length" basis. The court, in Wilde Horse Enterprises, set forth the factors in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Martha Lorena Soto Jimenez

Chapter 7

considering whether a transaction is in good faith. The court stated:

‘Good faith’ encompasses fair value, and further speaks to the integrity of the transaction. Typical ‘bad faith’ or misconduct, would include collusion between the seller and buyer, or any attempt to take unfair advantage of other potential purchasers. . . . And, with respect to making such determinations, the court and creditors must be provided with sufficient information to allow them to take a position on the proposed sale.

Id. at 842 (citations omitted).

Here, the Trustee marketed the Property via Keller Williams Realty and KW Commercial, which marketed the Property and its marketing efforts are detailed in the declaration of W. Darrow Fiedler. The sale appears to be made in good faith.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion as follows:

1. Approving the sale of the Property to the Buyer or successful overbidder;
2. Providing that the Trustee is authorized and empowered to execute and deliver on behalf of the estate any and all documents as reasonably may be necessary to implement the terms of the proposed sale;
3. Providing that the notice given by the Trustee in connection with the sale and hearing thereon is adequate, sufficient, proper and complies with all applicable provisions of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure;
4. Approving the overbid procedures;
5. Approving payment of liens and costs of sale directly from escrow; and
6. Waiving the 14-day stay prescribed by rule 6004(h) of the Federal Rules of Bankruptcy Procedure.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Martha Lorena Soto Jimenez

Chapter 7

Debtor(s):

Martha Lorena Soto Jimenez

Represented By
Marlin Branstetter

Movant(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:16-11635 Sam Daniel Dason and Greeta Sam Dason

Chapter 7

#14.00 Chapter 7 Trustee's Motion to Approve Compromise Under Rule 9019 Between the Bankruptcy Estate and the Debtors

EH__

Docket 189

Tentative Ruling:

10/17/2018

BACKGROUND

On February 26, 2016, Samuel and Greeta Dason (collectively, "Debtors") filed their petition for chapter 7 relief. Lynda Bui is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate is certain real property located at 22780 Vista Grande Way, Grand Terrace, CA 92513 (the "Property"). On August 22, 2018, the Trustee filed a Motion to Approve Compromise Under Rule 9019 (the "Motion"). In support of the Motion, the Trustee asserts that there is a dispute with the Debtors regarding the availability of equity in the Property for the benefit of creditors. The Trustee obtained a higher opinion of value from her real estate broker than the Debtor obtained. However, the Debtor has also countered that the arrears owed on the Property and a solar equipment lease encumbering the Property would impact the availability of equity for creditors. Based on these facts, the Trustee proposes approval of a settlement by which Greeta Dason will pay \$20,000, representing non-exempt equity in the Property.

On September 6, 2018, Creditor Juddy Olivares ("Creditor") filed her Opposition to the Motion. The Debtor filed his reply to the Opposition on October 10, 2018 ("Reply"). The Creditor has now withdrawn her Opposition.

DISCUSSION

Rule 9019(a) authorizes the bankruptcy court to approve a compromise or settlement on the trustee's motion and after notice and a hearing. The bankruptcy court must consider all "factors relevant to a full and fair assessment of the wisdom of the proposed compromise." *Protective Comm. for Indep. Stockholders of TMT Trailer*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... **Sam Daniel Dason and Greeta Sam Dason**

Chapter 7

Ferry, Inc. v. Anderson, 390 U.S. 414, 424, 88 S. Ct. 1157, 20 L. Ed. 2d 1 (1968). In other words, the bankruptcy court must find that the settlement is "fair and equitable" in order to approve it. *Martin v. Kane (In re A & C Props.)*, 784 F.2d 1377, 1381 (9th Cir. 1986).

In conducting this inquiry, the bankruptcy court must consider the following factors:

(a) the probability of success in the litigation; (b) the difficulties, if any, to be encountered in the matter of collection; (c) the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it; and (d) the paramount interest of the creditors and a proper deference to their reasonable views in the premises.

Id.

The bankruptcy court enjoys broad discretion in approving a compromise because it "is uniquely situated to consider the equities and reasonableness [of it]" *United States v. Alaska Nat'l Bank (In re Walsh Construction, Inc.)*, 669 F.2d 1325, 1328 (9th Cir. 1982). As stated in *A & C Props.*:

The purpose of a compromise agreement is to allow the trustee and the creditors to avoid the expenses and burdens associated with litigating sharply contested and dubious claims. The law favors compromise and not litigation for its own sake, and as long as the bankruptcy court amply considered the various factors that determined the reasonableness of the compromise, the court's decision must be affirmed.

Id. (citations omitted).

On the other hand, even though the bankruptcy court has wide latitude in approving compromises, its discretion is not completely unfettered. *See Woodson v. Fireman's Fund Ins. Co. (In re Woodson)*, 839 F.2d 610, 620 (9th Cir. 1988). The trustee bears the burden of proving to the bankruptcy court that the settlement is fair and equitable and should be approved. *In re A&C Props.*, 784 F.2d at 1382.

On this record, the Court agrees with the Trustee that the expense and delay attendant to a sale of the Property is not likely to yield substantially more than the Trustee is able to obtain via the compromise. The Trustee's evidence supports a finding that approval is in the best interests of the creditors and is reasonable under the facts of this case.

TENTATIVE RULING

For the foregoing reasons, in deference to the Trustee's business judgment and finding that the proposed compromise is "fair and equitable" under the circumstances, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... Sam Daniel Dason and Greeta Sam Dason
Court is inclined to GRANT the Motion in its entirety.

Chapter 7

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:18-11327 Latoya Joy Armstrong

Chapter 7

#15.00 CONT Order to show cause why John Alarcon should not be held in contempt of court pursuant to 11 U.S.C. §105 and F.R.B.P. 9020

From: 8/30/18, 9/27/18

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Latoya Joy Armstrong

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

6:17-19647 Sean Karadas

Chapter 7

#16.00 Motion for Turnover of Property Motion Of The Chapter 7 Trustee For An Order For Turnover Of Property Of The Estate

Also #17

EH__

Docket 46

Tentative Ruling:

10/17/18

BACKGROUND

On November 20, 2017 ("Petition Date"), Sean Karadas ("Debtor") filed his petition for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate are Small Business Administration loan funds totaling \$327,653 (the "SBA Loan") obtained by the Debtor from First Home Bank for his wholly owned corporation, Pacific Trium, Inc. ("Pacific Trium") Trustee has evidence that almost immediately following the disbursement of loan funds to the Debtor, that the Debtor transferred the funds from Pacific Trium's account to his personal account on May 31, 2017, and then from his account to his son's account on June 20, 2017. First Home Bank has filed a dischargeability action against the Debtor objecting to the discharge of the Debtor's personal guaranty and alleging fraud and misrepresentation by Debtor in obtaining the SBA Loan.

Trustee requests an order compelling turnover of the SBA Loan Proceeds, or their value, under penalty of civil contempt. Service was proper and no opposition has been filed.

DISCUSSION

Under the Bankruptcy Code, a debtor has a duty to surrender property of the estate to the Trustee. 11 U.S.C. § 521(4). Furthermore, a trustee has the duty to "collect and reduce to money the property of the estate for which such trustee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

11:00 AM

CONT... **Sean Karadas**
serves" § 704(1).

Chapter 7

The Trustee has established that the SBA Loan Proceeds likely constitute property of the estate under § 541 and that the Debtor likely retains control of the SBA Loan Proceeds. However, notwithstanding the likelihood that Debtor retains control of the SBA Loan Proceeds, the evidence indicates that the Motion should also have been served on the Debtor's son, Turhan Karadas.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the hearing to November 14, 2018, at 11:00 a.m. for the Debtor to serve the Debtor's son.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Movant(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

#17.00 Amended Motion (related document(s): 40 Motion for Consent Order re: Claim of Creditor First Home Bank as Nondischargeable filed by Creditor First Home Bank

Also #16

EH__

Docket 42

Tentative Ruling:

10/17/2018

This matter is taken off calendar as duplicative of Matter No. 18, Docket No. 11 in the adversary case, 18-ap-01123.

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Movant(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:18-01123 First Home Bank v. Karadas

#18.00 Motion for Consent Order re: Claim of Creditor First Home Bank as Nondischargeable

EH__

Docket 11

Tentative Ruling:

10/17/18

DISCUSSION

On November 20, 2017 ("Petition Date"), Sean Karadas ("Debtor") filed his petition for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate are Small Business Administration loan funds totaling \$327,653 (the "SBA Loan") obtained by the Debtor from First Home Bank for his wholly owned corporation, Pacific Trium, Inc. ("Pacific Trium") Trustee has evidence that almost immediately following the disbursement of loan funds to the Debtor, that the Debtor transferred the funds from Pacific Trium's account to his personal account on May 31, 2017, and then from his account to his son's account on June 20, 2017.

On May 24, 2018, First Home Bank filed a dischargeability action under §§ 523 and 727 against the Debtor objecting to the discharge of the Debtor's personal guaranty and alleging fraud and misrepresentation by Debtor in obtaining the SBA Loan.

On September 11, 2018, First Home Bank filed a Motion for Consent Order re: Claim of Creditor First Home Bank as Nondischargeable ("Motion"). The Motion specifically seeks approval of the parties' stipulation as to nondischargeability of the personal guaranty and separately seeks dismissal of the remaining claims. Although the Motion acknowledges that parties in interest may timely file a response to the Motion to pursue the §727 action, the Motion is deficient in that the proof of service fails to indicate service on the Debtor's creditors. To date, the Court's claims register reflects that 17 claims have been filed against the Debtor's estate and as such, there are interested parties who may be interested in pursuing the §727 action.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Sean Karadas

Chapter 7

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the hearing on the Motion to November 14, 2018, at 11:00 a.m. for the Debtor to serve the Debtor's creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Movant(s):

First Home Bank

Represented By
Joshua N Kastan

Plaintiff(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:17-16064 Thomas Franklin Shea

Chapter 7

Adv#: 6:18-01161 Simons (TR) v. Thompson

#19.00 Status Conference RE: [1] Adversary case 6:18-ap-01161. Complaint by Larry D Simons (TR) against Joseph Edward Thompson. (Charge To Estate - \$350.00). Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Simons (TR), Larry)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Franklin Shea

Represented By
Richard J Hassen

Defendant(s):

Joseph Edward Thompson

Pro Se

Joint Debtor(s):

Marta Rose Shea

Represented By
Richard J Hassen

Plaintiff(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:17-15043 Sandra Lou Harter

Chapter 7

Adv#: 6:18-01040 Cisneros v. Rose et al

#20.00 CONT Status Conference Re: Complaint by A. Cisneros against Joseph Harter, Connie Flach, John Rose, Tammy Rose, Brennan Rose, KayLynne Rose. (Charge To Estate - \$350.00) .- Complaint for: 1) Declaratory Relief; 2) Turnover of Property; and 3) Sale of Interest of Co-Owner in Property of the Estate [11 U.S.C. §§ 363 and 542] - Nature of Suit: 91 - Declaratory judgment, 11 Recovery of money/property - 542 turnover of property, 31 - Approval of sale of property of estate and of a co-owner - 363(h)
(Defendant Connie Flach Dismissed 6/5/18)
(Defendant John Rose Dismissed 6/20/18)
(Defendant Tammy Rose Dismissed 6/20/18)
(Defendant Brennan Rose Dismissed 6/20/18)
(Defendant KayLynne Rose Dismissed 6/20/18)
(Defendant Joseph Harter Dismissed 10/12/18)

From: 4/25/18, 6/27/18, 8/22/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 10/12/18**

Tentative Ruling:

08/22/2018

The Status Conference is CONTINUED to October 17, 2018, 2:00 p.m. per the Plaintiff's request for time to finalize a settlement.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Sandra Lou Harter

Represented By
Carey C Pickford

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Sandra Lou Harter

Chapter 7

Defendant(s):

John Rose

Represented By
Dina Farhat

Tammy Rose

Represented By
Dina Farhat

Brennan Rose

Represented By
Dina Farhat

KayLynne Rose

Represented By
Dina Farhat

Plaintiff(s):

A. Cisneros

Represented By
Anthony A Friedman

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#21.00 CONT Amended Motion for Order to Strike Joint Answer of Defendants for Willful Failure to Comply with the Initial Disclosures Under Rule 26(a) and Court's Order of June 13, 2018; and for Sanctions

From: 9/5/18

Also #22

EH__

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Movant(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Issa M Musharbash

Chapter 7

Plaintiff(s):

Phillip Musharbash Pro Se

Violette Musharbash Pro Se

Trustee(s):

Larry D Simons (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:17-13012 Issa M Musharbash

Chapter 7

Adv#: 6:17-01138 Musharbash et al v. Musharbash et al

#22.00 CONT Status conference RE: [1] Adversary case 6:17-ap-01138. Complaint to Determine Non-Dischargeability of Debt by Phillip Musharbash , Violette Musharbash against Issa M Musharbbash , Amal Musharbbash

From: 9/20/17, 2/7/18, 3/7/18, 8/15/18, 9/5/18

Also #21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Issa M Musharbash

Represented By
Brian J Soo-Hoo

Defendant(s):

Issa M Musharbash

Pro Se

Amal Musharbash

Pro Se

Joint Debtor(s):

Amal Issa Musharbash

Represented By
Brian J Soo-Hoo

Plaintiff(s):

Phillip Musharbash

Pro Se

Violette Musharbash

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Issa M Musharbash

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#23.00 CONT Motion For Summary Judgment

From: 7/25/18, 10/10/18

Also #24

EH__

Docket 54

Tentative Ruling:

10/10/2018

This hearing on the Plaintiff's Motion for Summary Judgment was continued from July 25, 2018. At the prior hearing, the Court continued the hearing for the Plaintiff and Defendant to have an opportunity to address the issue of willfulness under § 523(a)(6) in accordance with the Ninth Circuit BAP's decision in *In re Arden*, 2015 WL 4068962, at *9 (9th Cir. BAP 2015)(citing *Sheldon Appel Co. v. Albert Oliker*, 47 Cal.3d 863, 871-72 (1989)).

PERSONAL SERVICE

The Defendant/Debtor again argues that under California law, issue preclusion is not available unless the defendant "has been personally served with summons or has actual knowledge of the existence of the litigation." (Docket 176 at 6). In support, the Debtor cites to *In re Williams' Estate (Williams)*, 36 Cal. 2d 289, 297, 223 P.2d 248, 254 (1950), which was in turn cited with approval by *In re Harmon*, 250 F.3d 1240, 1246 (9th Cir. 2001). These cases, however, underscore that in order to limit the principle of collateral estoppel, there must be a "**complete lack of knowledge** on the part of a defendant of the action". *Id.* (emphasis added). In its prior tentative ruling, the Court noted that the failure of the Debtor's declaration to address when or whether

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

he had knowledge of the litigation that resulted in the default judgment was fatal. Now, having had the opportunity to file a new declaration, the Debtor still fails to address this issue instead reiterating that he was out of the country when the Plaintiff tried to effectuate service on him. The Plaintiff had previously indicated that due to the failure to locate the Debtor, that the Debtor was served via publication in the prior action and in response, the Debtor asserted that the failure of the Plaintiff to provide evidence of an order permitting service by publication should be determinative. However, in reply, the Plaintiff has now provided a copy of the State Court's Order for Publication. (Docket 177, at Ex. 1). Based on the foregoing evidence that Debtor was properly served by publication and, in particular due to Defendant/Debtor's failure to address the issue of whether he had "complete lack of knowledge" of the State Court litigation, the Court finds that the Plaintiff's objection that collateral estoppel should not apply to the instant case is overruled. Finally, the Debtor's related arguments that the State Court Default Judgment is void as a matter of law for denying the Debtor due process are found to be unpersuasive.

WILLFULLNESS

"A 'willful' injury is a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury." *Barboza*, 545 F.3d at 706, quoting *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). To satisfy the willfulness requirement, it must be shown that the debtor either had "a subjective intent to harm or a subjective belief that harm is substantially certain." *Su*, 290 F.3d at 1144. When determining the debtor's intent under § 523(a)(6), there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby*, 591 F.3d at 1206.

As a threshold matter, the Court overrules the Debtor's objections to the declaration of the Deborah Slaieh.

As to the issue of "willfulness", the Court finds the Plaintiff's Supplemental Brief persuasive. (Docket No. 175). In particular, the Supplemental Brief points to the specific allegations that the Debtor intended to injure the Plaintiff by filing litigation against him. The State Court Complaint contained numerous allegations that Debtor's actions were "carried out in a deliberate, callous, malicious, despicable and intentional manner in order to injure and damage him." Additionally, the record before the trial

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

court contained declaration from both the Plaintiff and Debtor's ex-wife which supported a finding that the primary purpose behind the filing of the litigation was to injure the Plaintiff. Here, the Court finds that the State Court necessarily awarded punitive damages based on the Debtor's intent to injure the Plaintiff and infers such intent to injure from a finding that the actor committed malice in fact based on the facts in the record detailed above, in addition to the facts set forth in the Plaintiff's filings in support of the Motion for Summary Judgment. Based on the foregoing, the Court finds that the Plaintiff has met the requirements to satisfy California's requirements for application of collateral estoppel on the issue of "intent to injure", and on that basis, the Court finds that the Default Judgment against the Debtor is determinative on the issue of willfulness under § 523(a)(6).

TENTATIVE RULING

Based on the Court's prior tentative ruling, in addition to the instant tentative ruling, and having considered the arguments and filings of the parties, the Court finds that the Plaintiff has established that there is no genuine dispute as to any material fact and that the Plaintiff is entitled to judgment as a matter of law. The Court is inclined to GRANT the Motion in its entirety.

07/25/2018

BACKGROUND

On December 18, 2013, Nabeel Slaieh ("Debtor") filed his petition for chapter 7 relief. On March 24, 2014, W E Jon Albrecht ("Plaintiff") filed the instant complaint to determine dischargeability of debt pursuant to § 523(a)(6). On June 13, 2018, the Plaintiff filed his Motion for Summary Judgment ("Motion"). On July 3, 2018, the Debtor filed his opposition to the Motion ("Opposition"). On the same date, the Debtor filed a substitution of attorney by which the Debtor indicated his intent to represent himself *in propria persona* going forward.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

As a threshold matter, the Court must address the manner in which the Opposition was filed. Prior to the filing of the Substitution of Attorney Form, the Debtor was represented by George Saba ("Saba"). However, per the State Bar of California website, Mr. Saba has not been eligible to practice law in California since December 2017. Pursuant to the Court's manual, Section 3.1(c) and Section 3.2(b), attorneys admitted to practice in the Central District of California, currently in good standing, are eligible to register as CM/ECF users with the rights to log in and file documents. Here, the Debtor, acting in pro per, is not eligible to file documents using CM/ECF and it was improper for Mr. Saba to use the CM/ECF system to improperly file a document for a party who he is no longer representing and who he is no longer able to represent given his ineligibility to practice law. Further, Section 3.2(d)(1) prohibits a registered user from knowingly permitting or causing to permit his or her login and password to be utilized by anyone. Here, Mr. Saba has violated the Court's rules regarding CM/ECF filing. Based on the improper filing of the Opposition, the Court is inclined to issue an OSC why Mr. Saba's CM/ECF rights should not be suspended or cancelled pursuant to Section 3.2(d)(3) of the Court Manual.

Based on the foregoing, the Court strikes the Opposition as improperly filed. A reply to the Opposition was filed on July 11, 2018 ("Reply"), as well as separately filed objections to the Declaration of Defendant in support of the Opposition (Docket No. 172).

DISCUSSION

Summary Judgment

A court may grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. FRBP 7056 (incorporating FRCP 56). In determining whether to grant a motion for summary judgment, courts must view the record and all inferences drawn from it in the light most favorable to the nonmoving party. *Trunk v. City of San Diego*, 629 F.3d 1099, 1105 (9th Cir.2011).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

Judicial Notice

In support of the Motion, Plaintiff requests that this Court take judicial notice of (1) The Certified Copy of Complaint for Malicious Prosecution, RJN, Ex. 1, (2) the Certified Copy of Summons filed January 25, 2011, RJN, Ex. 2, (3) the Certified Copy of Proof of Service of Summons, RJN, Ex. 3, and (4) the Copy of Judgment, RJN, Ex. 4. The Court takes judicial notice of these filings.

Nondischargeability under § 523(a)(6)

Section 523(a)(6) excepts from discharge debts arising from a debtor's willful and malicious injury to another person. *Barboza v. New Form, Inc. (In re Barboza)*, 545 F.3d 702, 706 (9th Cir.2008). The willful and malice requirements must be analyzed separately, *Carillo v. Su (In re Su)*, 290 F.3d 1140, 1146–47 (2002), and the court must determine that both have been met, *Ormsby v. First Am. Title Co. of Nev. (In re Ormsby)*, 591 F.3d 1199, 1206 (9th Cir. 2010).

"A 'willful' injury is a deliberate or intentional injury, not merely a deliberate or intentional act that leads to injury." *Barboza*, 545 F.3d at 706, quoting *Kawaauhau v. Geiger*, 523 U.S. 57, 61 (1998). To satisfy the willfulness requirement, it must be shown that the debtor either had "a subjective intent to harm or a subjective belief that harm is substantially certain." *Su*, 290 F.3d at 1144. When determining the debtor's intent under § 523(a)(6), there is a presumption that the debtor knows the natural consequences of his actions. *Ormsby*, 591 F.3d at 1206.

"A malicious injury involves '(1) a wrongful act, (2) done intentionally, (3) which necessarily causes injury, and (4) is done without just cause or excuse.'" *Su*, 290 F.3d at 1146–47, quoting *Petralia v. Jercich (In re Jercich)*, 238 F.3d 1202, 1209 (9th Cir.2001). "Within the plain meaning of this definition, it is the wrongful act that must be committed intentionally rather than the injury itself." *Jett v. Sicroff (In re Sicroff)*, 401 F.3d 1101, 1106 (9th Cir.2005), citing *Murray v. Bammer (In re Bammer)*, 131 F.3d 788, 791 (9th Cir.1997)("This four-part definition does not require a showing of biblical malice, i.e., personal hatred, spite, or ill will. Nor does it require a showing of an intent to injure, but rather it requires only an intentional act which causes injury."). "Malice may be inferred based on the nature of the wrongful act."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

Ormsby, 591 F.3d at 1206, citing *Transamerica Comm. Fin. Corp. v. Littleton (In re Littleton)*, 942 F.2d 551, 554 (9th Cir.1991)(determining that, in the case of conversion, malice may be inferred).

In the instant action, the Plaintiff obtained a judgment ("Judgment") in State Court as against the Defendant based on a complaint for malicious prosecution (the "State Action"). The Plaintiff now moves under a theory of collateral estoppel for summary judgment finding that the Judgment is nondischargeable under § 523(a)(6).

Collateral Estoppel

A bankruptcy court may grant summary judgment based on the issue preclusive effect of an existing state court judgment. *See Harmon v. Kobrin (In re Harmon)*, 250 F.3d 1240, 1245 (9th Cir.2001). In doing so, it must apply the forum state's issue preclusion law. *Id. See also* 28 U.S.C. § 1738. Here, California preclusion law applies.

In California, issue preclusion bars relitigation of an issue when: 1) the issue sought to be precluded is identical to that decided in a prior proceeding; 2) the issue was actually litigated in the prior proceeding; 3) the issue was necessarily decided in the prior proceeding; and 4) the decision in the prior proceeding is final and on the merits. *Lucido v. Superior Court*, 51 Cal.3d 335, 341 (1990). Additionally, in California, issue preclusion may only be applied if it furthers underlying public policies. *See id.* at 343.

The party asserting issue preclusion bears the burden of establishing these requirements. *Id.* at 341. To do so, "[the] party must produce a record sufficient to reveal the controlling facts and pinpoint the exact issues litigated in the prior action. Any reasonable doubt as to what was decided by a prior judgment should be resolved against allowing [issue preclusive] effect." *Kelly v. Okoye (In re Kelly)*, 182 B.R. 255, 258 (9th Cir.BAP1995), *aff'd*, 100 F.3d 110 (9th Cir.1996).

Here, the Plaintiff obtained a Judgment on a malicious prosecution action under California law. The Court now turns to whether 'malicious prosecution' satisfies the requirements for collateral estoppel under California law.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

Application of law to cause of action for malicious prosecution

In California, the common law tort of malicious prosecution provides a remedy for individuals subjected to maliciously instituted criminal and civil proceedings. *In re Arden*, 2015 WL 4068962, at *9 (9th Cir. BAP 2015)(citing *Sheldon Appel Co. v. Albert Oliner*, 47 Cal.3d 863, 871–72 (1989)). To establish a cause of action for malicious prosecution of a civil proceeding, the plaintiff must show "that the prior action (1) was commenced [or continued] by or at the direction of the defendant and was pursued to a legal termination in his [or her], plaintiff's, favor; (2) was brought without probable cause; and (3) was initiated [or continued] with malice." *Id.*, quoting *Bertero v. Nat'l Gen. Corp.*, 13 Cal.3d 43, 50 (1974)(internal quotation marks omitted).

In *Arden*, the BAP specifically considered whether the tort of malicious prosecution satisfies both the willful and malicious prongs of § 523(a)(6):

"The 'malice' element of the malicious prosecution tort relates to the subjective intent or purpose with which the defendant acted in initiating the prior action." *Estate of C. Delores Tucker v. Interscope Records, Inc.*, 515 F.3d 1019, 1030 (9th Cir.2008) ("*Tucker*"), quoting *Sheldon Appel Co.*, 47 Cal.3d at 874 (internal quotation marks omitted). However, the malice required in malicious prosecution "is not limited to actual hostility or ill will toward [the] plaintiff but exists when the proceedings are instituted primarily for an improper purpose." *Albertson v. Raboff*, 46 Cal.2d 375, 383 (Cal.1956). *See also Tucker*, 515 F.3d at 1030, quoting *Sierra Club Found. v. Graham*, 72 Cal.App. 4th 1135, 1147 (1999)("Sierra Club").

The California Supreme Court has explained:

[T]he principal situations in which the civil proceedings are initiated for an improper purpose are those in which (1) the person instituting them does not believe that his claim may be held valid; (2) the proceedings are begun primarily because of hostility or ill will; (3) the proceedings are initiated solely for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

the purpose of depriving the person against whom they are instituted of a beneficial use of his property; [or] (4) the proceedings are initiated for the purpose of forcing a settlement which has no relation to the merits of the claim.

Albertson, 46 Cal.2d at 383, quoting Rest., Torts § 676. Accordingly, in a malicious prosecution action, the proof may or may not establish a willful intent to injure on the part of the defendant.

Arden at *9-10.

As underscored in *Arden*, willfulness is not a separate and distinct element of the tort of malicious prosecution, though willfulness may be inferred from the debtor's intent in commencing or continuing litigation. Moreover, " '[m]erely because a tort is classified as intentional does not mean that any injury caused by the tortfeasor is willful.' " *Ditto v. McCurdy*, 510 F.3d 1070, 1078 (9th Cir.2007), quoting *Miller v. J.D. Abrams Inc. (In re Miller)*, 156 F.3d 598, 604 (5th Cir.1998). Here, the Judgment obtained against Defendant/Debtor was a default judgment and although the BAP found that 'malicious prosecution' likely satisfies the malice requirement under § 523(a)(6), it also specifically found that the 'willfulness' element was not necessarily decided by the state court because 'willfulness' is not required to enter judgment on a malicious prosecution cause of action. In *Arden*, the jury instructions indicated that the specific question of intent to injure was not posed to the jury. As such, the willfulness requirement was not necessarily decided or actually litigated by the state court. Similarly, the Judgment obtained by Plaintiff Albrecht did not require the State Court to consider, let alone determine whether Defendant Slaieh intended injury to Plaintiff. The Plaintiff's Motion assumes the issue of intent was decided by the State Court. However, absent authority to distinguish the *Arden* case, whose reasoning this Court adopts as its own, the Motion does not satisfy the requirements for collateral estoppel because the Judgment is insufficient to establish the elements required under § 523(a)(6). It is possible that the issue of willfulness is subsumed by the state court's determination that punitive damages were appropriate. However, such a theory must be addressed with reference to the Ninth Circuit BAP's decision in *In re Plyam* that a California state court punitive damage award, standing alone, does not preclude relitigation of § 523(a)(6)'s "willful" intent requirement. *In re Sangha*, 678 F. App'x

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

561, 562 (9th Cir. 2017); *Plyam v. Precision Development, LLC (In re Plyam)*, 530 B.R. 456, 463–65 (9th Cir. BAP 2015) (holding that "under California law, the general definition of malice in fact encompasses less reprehensible states of mind" than § 523(a)(6)'s "willful" intent requirement).

Finally, although the Court has stricken the Opposition as improperly filed, the Court shall also address the one cognizable legal issue raised in the Opposition – namely, that the State Action Complaint was not personally served on him. As to this issue, the Court agrees with the Plaintiff that the Defendant’s declaration fails to address whether and when he learned of the State Action. The declaration of Defendant is conspicuously silent on these facts and as such determined to be not credible on the issue of lack of service.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the Motion for additional briefing regarding the issue of "willfulness".

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba - INACTIVE -

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Movant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT... Nabeel Slaieh

Chapter 7

Bruce A Boice

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By
D Edward Hays
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

6:13-30133 Nabeel Slaieh

Chapter 7

Adv#: 6:14-01081 Albrecht v. Slaieh

#24.00 CONT Status Conference RE: [1] Adversary case 6:14-ap-01081. Complaint by W.E. Jon Albrecht against Nabeel Slaieh. willful and malicious injury))

HOLDING DATE

From: 10/19/16, 12/14/16, 2/15/17, 3/29/17, 6/7/17, 10/25/17, 4/25/18, 7/25/18, 10/10/18

Also #23

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nabeel Slaieh

Represented By
George A Saba - INACTIVE -

Defendant(s):

Nabeel Slaieh

Represented By
Stephen B Mashney
Bruce A Boice

Plaintiff(s):

W E Jon Albrecht

Represented By
William L Miltner
Robert C Harvey

Trustee(s):

Larry D Simons (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

2:00 PM

CONT...

Nabeel Slaieh

Chapter 7

D Edward Hays
David Wood
Matthew Grimshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

3:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#25.00 CONT Emergency motion Debtor and Debtor in Possession's Notice of Motion and Emergency Motion for (a) Order Approving Stipulation for Interim Use of Cash Collateral; (b) Granting of Adequate Protection; (c) Granting Related Relief

From: 10/5/18, 10/15/18, 10/16/18

Also #26

EH__

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 17, 2018

Hearing Room 303

3:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#26.00 CONT Motion for Order: (1) Approving the Sale of Substantially All of the Assets of the Estate Free and Clear of Liens Pursuant to Bankruptcy Code § 363(b)(1); (2) Approving the Assumption and Assignment of Executory Contracts; and (3) Granting Related Relief
(FINAL HEARING)

From: 10/15/18, 10/16/18

Also #25

EH ____

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:16-12849 Elsy G. Mejia

Chapter 13

#1.00 CONT Motion for an Order Vacating the Dismissal of Case due to attorney error and to reinstate case pursuant to 11 U.S.C § 105 AND F.R.C.P 60(b)(l)

From: 9/27/18

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Joint Debtor(s):

Elsy G. Mejia

Represented By
James Geoffrey Beirne

Movant(s):

Elsy G. Mejia

Represented By
James Geoffrey Beirne
James Geoffrey Beirne
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#2.00 CONT Trustee's Motion to Dismiss Case

From: 9/27/18

Also #3

EH__

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D Castro Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Jennifer Manda Castro

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#3.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 9/13/18, 9/27/18

Also #2

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D Castro Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Jennifer Manda Castro

Represented By
Chris A Mullen

Movant(s):

John D Castro Jr

Represented By
Chris A Mullen

Jennifer Manda Castro

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:17-11261 Ernie Macias

Chapter 13

#4.00 CONT Order to show cause why Alon Darvish should not be held in contempt of court pursuant to 11 U.S.C. Sect 105 and Federal Rule of Bankruptcy Procedure 9020

CASE DISMISSED 3/13/17

From: 11/30/17, 1/25/18, 4/12/18, 6/14/18, 8/23/18

EH__

Docket 30

Tentative Ruling:

11/30/17

BACKGROUND

On February 21, 2017, Ernie Macias ("Debtor") filed his petition for chapter 13 relief. The Debtor's case was filed by Alon Darvish ("Darvish"). On March 13, 2017, the Debtor's case was dismissed for failure to file information.

On March 24, 2017, the Office of the United States Trustee ("UST") filed a Motion to Disgorge Attorney's Fees ("Disgorgement Motion"). On June 13, 2017, the Court granted in part and denied in part the UST's Disgorgement Motion (the "Disgorgement Order"). The Disgorgement Order required Darvish to file his disclosure of compensation, and to disgorge fees received from the Debtor back to him.

On September 20, 2017, the UST filed its Motion For An Order To Show Cause Why Alon Darvish Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020 (the "Motion for OSC"). The Motion for OSC specifically asserted that Darvish had failed to comply with any part of the Disgorgement Order. The UST's Motion for OSC further asserted that Darvish had repeatedly failed to disclose compensation and had been sanctioned for such conduct under similar circumstances in at least 6 other cases. (Motion for OSC at 9).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

On October 20, 2017, the Court granted the Motion for OSC and ordered Darvish to show cause why he should not be held in contempt (the "OSC"). Darvish filed his response to the OSC on November 16, 2017 ("Response"). On November 21, 2017, the UST replied to the Response.

DISCUSSION

In his Response, Darvish indicated that his practice includes the filing of skeletal petitions for chapter 13 debtors for the purpose of stopping foreclosures. He indicated that when such skeletal petitions are filed, his software does not file the Disclosure of Compensation. Darvish asserts that he is a solo practitioner who is overwhelmed and understaffed and who is trying to rectify the issues in his practice. In Reply, the UST objects particularly to Darvish's failure to outline specific steps he intends to take to remedy the issues at his firm. The UST is also concerned that Darvish has essentially admitted that his practice includes the filing of abusive petitions intended solely to avoid foreclosures. The UST requests that the Court continue the matter for Darvish to set forth specific remedial actions as ordered. The UST also requests that the Court separately consider whether a separate order to show cause is justified based on Darvish's inherently abusive prevention practice.

TENTATIVE RULING

The Court agrees with the UST that Darvish's explanation is insufficient. Darvish's Response indicates clearly the reason for the failure to file disclosure of compensation forms. Despite this fact, he does not explain the ongoing failure to file these forms, particularly where he has previously been sanctioned for failing to disclose his compensation. The ongoing failure to file required documents, despite having already been sanctioned, supports the UST's request for a specific plan of remediation. Absent such plan, Darvish may simply continue to rely on his thus far unreliable bankruptcy filing software.

Separately, the UST's concern regarding Darvish's practice of filing skeletal petitions is well-taken. In particular, if Darvish is advising his clients to file abusive petitions to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

delay foreclosure, such conduct may warrant further sanctions/discipline.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ernie Macias

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:17-14972 Jude Okwor

Chapter 13

#5.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jude Okwor

Represented By
Javier H Castillo

Movant(s):

Jude Okwor

Represented By
Javier H Castillo
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 150 W. Highland Ave, San Bernardino, CA 92405

MOVANT: MILESTONE FINANCIAL LLC

From: 9/25/18

EH__

Docket 49

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

As a preliminary note, the Court notes that Local Rule 4001-(1)(c)(4) states that: "[a] motion for relief from the automatic stay must be filed separately from, and not combined in the same document with, any other request for relief, unless otherwise ordered by the court." Therefore, the default position is that the alternative requests made by Movant, for dismissal of the case or modification of the plan, are inappropriately brought in conjunction with a motion for relief from stay. Here, the Court is inclined to not deviate from the default position, because such requests are more appropriately heard on a Chapter 13 calendar when the Chapter 13 Trustee is present. Therefore, the Court is inclined to DENY the alternative requests for dismissal of the case or modification of the plan without prejudice.

Regarding the request for relief from the automatic stay, the Court notes that Debtor is correct in asserting that the Chapter 13 plan is a conduit plan, with payments to be made to Del Toro Loan Servicing, Movant's servicer, through the plan. While the Court notes that the docket does not reflect that a motion to dismiss for delinquency has been filed in this case, Debtor has not provided any supporting documentation

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT... Fernando Coronel and Maria Coronel

Chapter 13

indicating that the Chapter 13 plan payments are current.

Parties to discuss status of Chapter 13 plan payments and whether funds have been received by Movant and/or its loan servicer, Del Toro Loan Servicing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#7.00 Motion to Disallow Claim Number 1-1 by Claimant Capital One, N.A.

Also #8 - #13

EH__

Docket 49

Tentative Ruling:

10/18/18

BACKGROUND:

On March 29, 2018, Jaelyn Young ("Debtor") filed a Chapter 13 voluntary petition. Subsequently, on June 25, 2018, Debtor received in a discharge in a simultaneously pending Chapter 7 case. On June 28, 2018, Debtor's Chapter 13 plan was confirmed.

On September 4, 2018, Debtor filed seven claim objections, objecting to claims 1, 2, 3, 6, 7, 8, and 10. Debtor contends that all seven of these claims were filed in violation of the discharge injunction. On September 17, 2018, Midland Credit Management, Inc. withdrew claim 6.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT... Jaelyn Roylene Young

Chapter 13

Procedure ("FRBP") 3001(f). *See Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *See In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b) states the following:

Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT...

Jaelyn Roylene Young

Chapter 13

determine the amount of such claim in lawful currency of the United States *as of the date of the filing of the petition*, and shall allow such claim in such amount

(emphasis added). Here, because Debtor obtained a Chapter 7 discharge after the filing of the instant case, Debtor's argument is not a valid basis for a claim objection.

The fact that Debtor filed the instant case prior to obtaining a Chapter 7 discharge presents another significant issue – the very validity of the instant filing itself. Courts have generally split into two groups on the issue of the propriety of having simultaneous bankruptcies. Some courts, such as the Seventh Circuit, consider the maintenance of simultaneous bankruptcies to be impermissible *per se*. See, e.g., *In re Sidebottom*, 430 F.3d 893 (7th Cir. 2005). Other courts, including the Ninth Circuit, allow the maintenance of simultaneous bankruptcy proceedings on a good faith showing. See *In re Blendheim*, 803 F.3d 477, 500 (9th Cir. 2015).

Even *Blendheim*, however, restricted its conclusion to situations where a debtor had obtained a discharge in the earlier filed case:

We agree with the Eleventh Circuit's reasoning and reject a *per se* rule prohibiting a debtor from filing for Chapter 13 reorganization during the post-discharge period when the Chapter 7 case remains open and pending. Because nothing in the Bankruptcy Code prohibits debtors from seeking the benefits of Chapter 13 reorganization in the wake of a Chapter 7 discharge, we see no reason to force debtors to wait until the Chapter 7 case has administratively closed before filing for relief under Chapter 13.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT... Jaelyn Roylene Young

Chapter 13

Id. at 500.

Implicit in the *Blendheim* excerpt above is that a discharge in the first case is a prerequisite for the simultaneous maintenance of two bankruptcy proceedings. One court, in summarizing the case law on the issue, recently stated that: "Despite the lack of statutory or rule guidance, there is little dispute in the case law that a debtor may not file a second bankruptcy case before entry of the discharge order in the first case." *In re Montes*, 14-13043 (Bankr. D.N.M. Feb. 25, 2015) (collecting cases). And, last fall, another bankruptcy court stated:

even in those jurisdictions that reject a *per se* bar to the simultaneous chapter 20 case, most courts will not permit a debtor to have simultaneous cases when the chapter 13 case is file before the debtor has received his chapter 7 discharge. These courts view the second filing as a "nullity."

In re Sorenson, 17-11823 (Bankr. D. Colo. Sept. 29, 2017) (collecting cases); *see also In re Turner*, 207 B.R. 373, 378 (B.A.P. 2nd Cir. 1997) ("Despite these courts' differences as to the propriety of simultaneous filings, there is universal agreement among them that where a debtor files for chapter 7 relief and then files for protection under chapter 13 *before* receiving a discharge in the originally chapter 7 case, that the chapter 13 case is a nullity because the filing of simultaneous petitions is contrary to the obvious contemplated function of the Bankruptcy Code to resolve a debtor's financial affairs by administration of a debtor's property as a single estate under a single chapter within the code.") (quotation omitted).

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

CONT... Jaelyn Roylene Young

Chapter 13

In accordance with the above, the Court is inclined to OVERRULE all seven claim objections and issue an OSC why this case should not be dismissed.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#8.00 Motion to Disallow Claim Number 2-1 by Claimant Quantum3 Group, LLC

Also #7 - #13

EH __

Docket 50

Tentative Ruling:

See #7

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#9.00 Motion to Disallow Claim Number 3-1 by Claimant Quantum3 Group, LLC

Also #7 - #13

EH __

Docket 51

Tentative Ruling:

See #7

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#10.00 Motion to Disallow Claim Number 6-1 by Claimant Midland Funding, LLC

Also #7 - #13

EH __

Docket 52

Tentative Ruling:

See #7

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#11.00 Motion to Disallow Claim Number 7-1 by Claimant Jefferson Capital Systems, LLC

Also #7 - #13

EH __

Docket 53

Tentative Ruling:

See #7

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#12.00 Motion to Disallow Claim Number 8-1 by Claimant Jefferson Capital Systems, LLC

Also #7 - #13

EH__

Docket 54

Tentative Ruling:

See #7

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#13.00 Motion to Disallow Claim Number 10-1 by Claimant LVNV Funding, LLC

Also #7 - #12

EH __

Docket 55

Tentative Ruling:

See #7

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Movant(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-14020 Patricia Ann Cook

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 7/5/18, 7/19/18, 8/23/18

EH__

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
10/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ann Cook

Represented By
Brad Weil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-14257 Adam Casey Addison

Chapter 13

#15.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18, 9/13/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Casey Addison

Represented By
Nima S Vokshori
Luke Jackson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-14336 Peter Najim

Chapter 13

#16.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18, 8/23/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-14388 Jesus Pabloff and Virginia Pabloff

Chapter 13

#17.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18, 9/27/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Pabloff

Represented By
Tom A Moore

Joint Debtor(s):

Virginia Pabloff

Represented By
Tom A Moore

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-14725 Percylyn Agustin Basa

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 8/23/18, 9/27/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Percylyn Agustin Basa

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16105 John David Kraus

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 9/27/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John David Kraus

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16158 Willie Mills Sanders, Jr.

Chapter 13

#20.00 CONT Confirmation of Chapter 13 Plan

From: 9/27/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willie Mills Sanders Jr.

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16237 Miguel Santa Maria and Lilia Maldonado

Chapter 13

#21.00 CONT Motion to Avoid Junior Lien with SRP 2013-9 Funding Trust c/o SN Servicing Corporation

From: 8/30/18

Also #22

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Santa Maria

Represented By
Todd L Turoci

Joint Debtor(s):

Lilia Maldonado

Represented By
Todd L Turoci

Movant(s):

Miguel Santa Maria

Represented By
Todd L Turoci

Lilia Maldonado

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16237 Miguel Santa Maria and Lilia Maldonado

Chapter 13

#22.00 CONT Confirmation of Chapter 13 Plan

From: 9/27/18

Also #21

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Santa Maria

Represented By
Todd L Turoci

Joint Debtor(s):

Lilia Maldonado

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16363 Lisa Conway

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Conway

Represented By
Douglas E Klein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16366 Jose Luis Tafoya

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Tafoya

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16403 Toni Elizabeth Prima - Zuvich

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Toni Elizabeth Prima - Zuvich

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16451 Richard Daniel Gutierrez

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Daniel Gutierrez

Represented By
Heather J Canning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16458 Leonard Walter Frost, Jr. and Joan Cheng Frost

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonard Walter Frost Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Joan Cheng Frost

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16461 Deborah A Bowie

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah A Bowie

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16480 Shelly Rose Lefebvre

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shelly Rose Lefebvre

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16481 Craig Anton Vendeville and Janelle Ronee Vendeville

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig Anton Vendeville

Represented By
Jenny L Doling

Joint Debtor(s):

Janelle Ronee Vendeville

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16489 Rebecca Moore

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Moore

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16492 Carlos Barron

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Barron

Represented By
Michael D Franco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16503 Irene Elizabeth Arias

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irene Elizabeth Arias

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16505 Harold Edward Correa and David Corey White

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold Edward Correa

Represented By
Matthew D. Resnik

Joint Debtor(s):

David Corey White

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16513 Richard C. Baker, Jr. and Melissa J. Baker

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard C. Baker Jr.

Represented By
Christopher J Langley

Joint Debtor(s):

Melissa J. Baker

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16520 Charles Lee Dismukes

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Lee Dismukes

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16525 Norma Hermosillo Hernandez

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norma Hermosillo Hernandez Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16553 Wade Fisher

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wade Fisher

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16563 Raymond Reeley

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Reeley

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16578 Angela M. Sandoval

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela M. Sandoval

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16597 Norma Angelica Garcia

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norma Angelica Garcia

Represented By
Edgar P Lombera

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16610 Candelario P Hernandez

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Candelario P Hernandez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16638 Marcell Antoine Ball

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcell Antoine Ball

Represented By
Stephen L Burton

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16643 Jesus N Aguilera

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus N Aguilera

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16662 Mark H Chappell

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark H Chappell

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16680 Tanisha S. Santee

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanisha S. Santee

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16681 Melissa Cheryl Ron

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Cheryl Ron

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16683 Sherry Ann Beardsley

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sherry Ann Beardsley

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16687 Steve Jaime

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steve Jaime

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16694 Cynthia M Gonzalez and Guadalupe Siddiqui

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cynthia M Gonzalez

Represented By
Paul Y Lee

Joint Debtor(s):

Guadalupe Siddiqui

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16705 Tyreese Nabors

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tyreese Nabors

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16733 Joseph L Acosta and Juliana Acosta

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph L Acosta

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Juliana Acosta

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:00 AM

6:18-16769 James Corey Huey and Jeannette Huey

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Corey Huey

Represented By
Suzette Douglas

Joint Debtor(s):

Jeannette Huey

Represented By
Suzette Douglas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:13-24410 Arturo Suarez and Rosemary Suarez

Chapter 13

#54.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Suarez

Represented By
Tamar Terzian

Joint Debtor(s):

Rosemary Suarez

Represented By
Tamar Terzian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:13-26237 Carlos Vincent Valdez and Grace G. Valdez

Chapter 13

#55.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Vincent Valdez

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Grace G. Valdez

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:14-18156 Jose Luis Gutierrez and Patricia Gutierrez

Chapter 13

#56.00 CONT Trustee's Motion to Dismiss Case

From: 9/27/18

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Gutierrez

Represented By
Kelly Warren

Joint Debtor(s):

Patricia Gutierrez

Represented By
Kelly Warren

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:14-18349 Fabiola Adame

Chapter 13

#57.00 Trustee's Motion to Dismiss Case

EH__

Docket 179

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabiola Adame

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:14-20007 Celia Baeza

Chapter 13

#58.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Celia Baeza

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#59.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 8/30/18, 9/27/18

EH__

Docket 225

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:15-12404 Anthony E Turkson

Chapter 13

#60.00 Trustee's Motion to Dismiss Case

EH__

Docket 142

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:15-15971 Allen J Sheerin

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 77

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen J Sheerin

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:15-16367 John Stephen Puddy, Jr.

Chapter 13

#62.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Stephen Puddy Jr.

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:15-16972 Joe Martinez, Jr. and Sandra Lynette Martinez

Chapter 13

#63.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Martinez Jr.

Represented By
David Lozano

Joint Debtor(s):

Sandra Lynette Martinez

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:15-19300 Andrea Millette Tucker

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH__

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrea Millette Tucker

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:15-22202 Guadalupe Virginia Vargas

Chapter 13

#65.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guadalupe Virginia Vargas

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#66.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18, 9/13/18

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:16-15453 Brenda Fleming Bell

Chapter 13

#67.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenda Fleming Bell

Represented By
Suzette Douglas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:16-15668 Roger C Jefferson

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roger C Jefferson

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:16-17536 Gracey Hunter

Chapter 13

#69.00 Trustee's Motion to Dismiss Case

EH __

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gracey Hunter

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:16-18621 John Wesley Wilson, Jr. and Michelle Janet Wilson

Chapter 13

#70.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Wesley Wilson Jr.

Represented By
Julie J Villalobos

Joint Debtor(s):

Michelle Janet Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:16-20163 Sandra M. Hankins

Chapter 13

#71.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra M. Hankins

Represented By
Michael Smith
Craig K Streed
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-15604 Mandy Catron

Chapter 13

#72.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18, 9/13/18

EH __

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mandy Catron

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#73.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#74.00 Trustee's Motion to Dismiss Case

EH ____

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-18366 Kisha Eugena Stegall-Hill

Chapter 13

#75.00 CONT Trustee's Motion to Dismiss Case

From: 8/23/18, 8/30/18, 9/27/18

EH ____

Docket 56

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kisha Eugena Stegall-Hill

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-18482 Roberto Garcia Garcia and Maria Martha Garcia

Chapter 13

#76.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18, 9/27/18

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Garcia Garcia

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Maria Martha Garcia

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-20382 Raymond Ballejos and Veronica Ballejos

Chapter 13

#77.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Ballejos

Represented By
Natalie A Alvarado

Joint Debtor(s):

Veronica Ballejos

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-20388 Oracio Rosales Hernandez

Chapter 13

#78.00 Trustee's Motion to Dismiss Case

EH __

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oracio Rosales Hernandez

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:17-20487 Ann Marie Smith

Chapter 13

#79.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ann Marie Smith

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:18-10377 Dana Lashonn Hays

Chapter 13

#80.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dana Lashonn Hays

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 18, 2018

Hearing Room 303

11:01 AM

6:18-11993 Anisha Christel Wilson

Chapter 13

#81.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18, 9/27/18

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anisha Christel Wilson

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:15-10929 Christopher John Helme

Chapter 13

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9950 Sofia Court, Moreno Valley, California 92557

MOVANT: US BANK NATIONAL ASSOCIATION

From: 9/25/18

EH__

Docket 161

***** VACATED *** REASON: ORDER ENTERED 10/10/18**

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT relief from § 1301(a) stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Christopher John Helme

Represented By
Todd L Turoci

Movant(s):

US Bank National Association, as

Represented By
Tyneia Merritt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

CONT... Christopher John Helme

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:17-13464 Alvin M. Ching and Aphrodyte D. Ching

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Toyota Sienna

MOVANT: ARROWHEAD CREDIT UNION

EH__

Docket 27

Tentative Ruling:

10/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief from § 1301(a) stay because it does not appear that the motion was served on any co-debtor as that term is used in the statute. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Alvin M. Ching

Represented By
Keith Q Nguyen

Joint Debtor(s):

Aphrodyte D. Ching

Represented By
Keith Q Nguyen

Movant(s):

Arrowhead Credit Union

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

CONT... Alvin M. Ching and Aphrodyte D. Ching

Chapter 13

Karel G Rocha

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-10414 Leonel Villa and Lucila Pineda

Chapter 13

#3.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14785 Alba Way, Moreno Valley, CA 92553

MOVANT: PACIFIC UNION FINANCIAL LLC

From: 9/25/18

EH__

Docket 49

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Leonel Villa

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Lucila Pineda

Represented By
Jaime A Cuevas Jr.

Movant(s):

Pacific Union Financial, LLC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

CONT... Leonel Villa and Lucila Pineda

Chapter 13

Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-12862 Antoinette Marie Tutt

Chapter 13

#4.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 5527 North Valles Drive, San Bernardino, California 92407

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

From: 9/25/18

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/10/18**

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

Parties to discuss status of arrears, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Antoinette Marie Tutt

Represented By
Brian C Miles

Movant(s):

U.S. Bank Trust National

Represented By
Jamie D Hanawalt
Gilbert R Yabes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

CONT... Antoinette Marie Tutt

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-16741 Socorro Patino

Chapter 7

#5.00 Notice of Motion and Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii) 58 Whirlaway St

MOVANT: WELLS FARGO BANK, N.A.

CASE DISMISSED 10/22/18

EH__

Docket 11

Tentative Ruling:

10/23/2018

Service is Improper
Opposition: None

It appears that the automatic stay terminated on September 9, 2018, due to the operation of 11 U.S.C. § 362(c)(3). Specifically, it appears that Debtor had a Chapter 7 case pending within the year prior to the petition date of the instant case, and that such earlier case was dismissed. Nevertheless, the Court notes that Movant did not indicate an opposition deadline in its moving papers.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Socorro Patino

Represented By
David R Chase

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

CONT... Socorro Patino

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-17296 Erick Pinedo and Bridgette Pinedo

Chapter 7

#6.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2004 Ford Mustang, VIN 1FAFP40654F210846

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 9

Tentative Ruling:

10/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). DENY request for relief pursuant to § 362(d)(2) because the motion (pg. 4) does not provide any basis for the request. GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Erick Pinedo

Represented By
Daniel King

Joint Debtor(s):

Bridgette Pinedo

Represented By
Daniel King

Movant(s):

Santander Consumer USA Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

CONT... Erick Pinedo and Bridgette Pinedo

Chapter 7

Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-17349 Thomas More Butler and Tamara Butler

Chapter 13

#7.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 12630 Harris Ave., Lynwood, CA 90262-5217

MOVANT: MILESTONE FINANCIAL, LLC

EH ____

Docket 19

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas More Butler

Represented By
Stuart G Steingraber

Joint Debtor(s):

Tamara Butler

Represented By
Stuart G Steingraber

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-17510 Jesus Suarez

Chapter 7

#8.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7791 Citrus Ave, Fontana, CA 92336

MOVANT: US BANK NA AS TRUSTEE

EH__

Docket 12

Tentative Ruling:

10/23/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jesus Suarez

Pro Se

Movant(s):

U.S. Bank N.A., as trustee, on behalf

Represented By
Nancy L Lee

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

10:00 AM

6:18-18457 Juan A Martinez

Chapter 13

#9.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate all property of the debtor

MOVANT: JUAN A MARTINEZ

EH ____

Docket 10

Tentative Ruling:

10/23/2018

Service: Improper

Opposition: None

The Court notes that Debtor has failed to serve the secured creditor pursuant to FED. R. BANKR. P. Rule 7004, as required by this Court's procedures.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz

Movant(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#10.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 2/6/18, 2/13/18, 3/6/18, 3/20/18, 4/24/18, 6/26/18

Also #11

EH__

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

#11.00 Post Confirmation Status Conference

Also #10

EH__

Docket 277

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#12.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 11/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#13.00 CONT Motion for approval of chapter 11 disclosure statement

From: 8/21/18

Also #14

EH__

Docket 78

Tentative Ruling:

8/21/18

I. PROCEDURAL BACKGROUND

On January 26, 2018, Markus Boyd ("Debtor") filed a Chapter 11 voluntary petition. On February 13, 2018, the Court entered an interim order approving use of cash collateral. On March 6, 2018, the Court entered orders (1) authorizing Debtor to provide adequate assurance of payment to utility service providers and; (2) approving a budget. On March 26, 2018, the Court authorized the employment of Nicholas Gebelt as counsel for Debtor. On April 26, 2018, the Court disallowed four claims of American Express (claim numbers 2 and 4-6).

On June 22, 2018, Debtor filed its disclosure statement and Chapter 11 plan. On August 7, 2018, UST filed a limited objection to Debtor's disclosure statement.

II. DISCLOSURE STATEMENT

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

In addition to the disclosure statement, the following exhibits are included: (1) "Treatment of Claims/Interests" (Exhibit A); (2) "Executory Contracts & Unexpired Leases" (Exhibit B); (3) "Cash Flow Projections" (Exhibit C); (4) "Recent Financial History" (Exhibit D); (5) "Secured Claims" (Exhibit E); (6) "General Unsecured Claims, in Class 4A or 4B" (Exhibit F); "Liquidating Analysis" (Exhibit G); "Endnotes/Continuation Sheets" (which includes a supplement) (Exhibit H). Debtor has used the Court's optional disclosure statement form and worksheets, and, therefore, the format of the disclosure statement is adequate.

The Chapter 11 Plan's proposed effective date is October 21, 2018. There are four classes of claims and four listed categories of unclassified claims¹:

- 1) Class 1: Arrears secured by real property -- \$174,971.67 claim, Debtor proposes to pay over 60 months. Debtor's Exhibit A contains a row for arrears on the second and third deeds of trust, but does not identify any amount owing.
- 2) Class 2: Additional claims secured by real property – Debtor lists three different claims within this class. Debtor proposes to continue paying his mortgage (identified as \$772,733.45)², over 230 months and at 2% interest. Debtor proposes to cure his delinquency on HOA dues over 60 months. Debtor has included a row for, presumably, future HOA dues but no amount is listed. Nor is it clear that this class is truly unimpaired.
- 3) Class 3: Priority claims: Debtor's plan does not list any claims in class 3
- 4) Class 4: General Unsecured – \$45,151.20, Debtor proposes to pay over 60 months.
 - 1) Type 1: UST fees (\$650) – paid in full on effective date
 - 2) Type 2: Taxes (IRS) – approximately \$80k, paid over 51 months
 - 3) Type 3: Taxes (FTB) –\$5,651.86, paid over 51 months
 - 4) Type 4: Nicholas Gebelt's fees (\$30k)—paid in full on effective date

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

5) Type 5: Accountant's fees – none listed

III. LEGAL ANALYSIS

A. Adequate Information

A Chapter 11 disclosure statement is required to contain "adequate information" pursuant to 11 U.S.C. § 1125(b). Section 1125(f)(2) provides that: "the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28." The Central District of California has devised a disclosure statement template, Form 3017-1.CH11.DISCLSR.STMT, which Debtor generally adopted as to format.

As to the substance of a disclosure statement, 11 U.S.C. § 1125(a)(1) defines "adequate information" as:

information of a kind, and in sufficient detail as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan, but adequate information need not include such information about any other possible or proposed plan and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

The type of information required varies with the circumstances. *See, e.g., In re Jeppson*, 66 B.R. 269, 292 (Bankr. D. Utah 1986) (listing nineteen categories of information commonly required); *see also In re Malek*, 35 B.R. 443, 443-44 (Bankr. E.D. Mich. 1983) (listing minimum requirements).

While Debtor has utilized Court approved forms and has clearly delineated the treatment of the varying claims, the disclosure statement simply lacks the information necessary to evaluate Debtor's financial situation and determine the probability of the plan's success. First of all, as noted by UST, Debtor's practice appears to have been not to withhold taxes on earned income. Second of all, the limited financial information provided by Debtor indicates his income fluctuates drastically. The four months of "recent financial history" (Exhibit D) including in the disclosure statement note the following monthly receipts:

- 1) \$4,559 (February) (the corresponding monthly operating report lists receipts of \$51.89)
- 2) \$32,591 (March)
- 3) \$15,541 (April)
- 4) \$35,626 (May)

Additionally, a monthly operating report for June, filed after the disclosure statement, identifies receipts in the amount of \$1,801.11. The limited financial history provided supports UST's assertion that: "Debtor's tax liabilities are a significant risk factor given that the monthly operating reports reflect that the Debtor averages between \$18-\$19,000 in monthly net income – much less than the \$30,000 reported in the Disclosure Statement's cash flow projections." Indeed, using that \$18-\$19,000 figure, if one assumes that the receipts are before tax and that Debtor will ultimately be unsuccessful in the pending adversary proceeding, it would appear that the proposed plan may be infeasible. In any event, the financial information provided in the disclosure statement is grossly inadequate for an evaluation of the prospects of the proposed plan. The information simply does not allow for a reasonably accurate estimation of Debtor's income and expenses moving forward.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#14.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/20/18, 8/21/18

Also #13

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#15.00 CONT Emergency motion Debtor and Debtor in Possession's Notice of Motion and Emergency Motion for (a) Order Approving Stipulation for Interim Use of Cash Collateral; (b) Granting of Adequate Protection; (c) Granting Related Relief

From: 10/5/18, 10/15/18, 10/16/18, 10/17/18

Also #16

EH__

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 23, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#16.00 CONT Motion for Order: (1) Approving the Sale of Substantially All of the Assets of the Estate Free and Clear of Liens Pursuant to Bankruptcy Code § 363(b)(1); (2) Approving the Assumption and Assignment of Executory Contracts; and (3) Granting Related Relief
(FINAL HEARING)

From: 10/15/18, 10/16/18, 10/17/18

Also #15

EH ____

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#1.00 Motion To Reconsider Order Allowing Debtors To File Amended Schedules

Also #2

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#2.00 Motion Objecting To Debtors Claims Of Exemption In Proceeds From Personal Injury Case Pursuant To CCP § 704.140(b)

Also #1

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#3.00 CONT Motion to Disallow Claims No. 8 filed by Sake Consulting Engineers, Inc. as Not Allowable Against the Estate

From: 8/22/18, 9/26/18

Also #4 & #5

EH__

Docket 104

Tentative Ruling:

09/26/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 8 ("Claim") of Sake Consulting Engineers, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, an entity that is not the Debtor and therefore not entitled to allowance as a claim.

On August 6, 2018, the Claimant filed its response to the Objection ("Response"). On September 19, 2018, the Trustee filed his reply ("Reply")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc.*, (*In re Medina*), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort.* (*In re Consol. Pioneer Mort.*), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, Trustee has pointed to the fact that the evidence attached to the Claim are addressed to Paul Minnick as a representative of MCG Development. In response, Claimant has provided the same documents referenced by the Trustee and has failed to provide any admissible evidence indicating that liability on the contract can be collected against the Debtor's estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objection disallowing Claim No. 8 of the Claimant.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#4.00 CONT Motion to Disallow Claims No. 10 filed by Gouvis Engineering Consulting Group, Inc. as Not Allowable Against Estate

From: 8/22/18, 9/26/18

Also #3 & #5

EH__

Docket 108

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 10 ("Claim") of Gouvis Engineering Consulting Group, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, which is an entity that is not the Debtor and therefore is not entitled to allowance as a claim. The Objection was properly served and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Trustee has pointed to facts tending to defeat the claim by virtue of the fact that Claimant's own supporting documentation evinces a contractual relationship with Paul Minnick as representative of MCG Development Company, Inc., not on behalf of the Debtor. Absent evidence of a relationship between the Debtor and Claimant, the Claimant has failed to establish the existence of a claim against the Debtor's estate.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

The Court is inclined to SUSTAIN the Objection and DISALLOW Claim No. 10 in its entirety.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#5.00 CONT Motion to Allow Claim 7 filed by Norman A. Musselman as Fully Secured,
Not Entitled to a Dividend

From: 8/22/18, 9/26/18

Also #3 & #4

EH__

Docket 102

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 7 ("Claim") of Norman Musselman (the "Claimant"). The Trustee's Objection asserts that the Claim is fully secured and not entitled to a dividend from the Estate.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

TENTATIVE RULING

The Claim indicates that it is secured by a Recorded Deed of Trust and Note and that the fair market value of the Property at issue exceeds the amount of the Claim such that it is fully secured. The Trustee requests that the Claim be allowed as fully secured but not entitled to a dividend from the estate. Based on the lack of prejudice to the Claimant and the Claimant's failure to file response or opposition which this Court deems as consent pursuant to LBR 9013-1(h), the Court is inclined to SUSTAIN the objection and ALLOW the Claim as a fully secured claim not entitled to a dividend.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:15-21570 Janice Elaine Cox

Chapter 7

#6.00 Motion RE: Objection to Claim Number 5 by Claimant County of San Bernardino Office of the Tax Collector

EH ____

Docket 82

Tentative Ruling:

10/24/2018

BACKGROUND:

On November 30, 2015, Janice Cox ("Debtor") filed a Chapter 7 voluntary petition. On March 21, 2016, Debtor received a Chapter 7 discharge. On May 23, 2016, the County of San Bernardino ("Creditor") filed a claim in the amount of \$33,640.95 ("Claim 5"), secured by certain real property located in Big Bear City, CA (the "Property").

On February 21, 2018, Trustee obtained an order directing Debtor to turnover the Property (the "Property"). On May 10, 2018, the Court entered an order authorizing Trustee to sell the Property. The sale order authorized Trustee to make certain distributions, including making payment on delinquent property taxes. On September 18, 2018, Trustee filed an objection to Claim 5. The Court notes that Trustee did not use the mandatory claim objection form. The basis of Trustee's claim objection is that Claim 5 was paid off with proceeds of the sale of the Property.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Janice Elaine Cox

Chapter 7

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Janice Elaine Cox

Chapter 7

11 U.S.C. § 502(b) states the following:

Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States *as of the date of the filing of the petition*, and shall allow such claim in such amount.

(emphasis added). The plain language of the above statute is that the amount of a claim shall be determined as of the petition date. Because Trustee's objection fails to raise any reason why Claim 5 does not accurately represent Creditor's claim as of the petition date, the objection fails to raise a legally cognizable grounds for disallowing the claim. Further, Claim 5 is fully secured, and presumably Trustee would not be making a distribution on it.

TENTATIVE RULING

The Court is inclined to OVERRULE the objection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Janice Elaine Cox

Represented By
Rajiv Jain

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Janice Elaine Cox

Chapter 7

Movant(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

Trustee(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:16-10197 Ferdinand D Castillo

Chapter 7

#7.00 Motion RE: Objection to Claim Number 4 by Claimant San Bernardino County Tax Collector

EH ____

Docket 95

Tentative Ruling:

10/24/2018

BACKGROUND:

On January 11, 2016, Ferdinand Castillo ("Debtor") filed a Chapter 7 voluntary petition. On April 25, 2016, Debtor received a Chapter 7 discharge. On September 20, 2016, the San Bernardino County Tax Collector ("Creditor") filed a claim in the amount of \$13,829.935 ("Claim 4"), secured by certain real property located in Chino Hills, CA (the "Property").

On December 15, 2016, Wells Fargo Bank, the holder of the first deed of trust on the Property, obtained relief from stay. On September 18, 2018, Trustee filed an objection to Claim 4. Trustee says the Property was foreclosed upon on July 31, 2017.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Ferdinand D Castillo

Chapter 7

interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). See *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. See *In re Consol. Pioneer Mort*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. See *Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

11 U.S.C. § 502(b) states the following:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT...

Ferdinand D Castillo

Chapter 7

Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim in lawful currency of the United States *as of the date of the filing of the petition*, and shall allow such claim in such amount.

(emphasis added). The plain language of the above statute is that the amount of a claim shall be determined as of the petition date. Because Trustee's objection fails to raise any reason why Claim 4 does not accurately represent Creditor's claim as of the petition date, the objection fails to raise a legally cognizable grounds for disallowing the claim.

Additionally, even if Trustee's objection raised a legally cognizable argument, the objection does not contain any evidence establishing that Creditor was paid. Further, Claim 4 is fully secured, and presumably Trustee would not be making a distribution on it.

TENTATIVE RULING

The Court is inclined to OVERRULE the objection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ferdinand D Castillo

Represented By
Walter Scott

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Ferdinand D Castillo

Chapter 7

Movant(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

Trustee(s):

Arturo Cisneros (TR)

Represented By
William Malcolm
Christina J O

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:16-20927 Mee Soon Kim

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mee Soon Kim

Represented By
Minh Duy Nguyen

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror
Michael W Davis
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:17-11834 David Leroy Norwood and Carol Ann Norwood

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 56

Tentative Ruling:

10/24/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee's Fees: \$ 4,950.00
Trustee's Expenses: \$ 0

Attorney Fees: \$ 20,482.50
Attorney Costs: \$ 677.91

The Court is inclined to disallow all requested expenses of Trustee because the Trustee has not provided an itemized expense list or otherwise addressed the requested expenses in any manner.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

David Leroy Norwood

Represented By
Jenny L Doling

Joint Debtor(s):

Carol Ann Norwood

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

**CONT... David Leroy Norwood and Carol Ann Norwood
Jenny L Doling**

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Brandon J Iskander
Leonard M Shulman
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:17-16586 Anthony Joseph George and Susie Annette George

Chapter 7

#10.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 42

Tentative Ruling:

10/24/2018

No opposition has been filed.
Service was Proper.

The application for compensation of the Trustee has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee's Fees: \$ 2,000.00
Trustee's Expenses: \$ 0

The Court is inclined to disapprove all requested expenses because Trustee has not included an itemized expense list or otherwise addresses the requested expenses in any manner.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anthony Joseph George

Represented By
Joel M Feinstein

Joint Debtor(s):

Susie Annette George

Represented By
Joel M Feinstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Anthony Joseph George and Susie Annette George

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:18-14330 Charles E. Hurd and Gracie Hurd

Chapter 7

#11.00 Motion to Appoint Charles E. Hurd as Next Friend

EH__

Docket 22

Tentative Ruling:

10/24/2018

BACKGROUND

On May 22, 2018, Charles & Gracie Hurd (collectively, "Debtors"; individually, "Charles" and "Gracie") filed a Chapter 7 voluntary petition. On July 2, 2018, Debtors filed a change of address, indicating that they had moved to Ohio.

On September 13, 2018, Debtors filed a motion to appoint Charles as the next friend of Gracie. Charles's declaration states that Gracie "currently suffers from major back problems as a result of a fall two years ago. As a result of this issue she is unable to move and is incoherent most of the time due to the medications." Debtor has provided a doctor's note, dated July 30, 2018, which states "patient is disabled and unable to travel until estimated twelve months."

DISCUSSION

FED. R. BANKR. P. Rule 1004.1 allows "a representative, including a general guardian, committee, conservator, or similar fiduciary," to file a voluntary petition on behalf of an incompetent person.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Charles E. Hurd and Gracie Hurd

Chapter 7

The rule further provides that:

[a]n infant or incompetent person who does not have a duly appointed representative may file a voluntary petition by next friend or guardian ad litem. The court shall appoint a guardian ad litem for an infant or incompetent person who is a debtor and is not otherwise represented or shall make any other order to protect the infant or incompetent debtor.

Rule 1004.1 is patterned after FED.R.CIV.P. Rule 17(c), which applies to adversary proceedings pursuant to FED. R. BANKR. P. Rule 7017. That rule provides that an incompetent person may sue "by a next friend or by a guardian ad litem" if the incompetent person does not have a duly appointed representative, and provides that "[t]he court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action."

Cases interpreting Rule 17(c) look to the law of the state in which the subject is domiciled and follow the state's incompetency laws." *In re Burchell*, 2014 WL 1304635, at *1 (Bankr. N.D. Ohio 2014)(internal citations omitted). This court shall thus look to the California Probate Code's § 811 which outlines the possible bases for a determination that a person is of unsound mind or lacks capacity to make a decision or do a certain act, including for example, incapacity to contract or to execute wills or trusts.

In support of the Motion, the Debtors have attached the Declaration of Charles in which he asserts that Gracie "currently suffers from major back problems as a result of a fall two years ago. As a result of this issue she is unable to move and is incoherent most of the time due to the medications." Notwithstanding this assertion, § 811(d) provides that "the mere diagnosis of a mental or physical disorder shall not be sufficient in and of itself to support a determination that a person is of unsound mind or lacks the capacity to do a certain act." Instead, California law requires evidence of specific deficits and a link between the identified deficits and the acts that the allegedly incompetent person would otherwise have capacity to perform. The types of deficiencies are outlined in § 811 as follows:

- (1) Alertness and attention, including, but not limited to, the following:
 - (A) Level of arousal or consciousness.
 - (B) Orientation to time, place, person, and situation.
 - (C) Ability to attend and concentrate.
- (2) Information processing, including, but not limited to, the following:
 - (A) Short- and long-term memory, including immediate recall.
 - (B) Ability to understand or communicate with others, either verbally or otherwise.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT...

Charles E. Hurd and Gracie Hurd

Chapter 7

- (C) Recognition of familiar objects and familiar persons.
- (D) Ability to understand and appreciate quantities.
- (E) Ability to reason using abstract concepts.
- (F) Ability to plan, organize, and carry out actions in one's own rational self-interest.
- (G) Ability to reason logically.
- (3) Thought processes. Deficits in these functions may be demonstrated by the presence of the following:
 - (A) Severely disorganized thinking.
 - (B) Hallucinations.
 - (C) Delusions.
 - (D) Uncontrollable, repetitive, or intrusive thoughts.
- (4) Ability to modulate mood and affect. Deficits in this ability may be demonstrated by the presence of a pervasive and persistent or recurrent state of euphoria, anger, anxiety, fear, panic, depression, hopelessness or despair, helplessness, apathy or indifference, that is inappropriate in degree to the individual's circumstances.

Charles's declaration does not contain the requisite detail necessary to satisfy the standard for appointment of a next friend.

Additionally, there are a variety of questions raised by the motion and evidence presented.

First, it would appear that any mental debilitation is a side effect of pain medication. Nevertheless, there is no evidence regarding how often Gracie is intended to take medication, or what exactly "incoherent most of time" means. If the situation is such that Gracie has been incoherent the entire two years since the fall occurred, then further detail should be submitted to the Court.

Second, the doctor's note provided does not address any mental deficiencies whatsoever. In addition, it is not clear whether the doctor's restriction on "travel" is strict enough to prevent attendance at a meeting of creditors. Finally, the change of address filed by Debtors indicates that Debtors moved from California to Ohio in July

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Charles E. Hurd and Gracie Hurd

Chapter 7

2018, the same month the doctor wrote that Gracie should not travel for approximately one year.

Third, the Court notes that Debtors have not complied with the Court's instructions regarding this hearing. Specifically, the Court notes that its instructions stated: "[t]he Court will require a declaration from the Doctor laying a foundation for his diagnosis." Such a declaration was not filed, and the supplement which was filed, two days before the hearing, was neither authenticated nor instructive. Additionally, the Court notes that while its instructions provided for a hearing date of October 24, 2018, Debtors waited ten days to set the matter for hearing, providing relatively short notice of this hearing.

TENTATIVE RULING

The Court is inclined to DENY the motion without prejudice.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Charles E. Hurd

Represented By
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Gracie Hurd

Represented By
Sundee M Teeple
Craig K Streed

Movant(s):

Charles E. Hurd

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Charles E. Hurd and Gracie Hurd

Chapter 7

Sundee M Teeple
Sundee M Teeple
Craig K Streed
Craig K Streed

Gracie Hurd

Represented By
Sundee M Teeple
Craig K Streed

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#12.00 CONT Motion to Dismiss Bankruptcy Case

From: 10/17/18

Also #13

EH__

Docket 47

Tentative Ruling:

10/17/2018

BACKGROUND

On April 13, 2018, Desert Ice Castle, LLC ("Debtor") filed its petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). The Debtor's Managing Member and alleged sole owner is Anthony Liu ("Liu"). The petition indicated that the Debtor owned assets totaling \$1,864.61 and had liabilities totaling \$860,500. The Debtor listed two claimants in Schedule F, one claim of Andrzej Luczynski ("Luczynski") in the amount of \$800,000 (as disputed) and a claim of Lui Bin in the amount of \$60,500. On September 12, 2018, Luczynski filed Claim No 1-1 in the amount of \$3,200,000 based on a State Court Action for "unlawful termination [of] joint venture; conversion; unlawful eviction". Luczynski has further indicated that a trial date for the State Court Action is set for November 2, 2018. The Docket reflects that a Motion to Disallow Claim No. 1 has been set for hearing on October 24, 2018.

On September 10, 2018, the Debtor filed a motion to dismiss the bankruptcy ("Motion"). A notice of Non-opposition was filed by Lui Bin on the same date. Opposition to the Motion was filed by Luczynski and the Trustee on October 3, 2018 (the "Oppositions"). The Debtor filed an Omnibus Reply to the Oppositions on October 10, 2018 ("Reply").

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

The Debtor seeks dismissal pursuant to § 305(a)(1). Section 305(a)(1) provides as follows:

The court, after notice and a hearing, may dismiss a case under this title, or may suspend all proceedings in a case under this title, at any time if—

(1) the interests of creditors and the debtor would be better served by such dismissal or suspension;

11 U.S.C. § 305(a)(1); *In re Eastman*, 188 B.R. 621, 625 (9th Cir. BAP 1995). The courts that have construed § 305(a)(1) are in general agreement that abstention in a properly filed bankruptcy case is an extraordinary remedy, and that dismissal is appropriate under § 305(a)(1) **only** in the situation where the court finds that both "creditors and the debtor" would be "better served" by a dismissal. *Id.* (internal citations omitted). The legislative history uses the following example of such a situation:

an arrangement is being worked out by creditors and the debtor out of court, there is no prejudice to the rights of creditors in that arrangement, and an involuntary case has been commenced by a few recalcitrant creditors to provide a basis for future threats to extract full payment.

H.R.Rep. No. 95–595, 95th Cong., 1st Sess. 325 (1977); 1978 U.S.C.C.A.N. 5963, 6281.

As the statutory language and legislative history demonstrate, the test under § 305(a) is not whether dismissal would give rise to a substantial prejudice to the debtor. Nor is the test whether a balancing process favors dismissal. Rather, the test is whether both the debtor and the creditors would be "better served" by a dismissal.

In support of the Motion, the Debtor argues that (1) Luczynski will suffer no prejudice from dismissal of the case because the amended complaint filed in the State Action dismissed the Debtor from the complaint; (2) Creditor Lui Bin will be paid in full; (3) the only parties benefitting from continuation of the case are the Trustee and his professionals. Although the Debtor has seemingly been dismissed from the underlying State Court litigation, the State Action retains allegations that the Debtor is an alter ego of the named defendant, Liu. (Roman Decl. ¶ 2).

The Oppositions essentially assert that (1) Luczynski has filed a proof of claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

that constitutes prima facie evidence of a claim; and (2) avoidable insider payments have been discovered that will benefit the Debtor's creditors.

On the current record, the Court is inclined to DENY the Motion. Here, assuming (as the Court must at this juncture) that Luczynski may have an enforceable claim against the Debtor's estate, dismissal is likely to result in plain legal prejudice to Luczynski because the Debtor and its principal/sole shareholder seek to payoff the only other unsecured creditor in full in order to force a dismissal. The Debtor's strategy is a transparent violation of the bankruptcy code's command that similarly situated creditors must be treated similarly. Additionally, the Court is unconvinced that the dismissal of the Debtor from the underlying State Court Action is a sufficient basis to find that the Debtor has no remaining liability to Luczynski. In fact, the Debtor's evidence confirms that Luczynski's complaint continues to argue that the Debtor and Liu are alter egos. For now, the Court agrees with the Trustee and Luczynski that dismissal would be premature at this point.

TENTATIVE RULING

Based on the foregoing, the Court finds that Debtor has not met its burden of demonstrating that both the Debtor and creditors will be "better served" by dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Thomas J Eastmond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#13.00 Motion to Disallow Claims Disallowing Claim No. 1 of Andrzej Luczynski Pursuant to 11 U.S.C. 502

Also #12

EH__

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

11:00 AM

6:18-10939 Vance Zachary Johnson

Chapter 7

#14.00 CONT Trustees Motion For Entry Of An Order: (A) Approving Sale Of Real Property Free And Clear Of Certain Liens Or Interests; (B) Approving Overbid Procedures; (C) Approving The Carve-Out And Disbursements Of Sale Proceeds; And (D) Granting Related Relief

From: 9/26/18

EH__

Docket 121

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Movant(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:09-01235 DIAMOND v. Empire Partners, Inc., a California Corporation et

**#15.00 CONT Status Conference re complaint
HOLDING DATE**

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

David Loughnot

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Jonathan A Loeb
Jeffrey Rosenfeld

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

RICHARD K. DIAMOND

Represented By
Richard S Berger - SUSPENDED -
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By
Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01319 DIAMOND v. Empire Partners, Inc., a California Corporation et

#16.00 CONT Status Conference re complaint
HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
01/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

James P Previti
Represented By
Jeffrey Rosenfeld
P Sabin Willett

Larry Day
Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Neil M Miller
Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Paul Roman
Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

O'Melveny & Myers, LLP
Represented By
Howard Steinberg
P Sabin Willett

Peter T. Healy
Represented By
Howard Steinberg
P Sabin Willett

Plaintiff(s):

RICHARD K DIAMOND
Represented By
Richard S Berger - SUSPENDED -
Peter M Bransten
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
Cynthia M Cohen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01329 DIAMOND v. Empire Partners, Inc., a California Corporation et

#17.00 CONT Status Conference re complaint
(Defendant - Empire Partners, Inc) HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

	Jeffrey Rosenfeld
James P Previti	Represented By Jonathan A Loeb Jeffrey Rosenfeld
Previti Realty Fund, L.P.	Represented By Jonathan A Loeb Jeffrey Rosenfeld
The James Previti Family Trust	Represented By Jonathan A Loeb Jeffrey Rosenfeld

Plaintiff(s):

RICHARD K DIAMOND	Represented By Richard S Berger - SUSPENDED - Michael I Gottfried Aleksandra Zimonjic Monica Rieder John P Reitman Peter M Bransten Cynthia M Cohen Roye Zur
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Trustee(s):

Richard K Diamond (TR)	Represented By Michael I Gottfried Richard S Berger - SUSPENDED - Rodger M Landau Richard K Diamond Peter M Bransten Aleksandra Zimonjic Monica Rieder Lisa N Nobles Peter J Gurfein Paul Hastings Roye Zur
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#18.00 Pre-Trial Conference Re: Amended Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason; 68- Dischargeability - 523(a)(6) Willful and Malicious Injury

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/16/18 AT 2:00PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Sam Daniel Dason

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:16-13096 Tarek El Sayed Ayoub

Chapter 7

Adv#: 6:16-01219 Candee et al v. Ayoub et al

#19.00 CONT Status Conference Re: Complaint by Keith H Candee, Original Thurber Ranch LLC against Tarek El Sayed Ayoub, Gabriela Villeda Ayoub

From: 11/1/16, 6/7/17, 1/24/18, 1/31/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tarek El Sayed Ayoub

Represented By
Sherif Fathy

Defendant(s):

Tarek El Sayed Ayoub

Represented By
Todd L Turoci

Gabriela Villeda Ayoub

Represented By
Todd L Turoci

Joint Debtor(s):

Gabriela Villeda Ayoub

Represented By
Sherif Fathy

Plaintiff(s):

Keith H Candee

Represented By
Jon H Lieberg

Original Thurber Ranch LLC

Represented By
Jon H Lieberg

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Tarek El Sayed Ayoub

Chapter 7

Trustee(s):

Wesley H Avery (TR)

Represented By
Larry D Simons

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

#20.00 CONT Motion RE: Objection to Claim Number 11 by Claimant Natasha Reynoso and Mark Reynoso
HOLDING DATE

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18, 7/11/18

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#21.00 CONT Motion to Dismiss Adversary Proceeding (Third Amended Complaint)

From: 8/2/18

Also #22 & #23

EH__

Docket 97

Tentative Ruling:

08/02/2018

BACKGROUND

On September 12, 2016, Douglas and Anne Goodman (collectively, "Debtors" or "Defendants") filed their petition for chapter 13 relief.

On November 11, 2016, Mark and Natasha Reynoso (collectively, "Plaintiffs") filed a complaint seeking determination of the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(2)(A) (the "Complaint"). Specifically, Plaintiffs allege that in 2015, they purchased real property located at 1656 West Lisbon Street in Upland, CA (the "Property") from the Debtors, and that a sale was consummated on the misrepresentations of the Debtors' agent, Theresa Mann, that the Property was 3,231 square feet while Plaintiffs assert that the Property is actually 2,713 square feet (or a difference of 518 square feet). Plaintiffs also assert that they were led to believe that a water leak in the upstairs bathroom had been repaired. Plaintiffs allege that the Debtors knew or should have known that their agent was making false and misleading representations to Plaintiffs.

On February 3, 2017, the Court entered an order granting Defendants first motion to dismiss the Complaint, with leave to amend. A First Amended Complaint (the "FAC") was filed on February 28, 2017. On April 19, 2017, the Plaintiffs filed a First Amended Complaint captioned "Corrected" which indicated it had been corrected for typographical errors. (the "Corrected Complaint"). The Court denied

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Defendants' second motion to dismiss at a hearing on May 4, 2017. On June 5, 2017, the Defendants filed their Answer to the FAC ("Answer").

On March 9, 2018, the Defendants moved to dismiss the April 19, 2018, complaint. The Court granted the motion to dismiss the April 19, 2018, complaint with leave to amend. A second amended complaint was then filed on May 23, 2018 (the "SAC"). [Note: there is a dispute regarding whether the operative complaint is a second or third amended complaint due to the filing of the "corrected complaint" indicated above. For purposes of this hearing, the operative complaint is Docket No. 93]. Defendants now move to dismiss the SAC. No opposition has been filed by the Plaintiffs.

DISCUSSION

As a threshold matter, the Motion seeks relief pursuant to Rule 12(b)(6). However, given that the Defendants have filed an Answer to the FAC, the Court shall construe the Motion as a motion under Rule 12(c), a motion for judgment on the pleadings.

Civil Rule 12(c) standard

"After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings." Fed.R.Civ.P. 12(c). "Judgment on the pleadings is properly granted when, taking all allegations in the pleading as true, the moving party is entitled to judgment as a matter of law." *Knappenberger v. City of Phx.*, 566 F.3d 936, 939 (9th Cir.2009) (quoting *Merchants Home Delivery Serv., Inc. v. Frank B. Hall & Co.*, 50 F.3d 1486, 1488 (9th Cir.1995)).

On a Rule 12(c) motion, the court must accept as true all the material facts alleged in the complaint and must draw all reasonable inferences in favor of the non-moving party. *Fleming v. Pickard*, 581 F.3d 922, 925 (9th Cir.2009). In ruling on a Rule 12(c) motion, the court may not consider extrinsic evidence unless the motion is converted into a Rule 56 summary judgment. *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1550 (9th Cir.1989) (citing Fed.R.Civ.P. 12(c); *Bonilla v. Oakland Scavenger Co.*, 697 F.2d 1297, 1301 (9th Cir.1982)). However, a court may consider facts that are contained in materials of which the court may take judicial notice when considering a motion for judgment on the pleadings. *Heliotrope Gen., Inc. v. Ford Motor Co.*, 189 F.3d 971, 981 n. 18 (9th Cir.1999) (quoting *Barron*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas Edward Goodman**
v. Reich, 13 F.3d 1370, 1377 (9th Cir.1994)).

Chapter 13

The crux of Defendants' argument for dismissal of the FAC is that Plaintiffs have not set forth the basis for a money judgment under state law. In the Court's tentative ruling on the motion to dismiss the FAC, the Court stated the following:

The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), *aff'd*, 760 F.3d 1038 (9th Cir. 2014). Here, although the Complaint is not explicit regarding the state law causes of action at issue, it appears implicit in the allegations that the Plaintiffs seek a monetary judgment as to a fraud or misrepresentation claim. Nonetheless, Plaintiffs should not have to guess at the state law basis of the debt for a money judgment.

Here, the SAC has added bases for calculation of damages under state law but has still not set forth the state law basis for the monetary judgment. Thus, the Plaintiffs have still not addressed the concerns raised by the Court and Defendants that they do not have sufficient notice of the basis for a monetary judgment such that the Defendants can adequately defend themselves in the action.

TENTATIVE RULING

Based on the foregoing, including the Plaintiffs failure to file opposition to the Motion to Dismiss which can be deemed as consent to the granting of the Motion pursuant to LBR 9013-1(h), the Court is inclined to GRANT the Motion dismissing the SAC with leave to amend, in order to provide the Plaintiffs with an opportunity to set forth the specific bases for monetary damages under state law such that the litigation can proceed.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Represented By
Edward T Weber

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Anne Louise Goodman

Represented By
Edward T Weber

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#22.00 CONT Status Conference RE: [13] Amended Complaint by Michael J Hemming on behalf of Mark & Natasha Reynoso against Anne Louise Goodman, Douglas Edward Goodman. (RE: related document(s)1 Adversary case 6:16-ap-01277. Complaint by Mark & Natasha Reynoso against Douglas Edward Goodman, Anne Louise Goodman. false pretenses, false representation, actual fraud) filed by Plaintiff Mark & Natasha Reynoso)
(Holding Date)

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18, 7/11/18

Also #21 & #23

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#23.00 CONT Status Conference RE: [26] Crossclaim by Anne Louise Goodman, Douglas Edward Goodman against all defendants

From: 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18, 7/11/18

Also #21 & #22

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Samer A Nahas
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Samer A Nahas
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01035 Sonnenfeld v. Richardson

#24.00 CONT Status Conference re Notice of Removal RE: [1] Adversary case 6:18-ap-01035. Complaint by Cleo Sonnenfeld against Joshua C Richardson. Case No. RIC 1700456]; Attachments: # 1 Notice of Status Conference re Removal of Action Nature of Suit: 01 - Determination of removed claim or cause

From: 3/28/18, 6/13/18, 7/25/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/19/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua C Richardson

Pro Se

Plaintiff(s):

Cleo Sonnenfeld

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:17-19010 Sara Durham

Chapter 7

Adv#: 6:18-01020 SCE Federal Credit Union v. Durham

#25.00 Motion to Strike Defendant's Answer and Enter Default

Also #26

EH ____

Docket 26

Tentative Ruling:

10/24/18

BACKGROUND

On October 30, 2017, Sara Durham ("Debtor") filed a Chapter 7 voluntary petition. On January 8, 2018, SCE Federal Credit Union ("Plaintiff") filed a non-dischargeability complaint against Debtor. On February 8, 2018, Debtor filed her answer to the complaint.

On May 2, 2018, Plaintiff filed a motion to compel Debtor to respond to discovery. The Court granted the motion pursuant to an order entered June 6, 2018.

On September 26, 2018, Plaintiff filed a motion to strike the answer of Debtor and for entry of default. The basis for Plaintiff's motion is (1) Debtor's failure to appear at either status conference in this case; (2) Debtor's failure to participate in the drafting of a status report for either status conference; (3) Debtor's failure to respond in any way to the discovery requests originally propounded on February 27, 2018; (4) Debtor's continued failure to respond to discovery after the Court entered an order compelling her response; and (5) Debtor's failure to pay \$1,013.50 in sanctions that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Sara Durham

Chapter 7

were ordered against her to reimburse Plaintiff for bringing a motion to compel.

DISCUSSION

FED. R. CIV. P. Rule 37(b)(2)(A), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 7037, states:

(A) If a party or a party's officer, director, or managing agent – or a witness designated under Rule 30(b)(6) or 31(a)(4) – fails to obey an order to provide or permit discovery, including an order under Rule 26(f), 35, or 37(a), the court where the action is pending may issue further just orders. They may include the following:

- (I) directing that the matter embraced in the order or other designated facts be taken as established for purposes of the action, as the prevailing party claims;
- (II) prohibiting the disobedient party from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;
- (III) striking pleadings in whole or in part;
- (IV) staying further proceedings until the order is obeyed;
- (V) dismissing the action or proceeding in whole or in part;
- (VI) rendering a default judgment against the disobedient party;
- (VII) treating as contempt of court the failure to obey any order except an order to submit to a physical or mental examination.

Furthermore, FED. R. CIV. P. Rule 37(d)(3) permits the Court to order the above listed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Sara Durham

Chapter 7

sanctions in response to a party's failure to attend its own deposition, serve answers to interrogatories, or respond to a request for inspection.

Here, Plaintiffs have adequately established that Debtor has failed to participate in this case in any meaningful way. Based on Debtor's continued failure to cooperate in discovery or the preparation of status reports, and Debtor's failure to attend any hearing in this, and noting the lack of opposition to the instant motion, the Court is inclined to strike Debtor's answer. Regarding Plaintiffs' request that the Court enter default against Debtor, once Debtor's answer is stricken, the Plaintiff may follow the normal procedures for seeking entry of default and a default judgment.

TENTATIVE RULING

The Court is inclined to GRANT the motion to the extent of STRIKING Debtor's Answer.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sara Durham

Represented By
Edgar P Lombera

Defendant(s):

Sara Durham

Pro Se

Movant(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Sara Durham

Chapter 7

Plaintiff(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:17-19010 Sara Durham

Chapter 7

Adv#: 6:18-01020 SCE Federal Credit Union v. Durham

#26.00 CONT Status Conference Re: Complaint by SCE Federal Credit Union against Sara Durham. (14),(14A) priority tax claims)), 62 - Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud

From: 3/21/18, 6/27/18, 8/22/18

Also #25

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara Durham

Represented By
Edgar P Lombera

Defendant(s):

Sara Durham

Pro Se

Plaintiff(s):

SCE Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:18-01123 First Home Bank v. Karadas

#27.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01123. Complaint by First Home Bank against Sean Karadas. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(65 (Dischargeability - other)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (72 (Injunctive relief - other))(Kastan, Joshua)

From: 7/25/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

6:18-10208 Rolando Carlos Reyes
Adv#: 6:18-01117 Pringle v. Reyes

Chapter 7

#28.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01117. Complaint by John P. Pringle against Reginald Reyes. (Charge To Estate - \$350.00). with Proof of Service Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)) (Iskander, Brandon)

From: 7/25/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/16/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rolando Carlos Reyes

Represented By
Walter Scott

Defendant(s):

Reginald Reyes

Represented By
Walter Scott

Joint Debtor(s):

Florencia Aquino Reyes

Represented By
Walter Scott

Plaintiff(s):

John P. Pringle

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 24, 2018

Hearing Room 303

2:00 PM

CONT... Rolando Carlos Reyes

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By

Lynda T Bui

Brandon J Iskander

Shulman Hodges & Bastian LLP

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:14-19913 Martin Caballero and Clementina Caballero

Chapter 13

#1.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments (re: increased income)

EH__

Docket 127

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Caballero

Represented By
Luis G Torres

Joint Debtor(s):

Clementina Caballero

Represented By
Luis G Torres

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17605 Joseph N Duguay, II

Chapter 13

#2.00 Motion to Avoid Lien U.S. Bank Trust, N.A. as Trustee for LSF9 Master Participation Trust

EH__

Docket 15

Tentative Ruling:

10/25/2018

The Court having reviewed the motion, and noting the lack of opposition, is inclined to GRANT the motion, avoiding the junior lien of U.S. Bank Trust, N.A. as trustee upon completion of the Chapter 13 plan.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Joseph N Duguay II

Represented By
Andy C Warshaw

Movant(s):

Joseph N Duguay II

Represented By
Andy C Warshaw
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17008 Michael R Fink

Chapter 13

#3.00 Motion By United States Trustee To Dismiss Chapter 13 Case with A Re-filing Bar

Also #4

EH__

Docket 11

Tentative Ruling:

10/25/18

BACKGROUND

On August 20, 2018, Michael Fink ("Debtor") filed a skeletal Chapter 13 voluntary petition. Debtor had previously filed bankruptcies in November 1998, November 2011, January 2012, May 2016, and September 2017, all of which were dismissed for failure to file information or failure to appear at the meeting of creditors. On September 12, 2018, UST filed a motion to dismiss case, requesting a one-year re-filing bar.

DISCUSSION

I. Dismissal

11 U.S.C. § 707(b)(1) permits the Court to dismiss a Chapter 7 case for abuse. 11 U.S.C. § 707(b)(3)(A) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

CONT... Michael R Fink

Chapter 13

(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in paragraph (2)(A)(i) does not arise or is rebutted, the court shall consider –

(A) whether the debtor filed the petition in bad faith

In determining whether a case should be dismissed under § 707(b)(3)(A), the Court considers the totality of the circumstances, but is ultimately instructed to consider whether "the debtor's intention in filing a bankruptcy petition is inconsistent with the Chapter 7 goals of providing a 'fresh start' to debtors and maximizing the return to creditors." *In re Mitchell*, 357 B.R. 142, 154-55 (Bankr. C.D. Cal. 2006) (listing factors to be considered in making that determination).

The majority of the *Mitchell* factors are inapplicable when, as here, a debtor files a skeletal petition that does not provide the Court with sufficient information to apply the *Mitchell* test. Only factor seven (history of bankruptcy filings) and, possibly, factor nine (egregious behavior) can be assessed when a debtor files a skeletal petition. Both those factors weigh in favor of dismissal when, as here, a debtor repeatedly files skeletal petitions during a short period of time, and does not disclose previous filings.¹ While § 707(a)(1) and (3) provide for dismissal when a debtor fails to fulfill his duties under the Bankruptcy Code, when a debtor repeatedly files bankruptcy and fails to evince any attempt to comply with the filing requirements, it can be inferred, absent any indication to the contrary, that the debtor's purpose in filing bankruptcy is not to take advantage of the fresh start. *See, e.g., In re Craighead*, 377 B.R. 648, 655 (Bankr. N.D. Cal. 2007) ("Courts generally hold that when a debtor repeatedly files bankruptcy petitions and then repeatedly fails to file schedules or to comply with other requirements, this pattern of behavior is evidence of bad faith and an attempt to abuse the system."). Dismissal under § 707(b)(3) is appropriate in those circumstances.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

CONT... Michael R Fink

Chapter 13

II. Re-Filing Bar

The court is empowered to impose a refiling bar under 11 U.S.C. § 349(a). As COLLIER notes, courts' analysis of this section is somewhat confused due to confounding "dismissal with prejudice" with "dismissal with injunction against future filings." COLLIER ON BANKRUPTCY ¶ 349.02[3]; *compare In re Garcia*, 479 B.R. 488 (Bankr. N.D. Ind. 2012) (denying motion for dismissal with prejudice, but imposing three-year refiling bar) *with In re Craighead*, 377 B.R. 648 (Bankr. N.D. Cal. 2007) (appearing to equate dismissal with prejudice with an injunction against refiling).

There is also a circuit split concerning whether an injunction on refiling for more than 180 days is allowed under the Bankruptcy Code. *Compare In re Frieouf*, 938 F.2d 1099 (10th Cir. 1991) (180 days is maximum allowed length of refiling injunction) *with Casse v. Key Bank Nat. Ass'n*, 198 F.3d 327 (2nd Cir. 1999) (injunction against filing for more than 180 days permissible). 11 U.S.C. § 349(a) reads:

Unless, the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.

The disagreement revolves around whether the qualifier "Unless, the court, for cause, orders otherwise" modifies the content after the semi-colon. *In re Leavitt* noted this disagreement, but since the court was dealing with a dismissal with prejudice, rather than an injunction against refiling, it did not resolve the issue. 209 B.R. 935, 942 (9th Cir. B.A.P. 1997). Within the Ninth Circuit, it appears the trend is to adopt the reasoning of the Second Circuit and allow injunctions for more than 180 days. *See e.g. In re Velasques*, 2012 WL 8255582 at *3 (Bankr. E.D. Cal. 2012).

Here, Debtor has filed five previous bankruptcies which were all summarily dismissed, and, in the instant case, failed to file the balance of the schedules. As noted above, the Court has determined that Debtor's behavior is sufficient to warrant dismissal for bad faith and the Court finds the requested one-year refiling bar to be appropriate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

CONT... Michael R Fink

Chapter 13

Moreover, Debtor's failure to oppose is deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

The Court is inclined to GRANT the motion, dismissing the case and imposing a re-filing bar of one year.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael R Fink

Pro Se

Movant(s):

United States Trustee (RS)

Represented By

Abram Feuerstein esq

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17008 Michael R Fink

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

Also #3

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael R Fink

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#5.00 Motion to Dismiss Case for Failure to Make Plan Payments to dismiss case and/or for order determining Milestone's debt is not subject to Debtor's plan or modification of plan

Also #6

EH__

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#6.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 150 W. Highland Ave, San Bernardino, CA 92405

MOVANT: MILESTONE FINANCIAL LLC

From: 9/25/18, 10/18/18

Also #5

EH__

Docket 49

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

As a preliminary note, the Court notes that Local Rule 4001-(1)(c)(4) states that: "[a] motion for relief from the automatic stay must be filed separately from, and not combined in the same document with, any other request for relief, unless otherwise ordered by the court." Therefore, the default position is that the alternative requests made by Movant, for dismissal of the case or modification of the plan, are inappropriately brought in conjunction with a motion for relief from stay. Here, the Court is inclined to not deviate from the default position, because such requests are more appropriately heard on a Chapter 13 calendar when the Chapter 13 Trustee is present. Therefore, the Court is inclined to DENY the alternative requests for dismissal of the case or modification of the plan without prejudice.

Regarding the request for relief from the automatic stay, the Court notes that Debtor is correct in asserting that the Chapter 13 plan is a conduit plan, with payments to be made to Del Toro Loan Servicing, Movant's servicer, through the plan. While the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

CONT... Fernando Coronel and Maria Coronel Chapter 13

Court notes that the docket does not reflect that a motion to dismiss for delinquency has been filed in this case, Debtor has not provided any supporting documentation indicating that the Chapter 13 plan payments are current.

Parties to discuss status of Chapter 13 plan payments and whether funds have been received by Movant and/or its loan servicer, Del Toro Loan Servicing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16681 Melissa Cheryl Ron

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Cheryl Ron

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16792 Richard Steward

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Steward

Represented By
Jamil L White

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16804 Adam Brian Britt and Kenya Lashawn Britt

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Brian Britt

Represented By
Scott Kosner

Joint Debtor(s):

Kenya Lashawn Britt

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16815 Javier Ortega

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Ortega

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16820 Anna Marie Montgomery

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna Marie Montgomery

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16828 Rosalva Perez Camacho

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosalva Perez Camacho

Represented By
Anthony P Cara

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16855 Juan Manuel Barragan and Yazmeen Nicole Barragan

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Manuel Barragan

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Yazmeen Nicole Barragan

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16856 Jason Wade Trust and Shontay Leanne Trust

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Wade Trust

Represented By
Benjamin R Heston

Joint Debtor(s):

Shontay Leanne Trust

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16857 Scott R Moore

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott R Moore

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16862 Chadwick Otieno Ochieng and Christine Achieng Matoka

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Joint Debtor(s):

Christine Achieng Matoka

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16868 John Morris and Cassandra Morris

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Morris

Represented By
Julie J Villalobos

Joint Debtor(s):

Cassandra Morris

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16892 Shelley Elizabeth Gastelo

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shelley Elizabeth Gastelo

Represented By
Marcella Lucente

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16910 Humberto Camacho, Jr and Sarah Camacho

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/4/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Humberto Camacho Jr

Represented By
Christian N. Cooper

Joint Debtor(s):

Sarah Camacho

Represented By
Christian N. Cooper

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16932 Olivia Lopez

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Olivia Lopez

Represented By
William Radcliffe

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16957 Juan Carlos Bonilla Echeverria and Samantha Patricia

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos Bonilla Echeverria

Represented By
Dana Travis

Joint Debtor(s):

Samantha Patricia Estupinan

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16959 Robert J Martin and Amanda J Martin

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert J Martin

Represented By
Paul Y Lee

Joint Debtor(s):

Amanda J Martin

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16971 Jaime Rodriguez and Amy Lynn Rodriguez

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Rodriguez

Represented By
Robert W Ripley

Joint Debtor(s):

Amy Lynn Rodriguez

Represented By
Robert W Ripley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16978 Leanne Diaz

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leanne Diaz

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16983 Lakendra Johnson

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lakendra Johnson

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-16996 Gabriel Cruz

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17000 James K. Bingham and Lisa D. Bingham

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James K. Bingham

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Lisa D. Bingham

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17003 Jose Gacho Ruidera, Jr. and Maria Genalyn Raneses

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Gacho Ruidera Jr.

Represented By
Dana Travis

Joint Debtor(s):

Maria Genalyn Raneses Ruidera

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17005 **Samy M. Girgis**

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samy M. Girgis

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17207 Linda Irene Christ

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Linda Irene Christ

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17204 Justo Ocegueda

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justo Ocegueda

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17054 Todd Kenneth Brothers and Rubi Zelena Brothers

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Todd Kenneth Brothers

Represented By
Jenny L Doling

Joint Debtor(s):

Rubi Zelena Brothers

Represented By
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17079 Ronald A Carter

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald A Carter

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17109 Bryant Douglas Nevitt

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryant Douglas Nevitt

Represented By
Marc A Duxbury

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17117 Brandon Scott Jones and Lizette Rosita Jones

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brandon Scott Jones

Represented By
Todd L Turoci

Joint Debtor(s):

Lizette Rosita Jones

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17122 Rena Renee Payne

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rena Renee Payne

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17148 Marcia Yasko

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcia Yasko

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:18-17154 Robert Shanks and Kimberly J Shanks

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Shanks

Represented By
David L Nelson

Joint Debtor(s):

Kimberly J Shanks

Represented By
David L Nelson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#40.00 Motion to vacate (1) Vacate Dismissal and Set Aside Trustee Rod Danielson's Motion to Dismiss Chapter 13 Order and Dismissal for no Jurisdiction; (2) Trustee Rod Danielson has No Standing to Bring Motion to Dismiss Chapter 13 as he was sued in the Adversary Proceeding Case No. 6:17-ap-01187 MH, which is a Conflict of Interest; (3) Request for an Accounting and Claim Numbers on any Unsecured Debts Rule 71 in Adversary Proceeding Case No 6:17-ap-01187 MH and Chapter 13 Case No 6:16-bk-16720 MH; (4) Memorandum of Points and Authorities; (5) Declaration of Luevina Henry

EH ____

Docket 110

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry Pro Se

Defendant(s):

Real Time Resolutions Inc Represented By
Renee M Parker

THE BANK OF NEW YORK Represented By
Renee M Parker

Riverside County Sheriff Represented By
Ronak N Patel

Tavares Pro Se

Movant(s):

Luevina Henry Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

CONT... Luevina Henry

Chapter 13

Plaintiff(s):

Luevina Henry

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

#41.00 Motion to (1) Vacate Dismissal and Set Aside Trustee Rod Danielson's Motion to Dismiss Chapter 13 Order and Dismissal for no Jurisdiction; (2) Trustee Rod Danielson has No Standing to Bring Motion to Dismiss Chapter 13 as he was sued in the Adversary Proceeding Case No. 6:17-ap-01187 MH, which is a Conflict of Interest; (3) Request for an Accounting and Claim Numbers on any Unsecured Debts Rule 71 in Adversary Proceeding Case No 6:17-ap-01187 MH and Chapter 13 Case No 6:16-bk-16720 MH; (4) Memorandum of Points and Authorities; (5) Declaration of Luevina Henry

Also #42

EH ____

Docket 187

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry	Pro Se
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Movant(s):

Luevina Henry	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

#42.00 Order to show cause why order granting application for compensation (Docket No. 174) should not be vacated

Also #41

EH__

Docket 191

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:14-18349 Fabiola Adame

Chapter 13

#43.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH__

Docket 179

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabiola Adame

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:14-23150 Vivian Munson

Chapter 13

#44.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18

EH__

Docket 218

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vivian Munson

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:15-16637 Martin D Woods and Shante L Woods

Chapter 13

#45.00 CONT Trustee's Motion to Dismiss Case

From: 9/27/18

EH__

Docket 94

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin D Woods

Represented By
M Wayne Tucker

Joint Debtor(s):

Shante L Woods

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#46.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18, 9/13/18

EH__

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:17-10460 Julio Cesar Cacho and Rosalie Ann Cacho

Chapter 13

#47.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio Cesar Cacho

Represented By
M Wayne Tucker

Joint Debtor(s):

Rosalie Ann Cacho

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:17-12118 Veronica A Mendoza

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica A Mendoza

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:17-14619 Candice Maria Borrego

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Candice Maria Borrego

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:17-14789 Sadia Sohail

Chapter 13

#50.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/3/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sadia Sohail

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:17-18210 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#51.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH ____

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:17-20652 Marian Amelia Pagano

Chapter 13

#52.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 9/13/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marian Amelia Pagano

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:18-11270 Yvonne Irene Rodriguez

Chapter 13

#53.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 9/27/18

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yvonne Irene Rodriguez

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:18-12170 Pamela Ann Harris

Chapter 13

#54.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela Ann Harris

Represented By
Halli B Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#55.00 CONT Trustee's Motion to Dismiss Case

From: 9/27/18

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

11:01 AM

6:18-12819 Adrian Lopez and Patricia Lopez

Chapter 13

#56.00 Trustee's Motion to Dismiss Case

EH ____

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adrian Lopez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Patricia Lopez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

12:30 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#57.00 Emergency Motion To Continue Date For Production Of Documents
Subpoenaed By Plaintiff On MUFG Union Bank, N.A. And U.S. Bank, N.A.

EH__

Docket 88

*** VACATED *** REASON: MOTION NOT FILED

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, October 25, 2018

Hearing Room 303

1:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

#58.00 CONT Trustees Motion For Entry Of An Order: (A) Approving Sale Of Real Property Free And Clear Of Certain Liens Or Interests; (B) Approving Overbid Procedures; (C) Approving The Carve-Out And Disbursements Of Sale Proceeds; And (D) Granting Related Relief

From: 9/26/18, 10/24/18

EH__

Docket 121

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Movant(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:13-28594 Jimmy Radu Vianu and Milagros Vianu

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Jeep Patriot

MOVANT: JPMORGAN CHASE BANK N.A.

EH__

Docket 81

Tentative Ruling:

10/30/2018
Service is proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jimmy Radu Vianu

Represented By
Andrew Nguyen

Joint Debtor(s):

Milagros Vianu

Represented By
Andrew Nguyen

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph M Pleasant

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:14-18349 Fabiola Adame

Chapter 13

#2.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 795 West Arrow Highway, Upland, CA 91786

MOVANT: HSBC BANK USA N.A.

From: 10/16/18

EH__

Docket 180

***** VACATED *** REASON: ORDER ENTERED 10/22/18**

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fabiola Adame

Represented By
Ramiro Flores Munoz

Movant(s):

HSBC BANK USA

Represented By
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#3.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 483 Grapevine Dr, Corona CA 92882

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

From: 4/24/18, 5/29/18, 7/31/18

EH__

Docket 55

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

CONT... Carl J Charlot and Jacinta S Charlot

Chapter 13

Movant(s):

Deutsche Bank Trust Company

Represented By
April Harriott
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:15-20153 Rama Cokrohadian Suhari

Chapter 13

#4.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Hyundai Elantra, VIN:
KMMDH4AE5DU631848

MOVANT: WELLS FARGO BANK NA

EH ____

Docket 64

Tentative Ruling:

10/30/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request to lift § 1301 co-debtor stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rama Cokrohadian Suhari

Represented By
M Wayne Tucker

Movant(s):

Wells Fargo Bank, N.A. d/b/a Wells

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:16-12129 Malek Boshra Abdelmalek

Chapter 13

#5.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 40231 Banyan St., Murrieta, CA 92563

MOVANT: LAKEVIEW LOAN SERVICING, LLC

EH ____

Docket 39

Tentative Ruling:

10/30/2018
Service: Proper
Opposition: Yes

Parties to update the Court regarding the progress of APO discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Malek Boshra Abdelmalek

Represented By
Carey C Pickford

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Brett P Ryan
Jason C Kolbe
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:17-13649 Fernando Fabrigas, Sr. and Estela F. Fabrigas

Chapter 7

#6.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 231 Arden Street, Hemet, CA 92543

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 7/31/18

EH__

Docket 75

***** VACATED *** REASON: CONTINUED TO 1/8/19 AT 10:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Fabrigas Sr.

Represented By
R Creig Greaves
Kevin Tang

Joint Debtor(s):

Estela F. Fabrigas

Represented By
R Creig Greaves
Kevin Tang

Movant(s):

FREEDOM MORTGAGE

Represented By
Jason C Kolbe
Nancy L Lee

Trustee(s):

Charles W Daff (TR)

Represented By
Lynda T Bui
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

**CONT... Fernando Fabrigas, Sr. and Estela F. Fabrigas
Rika Kido**

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:17-14908 Joan Eleanor Demiany

Chapter 13

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1055 East Via Colusa, Palm Springs, CA 92262

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 9/11/18

EH__

Docket 35

Tentative Ruling:

10/30/2018

The Movant submitted evidence that the Debtor is delinquent in the amount of \$30,303.59, having missed 10 postconfirmation payments. The parties stipulated to a continuance of the hearing from September 11, 2018 to this date. The primary basis of opposition appears to be regarding the status of a loan modification application. Parties to update the Court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joan Eleanor Demiany

Represented By
Jenny L Doling

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:17-15740 Mark Gehrig

Chapter 13

#8.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 22424 Tanager Street, Grand Terrace, CA 92313

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 6/6/18, 9/11/18

EH__

Docket 59

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request for relief from the co-debtor stay. GRANT request under ¶ 3
permitting Movant to offer Debtor loan workout options; and GRANT order
designating Debtor as "borrower" under Cal. Civil Code § 2920.5. DENY request
pursuant to § 362(d)(2) for lack of cause shown and DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

CONT... Mark Gehrig

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:17-15893 Joseph Manuel Ruiz and Shannon Elizabeth Ruiz

Chapter 13

#9.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chevrolet Cruze, VIN 1G1BE5SM3G7250074

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC

From: 9/25/18, 10/16/18

EH__

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/23/18**

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Joseph Manuel Ruiz

Represented By
April E Roberts

Joint Debtor(s):

Shannon Elizabeth Ruiz

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

CONT... Joseph Manuel Ruiz and Shannon Elizabeth Ruiz
April E Roberts

Chapter 13

Movant(s):

Americredit Financial Services, Inc.,

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-13172 Michelle Cadena Quinn

Chapter 13

#10.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 3656 N. Valley Court, San Bernardino, CA 92407

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION

From: 6/13/18, 8/28/18, 9/11/18, 10/16/18

EH__

Docket 10

***** VACATED *** REASON: ORDER ENTERED 10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Movant(s):

Seterus, Inc. as the authorized

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-16634 Enoch Young

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Nissan Sentra (3N1AB7AP1FY329424)

MOVANT: VEROS CREDIT LLC

EH__

Docket 21

Tentative Ruling:

10/30/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Enoch Young

Represented By
Patricia M Ashcraft

Movant(s):

Veros Credit, LLC

Represented By
Robert M Tennant

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-17258 Harold Lundy and Clare Ann Lundy

Chapter 7

#12.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 28942 Via La Espalda, Murrieta

MOVANT: POSITIVE INVESTMENT

EH__

Docket 15

Tentative Ruling:

10/30/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Harold Lundy Pro Se

Joint Debtor(s):

Clare Ann Lundy Pro Se

Movant(s):

Positive Investment, Inc. Represented By
Helen G Long

Trustee(s):

Arturo Cisneros (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-17468 Christopher Joseph Bluit

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 Chevrolet Suburban, VIN 3GNFC16047G183379

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 10

Tentative Ruling:

10/30/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY APO request as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Christopher Joseph Bluit

Represented By
Michael E Clark

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-17797 Susan Violet Guillot

Chapter 13

#14.00 Motion in individual case for order imposing a stay or continuing the automatic stay as the court deems appropriate

MOVANT: SUSAN VIOLET GUILLOT

EH__

Docket 38

Tentative Ruling:

10/30/2018

The instant case was filed within one year of the dismissal of the Debtor's prior case, Case No. 17-15347. Thus, the Debtor must seek to continue the stay pursuant to § 362(c)(3). The language of § 362(c)(3) plainly states that the Court cannot extend the stay until "after notice and hearing completed before the expiration of the 30-day period". Here, the 30-day period expired on October 14, 2018. The Court has no authority to extend the stay. The Motion must be DENIED.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Susan Violet Guillot

Represented By
Gary S Saunders

Movant(s):

Susan Violet Guillot

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-18326 Louise Laster

Chapter 13

#15.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 13564 Ranier Ave., Corona, CA 92880

MOVANT: LOUISE LASTER

EH ____

Docket 14

Tentative Ruling:

10/30/2018

The Motion seeks to continue the stay as to all creditors, including Bayview, the servicer as to mortgage payments on the Debtor's primary residence. First, the proof of service indicates that the Debtor failed to serve any creditors other than Bayview the Motion is denied as to any creditors other than Bayview. As to Bayview, the Debtor has provided sufficient evidence to overcome the presumption that the case was not filed in good faith.

The hearing was set on regular notice and no opposition has been filed. The Court is inclined to GRANT the Motion as to Bayview and DENY as to all other creditors.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Louise Laster

Represented By
Neil R Hedtke

Movant(s):

Louise Laster

Represented By
Neil R Hedtke

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

CONT... Louise Laster

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

10:00 AM

6:18-18504 Elmer Arnold Tompkins

Chapter 13

#16.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate

MOVANT: ELMER TOMPKINS

EH__

Docket 11

Tentative Ruling:

10/30/2018

The Debtor has provided sufficient evidence to overcome the presumption that the case was not filed in good faith. The Court is inclined to GRANT the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Elmer Arnold Tompkins

Represented By
Scott Kosner

Movant(s):

Elmer Arnold Tompkins

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01109 David M. Goodrich, Chapter 11 Trustee v. Titanium Resource Company,

#17.00 CONT Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against Titanium Resource Company, Inc., a California corporation. (Charge To Estate \$350.00). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 - preference, 13 Recovery of money/property - 548 fraudulent transfer

From: 7/10/18, 8/21/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Titanium Resource Company, Inc., a

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01110 David M. Goodrich, Chapter 11 Trustee v. Larson, D.C., an individual

#18.00 CONT Status Conference Re: Complaint by David M. Goodrich, Chapter 11 Trustee against John Larson, D.C., an individual. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers, Avoidance of Improper Distributions, and Unjust Enrichment and Adversary Proceeding Cover Sheet Nature of Suit: 12 - Recovery of money/property - 547 preference, 13- Recovery of money/property - 548 fraudulent transfer

From: 7/10/18, 8/21/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

John Larson, D.C., an individual

Represented By
Alan W Forsley

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01111 David M. Goodrich, Chapter 11 Trustee v. American Express Company, a

#19.00 CONT Status Conference RE: **3rd Party Complaint** [4] Answer to Complaint and Affirmative Defenses to Plaintiff's Complaint, and Third-Party Claim Against John C. Larson, Third-Party Complaint by American Express Company, a New York Corporation dba American Express, American Express Travel Related Services, Inc., a New York corporation dba American Express against John C. Larson

From: 8/21/18

Also #20

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

American Express Company, a New

Pro Se

American Express Travel Related

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01111 David M. Goodrich, Chapter 11 Trustee v. American Express Company, a

#20.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01111. Complaint by David M. Goodrich, Chapter 11 Trustee against American Express Company, a New York Corporation dba American Express, American Express Travel Related Services, Inc., a New York corporation dba American Express. (Charge To Estate). Complaint for Avoidance of Preferential and Fraudulent Transfers, Recovery of Transferred Property or Value Thereof, Preservation of Avoided Transfers and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Werth, Steven)

From: 7/10/18, 8/21/18

Also #19

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

American Express Company, a New

Pro Se

American Express Travel Related

Pro Se

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Mark S Horoupian

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01113 David M. Goodrich, Chapter 11 Trustee v. Netrova, Inc., a California

#21.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01113. Complaint by David M. Goodrich, Chapter 11 Trustee against Netrova, Inc., a California corporation. (Charge To Estate). Complaint for Avoidance and Recovery of Preferential Transfers Pursuant to 11 U.S.C. §§ 547(b), 550 and 551 and Adversary Proceeding Cover Sheet Nature of Suit: (12 (Recovery of money/property - 547 preference)) (Werth, Steven)

From: 7/10/18, 8/21/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Netreva, Inc., a California

Represented By
Lazaro E Fernandez

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Victor A Sahn
Steven Werth

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#22.00 CONT Application for Compensation and Notice of Hearing with Proof of Service for Todd L Turoci, Debtor's Attorney, Period: 12/2/2017 to 9/17/2018, Fee: \$164280.00, Expenses: \$7207.77. (Turoci, Todd)

From: 10/16/18

Also #23 - #24

EH__

Docket 414

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#23.00 Motion of CIT Group, Inc. for Allowance and Payment of Its Administrative Expense Claim

Also #22 - #24

EH__

Docket 421

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

CIT Group, Inc.

Represented By
Brian C Vanderhoof

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#23.10 Motion to Approve Stipulation By and Between Commercial Credit Group, Inc. and Debtor for Allowance of Administrative Rent Claim for \$94,978.00

Also #22 - #24

EH__

Docket 416

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#24.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18, 7/24/18, 8/14/18

Also #22 - #23

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Goe & Forsythe, LLP et al

#25.00 CONT Motion To Dismiss Amended Complaint Against Chapter 7 Trustee

From: 9/4/18

Also #26

EH__

Docket 14

***** VACATED *** REASON: CONTINUED TO 11/28/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Goe & Forsythe, LLP

Pro Se

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Movant(s):

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Goe & Forsythe, LLP et al

#26.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01105. Complaint by Joana Johnson against Vance Zachary Johnson, Goe & Forsythe, LLP. (61 (Dischargeability - 523(a)(5), domestic support)) (Talkov, Scott)

From: 7/10/18, 9/12/18

Also #25

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 11/28/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Goe & Forsythe, LLP

Pro Se

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#27.00 Motion for Valuation of Collateral

EH ____

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

Movant(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein
Robert B Rosenstein
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#28.00 CONT Motion for approval of chapter 11 disclosure statement

From: 9/11/18, 9/25/18

Also #29

EH__

Docket 45

***** VACATED *** REASON: CONTINUED TO 11/6/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#29.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 5/8/18, 8/21/18, 9/11/18, 9/25/18

Also #28

EH__

Docket 18

***** VACATED *** REASON: CONTINUED TO 11/6/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-17533 Antoine Hossein Babai

Chapter 11

#30.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 10/2/18

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoine Hossein Babai

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#31.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1778 Carr Rd Ste 4A, Calexico, CA 92231

MOVANT: PACIFIC RIM DISTRIBUTION CENTER LLC

Also #32

EH__

Docket 47

***** VACATED *** REASON: CONTINUED TO 11/13/18 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Pacific Rim Distribution Center,

Represented By
Kurt Ribbjerg

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#32.00 CONT Emergency motion Debtor and Debtor in Possession's Emergency Motion for Order (a) Prohibiting Utilities From Altering, Refusing, or Discontinuing Service; and (b) Deeming Utilities Adequate Assured of Future Performance Pursuant to 11 U.S.C. § 366

From: 10/5/18

Also #31

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#33.00 CONT Emergency Motion for Order Authorizing The Debtor To Keep Two Pre-Petition Bank Accounts Open For The Sole Purpose of Accepting Electronic Deposits
(FINAL HEARING)

From: 8/20/18, 9/25/18

Also #34 - #37

EH__

Docket 9

***** VACATED *** REASON: CONTINUED TO 1/29/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#34.00 CONT Patient Care Ombudsman's Emergency Motion for Order Approving Review of Confidential Patient Records Under § 333, and Approving Notice to Patients Under Bankruptcy Rule 2015.1(b)

From: 10/2/18

Also #33 - #37

EH__

Docket 75

***** VACATED *** REASON: CONTINUED TO 11/13/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz
Bradley A Cosman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#35.00 Application to Employ Perkins Coie LLP as Counsel to Patient Care
Ombudsman Retroactive to September 13, 2018

Also #33 - #37

EH__

Docket 97

***** VACATED *** REASON: CONTINUED TO 11/13/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz
Bradley A Cosman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#36.00 Application to Employ Seelig+Cussigh HCO LLC as Consultant to Patient Care Ombudsman Retroactive to September 13, 2018

Also #33 - #37

EH__

Docket 101

***** VACATED *** REASON: CONTINUED TO 11/13/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz
Bradley A Cosman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, October 30, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#37.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 8/28/18, 9/25/18

Also #33 - #36

EH__

Docket 4

***** VACATED *** REASON: CONTINUED TO 11/13/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

10:00 AM

6:18-14982 Audrey Yasui-Iwata

Chapter 7

#1.00 CONT Pro se Reaffirmation Agreement Between Debtor and Wescom Central Credit Union re 2014 Nissan Rogue

From: 10/17/18

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Audrey Yasui-Iwata

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

11:00 AM

6:17-11368 Cynthia Higl

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 37

Tentative Ruling:

10/31/2018

No opposition has been filed.

Service was Proper.

The Trustee's Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 185.50

Trustee Expenses: \$ 19.96

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Cynthia Higl

Represented By

Jonathan R Preston

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

11:00 AM

6:17-12748 William A. Mendez, II and Shawna D. Mendez

Chapter 7

#3.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 141

Tentative Ruling:

10/31/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the Application of the associated professional, the following administrative claims will be allowed:

Trustee Fees: \$ 10,500
Trustee Expenses: \$ 120.90

Attorney Fees: \$46,289.90
Attorney Costs: \$2,776.59

The applications for compensation are approved and the trustee and associated professionals may submit on the tentative. Additionally, pursuant to the Court's Order Authorizing payment to the tax preparer, the Court approves the fee of \$1,000 paid to Donald Fife as well as amounts previously authorized for GlassRatner and Jack Pope's services in connection with the marketing and auction of property of the estate.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

William A. Mendez II

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

11:00 AM

CONT... William A. Mendez, II and Shawna D. Mendez
Thomas J Polis

Chapter 7

Joint Debtor(s):

Shawna D. Mendez

Represented By
Thomas J Polis

Trustee(s):

Arturo Cisneros (TR)

Represented By
Todd A Frealy
Lindsey L Smith
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

11:00 AM

6:18-18457 Juan A Martinez

Chapter 13

#4.00 CONT Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate all property of the debtor

MOVANT: JUAN A MARTINEZ

From: 10/23/18

EH ____

Docket 10

Tentative Ruling:

10/23/2018

Service: Improper

Opposition: None

The Court notes that Debtor has failed to serve the secured creditor pursuant to FED. R. BANKR. P. Rule 7004, as required by this Court's procedures.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz

Movant(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#5.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18, 8/22/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUE TO 11/14/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat
UNIVERSAL ORTHOPAEDIC

Chapter 7

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01309 Cisneros v. DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN

#6.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01309. Complaint by A. Cisneros against DOUGLAS J. ROGER, M.D., INC. DEFINED BENEFIT PLAN. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential Transfer (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18, 8/22/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

DOUGLAS J. ROGER, M.D., INC.

Represented By
Summer M Shaw

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#7.00 CONT Status Conference RE: Amended Complaint (First) by Revere Financial Corporation and Jerry Wang, as State-Court Appointed Receiver by Franklin R Fraley Jr on behalf of Revere Financial Corporation, a California corporation against Revere Financial Corporation, a California corporation. (Attachments: # 1 Exhibit 1-8)

From: 4/25/18, 6/13/18, 8/22/18

EH__

Docket 82

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw
Thomas J Eastmond

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

A. Cisneros

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:18-12920 Jeffrey W Paradis

Chapter 7

Adv#: 6:18-01150 Discover Bank v. Paradis

#8.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01150. Complaint by Discover Bank against Jeffrey W Paradis.

From: 9/5/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey W Paradis

Represented By
Daniel King

Defendant(s):

Jeffrey W Paradis

Represented By
Daniel King

Plaintiff(s):

Discover Bank

Represented By
Holly J Nolan

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-16417 Robert H Mills, III

Chapter 7

Adv#: 6:17-01225 Liquid Capital Exchange, Inc. v. Mills, III

#9.00 Pre-Trial Conference RE: [1] Adversary case 6:17-ap-01225. Complaint by Liquid Capital Exchange, Inc. against Robert Harry Mills Jr.. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Langley, Christopher)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/30/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert H Mills III

Represented By
Catherine Christiansen

Defendant(s):

Robert H. Mills III

Represented By
Todd L Turoci

Plaintiff(s):

Liquid Capital Exchange, Inc.

Represented By
Christopher J Langley

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#10.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Mina Farah against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18, 7/11/18, 8/22/18, 9/26/18

EH__

Docket 5

***** VACATED *** REASON: ADVERSARY DISMISSED 10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#11.00 CONT Status Conference RE: [5] Amended Complaint FIRST AMENDED COMPLAINT FOR NONDISCHARGEABILITY BASED ON 11 USC § 523(a)(2) (A) by Wayne W Suojanen on behalf of Anis Khalil against Mark Bastorous. (Suojanen, Wayne)

From: 5/9/18, 7/11/18, 8/22/18, 9/26/18

EH__

Docket 5

***** VACATED *** REASON: ADVERSARY DISMISSED 10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01063 Chen et al v. Bastorous et al

#12.00 CONT Status Conference re Amended Complaint by Douglas L Mahaffey on behalf of Chienan Chen, Chun-Wu Li against Bernadette Shenouda, 3 Columnar Ladera LLC, Mike Bareh, Mark Bastorous, MB Capital Group LLC.

From: 5/9/18, 6/6/18, 8/22/18

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

3 Columnar Ladera LLC

Pro Se

Mike Bareh

Represented By
Mirco J Haag
Jason E Goldstein

MB Capital Group LLC

Pro Se

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

Chienan Chen

Represented By
Douglas L Mahaffey

Chun-Wu Li

Represented By
Douglas L Mahaffey

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#13.00 CONT Status Conference Re: Adversary case 6:18-ap-01064. Complaint by Mona Gerges, Rafet Gerges, St. Mary Properties, LLC against Mark Bastorous, Bernadette Shenouda. False pretenses, False representation, actual fraud, 67- Dischargeability - 523(a)(4); Fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), Willful and malicious injury

From: 5/9/18, 5/16/18, 7/11/18, 8/22/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01174 Pringle Ch 7 Trustee v. Shenouda et al

#14.00 Status Conference RE: [1] Adversary case 6:18-ap-01174. Complaint by John P Pringle Ch 7 Trustee against Violete Shenouda, Anwar Wagdy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Fraudulent Transfers Pursuant to 11 U.S.C. Sections 548(a)(1)(A) and 550; (2) To Avoid and Recover Fraudulent Transfers Pursuant to 11 U.S.C. Sections 548(a)(1)(B) and 550; (3) To Avoid Transfer Pursuant to 11 U.S.C. Section 544(a)(3); (4) To Preserve Transfers Pursuant to 11 U.S.C. Section 551; (5) For Declaratory Relief; (6) For Imposition of Resulting Trust; (7) For Imposition of Constructive Trust; and (8) For Attorneys' Fees and Costs Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(72 (Injunctive relief - other)),(91 (Declaratory judgment)),(14 (Recovery of money/property - other)) (Goodrich, David)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Violete Shenouda

Represented By
John J Lewis

Anwar Wagdy

Represented By
John J Lewis

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P Pringle Ch 7 Trustee

Represented By
David M Goodrich
Reem J Bello

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01057 Whitson et al v. Bastorous

#15.00 CONT Status Conference RE: Adversary case 6:18-ap-01057. Complaint by Blaine Whitson, Susan Whitson, Union Home Loan Profit Sharing Plan, Gurpaljit Deoll, Benny Winefeld, RM Holdings, LLC against Mark Bastorous. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

CASE DISMISSED 5/21/18

From: 5/9/18, 8/22/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Blaine Whitson

Represented By
Benjamin Taylor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, October 31, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Susan Whitson

Represented By
Benjamin Taylor

Union Home Loan Profit Sharing

Represented By
Benjamin Taylor

Gurpaljit Deoll

Represented By
Benjamin Taylor

Benny Winefeld

Represented By
Benjamin Taylor

RM Holdings, LLC

Represented By
Benjamin Taylor

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 1, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#1.00 Status Conference on Complaint fld 8-25-17 - Dischargeability, willful and malicious injury, validity, priority or extent of lien or other interest in property, injunctive relief

From: 11/16/17

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/6/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Luevina Henry Pro Se

Defendant(s):

Real Time Resolutions Inc Represented By
Renee M Parker

THE BANK OF NEW YORK Represented By
Renee M Parker

Riverside County Sheriff Represented By
Ronak N Patel

Tavares Pro Se

Plaintiff(s):

Luevina Henry Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, November 5, 2018

Hearing Room 303

9:30 AM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#1.00 Evidentiary hearing re Order to Show Cause Why Jesse Bojorquez, American Business Investments, William Morschauser, Stephen Collias and Continental Capital, LLC, Should Not Be Sanctioned for Facilitating Payment to and/or Receiving Payment for Broker Services in Contravention of this Court's August 11, 2003, Sale Order

EH__

Docket 242

***** VACATED *** REASON: CONTINUED TO 1/22/19 AT 9:30 AM**

Party Information

Debtor(s):

Devore Stop A General Partners	Represented By Arshak Bartoumian - DISBARRED - Newton W Kellam
Devore Stop	Represented By Hutchison B Meltzer

Defendant(s):

Continental Capital LLC	Represented By Cara J Hagan
Stephen Collias	Represented By Cara J Hagan
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ
American Business Investments	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ
Mohammed Abdizadeh	Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, November 5, 2018

Hearing Room 303

9:30 AM

CONT... Devore Stop A General Partners

Chapter 7

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-19067 Denise Valencia

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 13820 Ellis Park Trail Eastvale, CA 92880

MOVANT: SHERRI SHAFIZADEH

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Valencia	Pro Se
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Movant(s):

Sherri S Shafizadeh	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-18478 Jose Granados and Norma Granados-Maycott

Chapter 13

#2.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 23919 Ridge Point Ct., Moreno Valley, CA 92557

MOVANT: JOSE GRANADOS AND NORMA GRANADOS-MAYCOTT

EH__

Docket 10

Tentative Ruling:

11/6/18

Service: Proper
Opposition: None

The Court notes that Debtors did not serve counsel for the secured creditor which obtained relief from stay in the prior case. Further, Debtors state that relief from stay was obtained as a result of a medical diagnosis in February 2018, but the relief from stay order was entered in October 2017. Thus, the evidence presented is not clear and convincing.

APPERANCES REQUIRED.

Party Information

Debtor(s):

Jose Granados

Represented By
Todd L Turoci

Joint Debtor(s):

Norma Granados-Maycott

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... Jose Granados and Norma Granados-Maycott

Chapter 13

Movant(s):

Jose Granados

Represented By
Todd L Turoci
Todd L Turoci

Norma Granados-Maycott

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-18344 Adrien Liets and Marine Lazaro Liets

Chapter 7

#3.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2017 Volkswagon Golf

MOVANT: THE GOLDEN 1 CREDIT UNION

EH ____

Docket 8

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Adrien Liets

Represented By
Melissa A Raskey

Joint Debtor(s):

Marine Lazaro Liets

Represented By
Melissa A Raskey

Movant(s):

The Golden 1 Credit Union

Represented By
Mirco J Haag

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... Adrien Liets and Marine Lazaro Liets

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-18103 Jaime Harris St James

Chapter 7

#4.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2011 NISSAN ALTIMA, VIN:
1N4AL2EP3BC115969

MOVANT: MECHANICS BANK A CA BANKING CORPORATION

EH__

Docket 7

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.
DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jaime Harris St James

Represented By
Neil R Hedtke

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjian

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-17022 William Piere and Caitlyn Whalen

Chapter 7

#5.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 HONDA CR-V, VIN: 2HKR M3H4 0GH5
59081

MOVANT: HONDA LEAST TRUST

EH____

Docket 11

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.
DENY alternative request under ¶ 11.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

William Piere

Represented By
Paul Y Lee

Joint Debtor(s):

Caitlyn Whalen

Represented By
Paul Y Lee

Movant(s):

HONDA LEASE TRUST

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... William Piere and Caitlyn Whalen

Vincent V Frounjian

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-16983 Lakendra Johnson

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Kia Soul, VIN: KNDJP3A5XG7359630

MOVANT: AMERICREDIT FINANCIAL SERVICES INC

EH ____

Docket 22

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY
alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Lakendra Johnson

Represented By
Neil R Hedtke

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 17455 Kentucky Derby Drive, Moreno Valley, California 92555

MOVANT: WVMF FUNDING LLC

EH__

Docket 30

Tentative Ruling:

11/6/2018

Service is Proper

Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lamar Ramon Benjamin

Represented By
Ethan Kiwhan Chin

Movant(s):

WVMF Funding, LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-14714 Gilbert L Belfatto and Carole L Morgan

Chapter 7

#8.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 HONDA HR-V, VIN: 3CZR U5H5 0GM7
40402

MOVANT: HONDA LEASE TRUST

EH ____

Docket 18

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

As noted by Movant, pursuant to 11 U.S.C. § 362(c)(2)(C), the automatic stay terminated as to acts against Debtors when Debtors received their discharge on September 17, 2018. Pursuant to 11 U.S.C. §365(p)(1), the automatic stay in favor of the bankruptcy estate terminated as to this lease on August 1, 2018, the deadline for Trustee to assume or reject the unexpired lease. Therefore, the Court will GRANT the motion to the extent of confirming there is no stay in place.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gilbert L Belfatto

Represented By
Christopher Hewitt

Joint Debtor(s):

Carole L Morgan

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... Gilbert L Belfatto and Carole L Morgan

Chapter 7

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-14278 David Bruce Bremer and Tina Marie Bremer

Chapter 13

#9.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Scion XB

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

From: 10/2/18

EH__

Docket 29

Tentative Ruling:

10/02/2018

Service is Proper

Opposition: YES

Parties to indicate whether there has been progress on an agreement for an APO.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

David Bruce Bremer

Represented By
Paul Y Lee

Joint Debtor(s):

Tina Marie Bremer

Represented By
Paul Y Lee

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... David Bruce Bremer and Tina Marie Bremer

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:18-12782 Justa Nelida Guzman

Chapter 13

#10.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3527 N. Bronson St. San Bernardino, California 92407

MOVANT: THE BANK OF NEW YORK MELLON

From: 9/4/18, 10/2/18

EH__

Docket 27

***** VACATED *** REASON: ORDER ENTERED 10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justa Nelida Guzman

Represented By
Lionel E Giron

Movant(s):

The Bank of New York Mellon, et al

Represented By
S Renee Sawyer Blume

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#11.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: for property located at 370 Claremont St Hemet, CA
92545

MOVANT: US BANK NATIONAL ASSOCIATION

From: 10/16/18

EH__

Docket 30

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carolyn Maxine Bodden

Represented By
Edward G Topolski

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:17-15475 Shane Morgan

Chapter 7

#12.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Volvo S60

MOVANT: VCFS AUTO LEASING CO

EH__

Docket 45

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Shane Morgan

Represented By
Christopher Hewitt

Movant(s):

VCFS Auto Leasing Co.

Represented By
Scott S Weltman

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:17-14228 Michelle Meredith

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 102 Tesori Drive, Palm Desert, California 92211

MOVANT: OCWEN LOAN SERVICING LLC

EH__

Docket 128

Tentative Ruling:

11/6/2018

Service is Proper

Opposition: Yes

Movant's sole legal basis for its request for relief from the automatic stay is that Movant is not protected by an adequate equity cushion. As noted by Trustee in its opposition, however, the equity cushion in this case is above the range required by *Mellor* and related case law. Therefore, the Court is inclined to CONTINUE the hearing on the motion for Trustee to market and sell the property.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michelle Meredith

Pro Se

Movant(s):

Ocwen Loan Servicing LLC

Represented By
Sean C Ferry

Trustee(s):

Howard B Grobstein (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT...

Michelle Meredith

Noreen A Madoyan

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:16-18820 Chase D Chung

Chapter 13

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 60231 La Mirada Trail, Joshua Tree, California 92252

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 73

Tentative Ruling:

11/6/2018

Service is Proper

Opposition: Yes

Parties to apprise Court of status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Chase D Chung

Represented By
Daniel C Sever

Movant(s):

WELLS FARGO BANK, N.A.,

Represented By
Shreena Augustin
Seth Greenhill
April Harriott
Theron S Covey
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... Chase D Chung

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:16-16622 Xavier Roque Gutierrez and Sara Nicole Moran-Gutierrez Chapter 13

#15.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1365 Crafton Avenue, #2057, Mentone, CA 92359

MOVANT: FEDERAL NATIONAL MORTGAGE ASSOCIATION

EH ____

Docket 77

***** VACATED *** REASON: ORDER ENTERED 11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier Roque Gutierrez

Represented By
Paul Y Lee

Joint Debtor(s):

Sara Nicole Moran-Gutierrez

Represented By
Paul Y Lee

Movant(s):

Federal National Mortgage

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

6:13-25137 Herbert Anderson, Jr.

Chapter 13

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2058 Orchard Drive, Perris, CA 92571

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 62

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

Based on the fact that Debtor appears to have completed his Chapter 13 plan, and based on the evidence submitted by Movant which appears to indicate that Debtor has made the last eighteen monthly payments, the Court is inclined to GRANT the motion to the extent of lifting the automatic stay as it applies to the bankruptcy estate only. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Herbert Anderson Jr.

Represented By
Todd B Becker

Movant(s):

Nationstar Mortgage, LLC.

Represented By
Michael Daniels
Darlene C Vigil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

10:00 AM

CONT... Herbert Anderson, Jr.

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#17.00 Order (1) Setting Scheduling Hearing And Case Management Conference And
(2) Requiring Status Report

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#18.00 CONT Motion for approval of chapter 11 disclosure statement

From: 9/11/18, 9/25/18, 10/30/18

Also #19

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#19.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 5/8/18, 8/21/18, 9/11/18, 9/25/18, 10/30/18

Also #18

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

3:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#20.00 Motion to Deem Oscar Brambila and Bruce Gordon Not Insiders for Purposes of Compensation

EH__

Docket 173

Tentative Ruling:

11/6/2018

BACKGROUND

On August 15, 2018, Visiting Nurse Association of the Inland Counties ("Debtor") filed a Chapter 11 voluntary petition. Two days later, Debtor filed notices of setting insider compensation (the "Notices") for Bruce Gordon ("Gordon") and Oscar Brambila ("Brambila"). On August 30, 2018, the H.N. and Frances C. Berger Foundation ("Berger Foundation") filed its opposition to the Notices. On September 20, 2018, Debtor filed amended notices of setting insider compensation (the "Amended Notices") for Gordon and Brambila. On September 27, 2018, the Berger Foundation filed its opposition to the Amended Notices. On October 22, 2018, Debtor set the Amended notices for hearing on November 13, 2018.

On October 26, 2018, Debtor filed a motion to deem Gordon and Brambila not insiders for purposes of compensation. Debtor also filed an application shortening time, and the Court set a hearing for November 6, 2018, at 3:00 p.m, with opposition due at the hearing. Debtor argues that Gordon and Brambila are officers "in title only" and do not have any "corporate-level control" over Debtor.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

3:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

11 U.S.C. § 101(31)(B) defines "insider," in the corporate context, as including the following:

- (i) director of the debtor;
- (ii) officer of the debtor;
- (iii) person in control of the debtor;
- (iv) partnership in which the debtor is a general partner;
- (v) general partner of the debtor; or
- (vi) relative of a general partner, director, officer, or person in control of the debtor;

Potentially at issue here are the first three subsections of the insider definition. At present, and given that only Debtor has filed a pleading with regard to this matter, the Court does not have any evidence before it which would suggest that Gordon and Brambila have sufficient control to be classified as either: (1) a statutory insider pursuant to § 101(31)(B)(iii); or (2) a non-statutory insider pursuant to case law. *See, e.g., In re Beaver Valley Builder's Supply, Inc.*, 177 B.R. 507 (Bankr. W.D. Pa. 1995) (Insider includes any person "who has a sufficiently close relationship with the debtor that his conduct is made subject to closer scrutiny"). Therefore, the Court will limit its analysis to whether Gordon and Brambila are insiders pursuant to § 101(31)(B)(i)-(ii).

Debtors relies on the case of *In re Foothills Texas, Inc.*, 408 B.R. 573 (Bankr. D. Del. 2009) in support of its contention that an individual's job title is not dispositive in determine whether that individual is an insider. *In re Foothills Texas* stated the following:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

3:00 PM

CONT...

Visiting Nurse Association of the Inland Counties

Chapter 11

The "officers at issue in this case are vice presidents. A vice president is "a person representing or deputizing for a president; *an official* who ranks immediately below a president." An official is obviously an officer. Thus, under the plain meaning of the words, a vice president is presumptively an officer, who, in turn, is an insider. Nonetheless, the mere title of a person does not end the inquiry.

Just as there may be non-statutory insiders that fall within the definition of an insider but are outside of the enumerated categories, there may be persons that fall within the enumerated categories but do not meet the definition of the category. Under the plain meaning of the words, the question is whether a person is taking part in the management of the debtor. In order to overcome the presumption that a person holding an officer's title is not what he or she appears to be requires submission of evidence sufficient to establish that the officer is, in fact, not participating in the management of the debtor.

Id. at 579; *see also In re NMI Sys., Inc.*, 179 B.R. 357, 369 (Bankr. D.D.C. 1995) (employing holistic approach to determine whether an individual was an officer).

Nevertheless, the reasoning of *In re Foothills Texas* is, to some extent, confusing. The statement that "there may be persons that fall within the enumerated categories but do not meet the definition of the category" appears paradoxical, for if an individual does not meet the definition of the category, then they would not fall within the enumerated categories. The Court is cognizant that there may be individuals whose job titled includes the term "officer" or "director" but who is not, under the relevant definition of the word, an "officer" or director." *See, e.g., In re Kunz*, 489 F.3d 1072 (10th Cir. 2007) (retired director emeritus not a director). Yet, subjecting all officers/directors to a control test would seem to render § 101(31)(B)(i)-(ii) superfluous, for the statute already contains a subsection classifying "person[s] in control" as insiders. *See, e.g., In re Public Access Technology.Com, Inc.*, 307 B.R. 500, 505 (Bankr. E.D. Va. 2004) ("It is unnecessary for a court to determine whether an individual is both a director and a person in control, or both an officer and a person in control, as the statutory definition is clearly stated in the disjunctive."); *see also In re Bonds Distrib. Co., Inc.*, 2000 WL 33673768 at *3 (Bankr. M.D.N.C. 2000) (declining to consider whether someone "acts" like a director").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

3:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

On the record before the Court, the Court disagrees with Debtor's interpretation. First, the plain language of 11 U.S.C. § 101(31)(B) states that officers and directors are insiders, and Debtor has conceded that both Gordon and Barambila were told they were officers. Second, to read § 101(31)(B) as requiring, or permitting, this Court to consider whether an officer is "really" an officer, through the use of some sort of control, renders § 101(31)(B)(i)-(ii) superfluous. *In re Foothills Texas* appears to stand for the proposition that the list of insiders can be both expanded, or contracted, based on a holistic analysis. While § 101(31)(B) certainly can be expanded, because it contains a non-exhaustive list of examples, foundational principles of statutory interpretation preclude the list's contraction. *See, e.g., In re Ribcke*, 64 B.R. 663 (Bankr. D. Md. 1986) ("The Marksons are subject to the label of insiders in this case by virtue of the statutory definition which may be expanded by a factual presentation but never contracted."). Finally, policy reasons weigh against the imposition of an additional requirement that an officer or director actually "act" like an officer or director, because the regulation of such individuals is designed to protect the creditors, who would not have the level of access necessary to mount a factual defense to an assertion that an individual was an officer in title only.

Separately, assuming, *arguendo*, that the Court found *In re Foothills Texas* to be persuasive, the evidence presented does not clearly establish that Gordon and Brambila do not take part in the management of Debtor. To the contrary, both appear to have day to day management authority.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 6, 2018

Hearing Room 303

3:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente
Ryan W Beall
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

6:11-38759 Steve Allen Alldis

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 31

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY_____ **ORDER BY CHAMBERS**_____

GRANTED: _____ **DENIED:** _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ **OBJ OVERRULED:**_____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

11/7/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Accountant for Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT... Steve Allen Alldis

Chapter 7

Trustee Fees: \$ 7,949.75

Trustee Expenses: \$ 38.70

Accountant Fees: \$ 2,371.50

Accountant Costs: \$ 26.55

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Steve Allen Alldis

Represented By
Hector C Perez

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

6:16-20927 Mee Soon Kim

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

Also #3

EH__

Docket 70

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY _____ **ORDER BY CHAMBERS** _____

GRANTED: _____ **DENIED:** _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ **OBJ OVERRULED:** _____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

11/7/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee, Counsel for Trustee, and Accountant for Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT... Mee Soon Kim

Chapter 7

professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 26,570.42

Trustee Expenses: \$ 540.45

Attorney Fees: \$ 43,812

Attorney Costs: \$ 2,040.98

Accountant Fees: \$ 18,386.00

Accountant Costs: \$ 191.15

Court Costs: \$ 350.00

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Mee Soon Kim

Represented By
Minh Duy Nguyen

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror
Michael W Davis
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

6:16-20927 Mee Soon Kim

Chapter 7

#3.00 CONT Notice of Trustee's Final Report and Applications for Compensation

From: 10/24/18

Also #2

EH__

Docket 64

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY____ **ORDER BY CHAMBERS**_____

GRANTED: _____ **DENIED:** _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ **OBJ OVERRULED:** _____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mee Soon Kim

Represented By
Minh Duy Nguyen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT... Mee Soon Kim

Chapter 7

Trustee(s):

Larry D Simons (TR)

Represented By
David Seror
Michael W Davis
Jessica L Bagdanov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

6:17-11834 David Leroy Norwood and Carol Ann Norwood

Chapter 7

#4.00 CONT Notice of Trustee's Final Report and Applications for Compensation

From: 10/24/18

EH__

Docket 56

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY _____ **ORDER BY CHAMBERS** _____

GRANTED: _____ **DENIED:** _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ **OBJ OVERRULED:** _____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

11/7/2018

No opposition has been filed.

Service was Proper.

The applications for compensation of the Trustee and Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT... David Leroy Norwood and Carol Ann Norwood
to APPROVE the following administrative expenses:

Chapter 7

Trustee's Fees: \$ 4,950.00

Trustee's Expenses: \$ 528.92

Attorney Fees: \$ 20,482.50

Attorney Costs: \$ 677.91

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

David Leroy Norwood

Represented By
Jenny L Doling

Joint Debtor(s):

Carol Ann Norwood

Represented By
Jenny L Doling

Trustee(s):

Karl T Anderson (TR)

Represented By
Brandon J Iskander
Leonard M Shulman
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

6:18-16649 Michael W Artmore

Chapter 7

#5.00 Motion for an Order Expunging the Filing of this Bankruptcy Case, or in the Alternative, to Annul or Redact the Filing of this Case from Debtor's Public Record and Directing the Credit Reporting Agencies to Delete the Filing of this Bankruptcy from his Reports

EH ____

Docket 19

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY____ **ORDER BY CHAMBERS**_____

GRANTED: _____ **DENIED:** _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ **OBJ OVERRULED:**_____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

11/7/18

BACKGROUND

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT... Michael W Artmore

Chapter 7

On August 7, 2018, a Chapter 7 voluntary petition was filed on behalf of Michael Artmore ("Debtor").

On October 4, 2018, Debtor filed a stipulation with UST requesting dismissal of the case and the return of certain bank funds to Debtor. The stipulation recites that Debtor did not file, or cause to be filed, the instant case. The stipulation states that the social security number used for this case only matches Debtor's last four digits, and does not reflect his actual social security number. Finally, the stipulation states that Debtor was not aware of the instant filing until he was informed that the bank has frozen his bank account. On October 12, 2018, the instant case was dismissed.

On October 5, 2018, Debtor filed a motion for an order expunging this case, or, alternatively, redacting the filing from the public record and directing the credit reporting agencies to remove the filing.

DISCUSSION

Debtor has provided a case in support of the argument that a bankruptcy filing may be expunged if the filing was done with the knowledge of the debtor. *See In re Duque*, 2016 WL 4239608 at *1 (Bankr. M.D. Fla. 2016). Nevertheless, the availability of this remedy, and the analysis the Court is required to consider, is not clear. *See* Peter C. Alexander, *Identity Theft and Bankruptcy Expungement*, 77 AM. BANKR. L.J. 409, 412-13 (2003) ("The order for an expungement of a bankruptcy case filing does present significant analytical difficulties. Despite the rise in identity theft and consequent fraudulent bankruptcy petitions, there are no reported decisions wherein expungement has been ordered and thus there is little guidance on the subject. Moreover, in the few cases that discuss expungement of a debtor's records, there appears to be little agreement about the specific source of a bankruptcy court's authority to expunge."); Maureen A. Tighe & Emily Rosenblum, "What Do You Mean, I Filed Bankruptcy?" - Or How the Law Allows a Perfect Stranger to Purchase an Automatic Stay in Your Name, 32 LOY. L.A. L. REV. 1009, 1024 (1999) ("A second

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT... Michael W Artmore

Chapter 7

problem not adequately addressed under the current Bankruptcy Code is that there is no clear provision allowing for expungement of a fraudulent filed bankruptcy. This leaves bankruptcy judges unsure of how they can or should handle these victims even where a victim has spent the time and expense to prove he or she was not the one who filed the bankruptcy.").

Since the publication of the two articles cited above, several courts have considered the issue whether expungement is an appropriate remedy when a bankruptcy is fraudulently filed unbeknownst to a debtor. Several of these cases, however, deal with a debtor who, to some extent, participated in the preparation of the filing, but had misgivings either afterwards or shortly before the filing. In a published decision in *In re Storay*, the bankruptcy court concluded that it had the authority to expunge an unauthorized bankruptcy filing pursuant to 11 U.S.C. § 105(a). 364 B.R. 194, 196 (Bankr. D.S.C. 2006) ("Based upon the weight of the evidence, the Court finds that cause exists to expunge this case pursuant to § 105.").

Not only is the availability of expungement in this situation unsettled, the adequacy of the remedy is unclear. One bankruptcy court noted the following:

Moreover, expunging the Case at this point may make it *more* difficult for the Purported Debtor to convince the credit reporting agencies and prospective creditors that the filing was unauthorized, as the Case would be akin to an apparition – a creditor or credit reporting agency may have a notation that it had been filed, but would not have any way to access a case number or perform an electronic search to locate an explanation for its filing or located an order declaring the filing to be unauthorized.

This anomaly can be prevented by fashioning alternative relief. Accordingly, the Court finds that the filing of the Case was unauthorized by Anita Elizabeth Dick and was filed fraudulently by Gary Oseroff. The Court directs the Clerk to create a "flag" which states "Unauthorized Bankruptcy Filing – Identity Theft Victim" and to associate that flag with the Case and make it publicly and prominently viewable whenever the Case Information is electronically accessed. The Court also directs that the Clerk make the following docket

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT...

Michael W Artmore

Chapter 7

entry for this Memorandum Opinion and Order: "Memorandum Opinion and Order re-opening the Case, finding that Anita Elizabeth Dick is an identity theft victim and did not authorize the filing of the Case, and granting other relief." The Debtor is authorized to forward copies of this Memorandum Opinion and Order to whomever she sees fit.

In re Dick, 2006 WL 6544157 at *5 (Bankr. N.D. Tex. 2006) (footnote omitted).

While it appears that the majority opinion is that a bankruptcy case may be expunged pursuant to § 105(a), it is unclear whether that is the appropriate remedy in this case. Regarding Debtor's request that the credit agencies be directed to alter Debtor's credit reports to remove this filing, it does not appear that the Court has jurisdiction to order such a request, and, to the extent such jurisdiction does exist, the request would appear to require an adversary pursuant to FED. R. BANKR. P. Rule 7001(7).

TENTATIVE RULING

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael W Artmore

Represented By
Summer M Shaw

Movant(s):

Michael W Artmore

Represented By
Summer M Shaw

Trustee(s):

Karl T Anderson (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

11:00 AM

CONT...

Michael W Artmore

Robert P Goe

Chapter 7

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:18-01102 PRINGLE v. Capital One Bank (USA), National Association

#6.00 Motion to Continue Status Conference

Also #7

EH__

Docket 23

*** VACATED *** REASON: ORDER ENTERED 10/25/18

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY _____ ORDER BY CHAMBERS _____

GRANTED: _____ DENIED: _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ OBJ OVERRULED: _____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

CONT... Home Security Stores, Inc.

Chapter 7

Defendant(s):

Capital One Bank (USA), National

Represented By
Kevin M Eckhardt

Movant(s):

JOHN PRINGLE

Represented By
Robert P Goe

Plaintiff(s):

JOHN PRINGLE

Represented By
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

Adv#: 6:18-01102 PRINGLE v. Capital One Bank (USA), National Association

#7.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01102. Complaint by JOHN PRINGLE against Capital One Bank (USA), National Association. (Charge To Estate \$350.00). Complaint for: (1) Avoidance of Transfers Pursuant to 11 U.S.C. § 544(b) and Cal. Civ. Code §§ 3439.04(a)(2), 3439.05; (2) Avoidance of Transfers Pursuant to 11 U.S.C. § 548(a)(1)(B); (3) Recovery of Avoided Transfers Pursuant to 11 U.S.C. § 550; and (4) Disallowance of Claims Pursuant to 11 U.S.C. § 502 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer))

From: 9/5/18

Also #6

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/9/19 AT 2:00 P.M.**

Matter Notes:

Appearances: _____

Order by Attorney _____ **Order by Chambers** _____

Status Conference cont'd. to: _____

Pretrial Conf set for: _____ **Trial set for:** _____

Joint Status Report due: _____ **Scheduling order due** _____

Discovery cutoff: _____

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

CONT... Home Security Stores, Inc. Chapter 7

Last day to file pretrial motions and pretrial order: _____

Complete 1 day of mediation by: _____ Order appointing Mediator _____

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Defendant(s):

Capital One Bank (USA), National

Represented By
Kevin M Eckhardt

Plaintiff(s):

JOHN PRINGLE

Represented By
Robert P Goe

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

6:17-13853 Malik Muhammad Asif

Chapter 7

Adv#: 6:17-01197 Itria Ventures, LLC v. Asif et al

#8.00 CONT Status Conference Re: Adversary case 6:17-ap-01197. Complaint by Itria Ventures, LLC against Malik Muhammad Asif, Zobia Asif. Fee Amount \$350
Complaint Objecting To Dischargeability of Debt Nature of Suit: (62
(Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud))

From: 11/15/17, 12/6/17, 1/10/18, 6/6/18, 10/3/18

EH__

Docket 1

Matter Notes:

Appearances: _____

Order by Attorney _____ **Order by Chambers** _____

Status Conference cont'd. to: _____

Pretrial Conf set for: _____ **Trial set for:** _____

Joint Status Report due: _____ **Scheduling order due** _____

Discovery cutoff: _____

Last day to file pretrial motions and pretrial order: _____

Complete 1 day of mediation by: _____ **Order appointing Mediator** _____

Evidentiary Hearing Set: _____

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

CONT... Malik Muhammad Asif
- NONE LISTED -

Chapter 7

Party Information

Debtor(s):

Malik Muhammad Asif

Represented By
Todd L Turoci

Defendant(s):

Malik Muhammad Asif

Represented By
David T Egli

Zobia Asif

Represented By
David T Egli

Joint Debtor(s):

Zobia Asif

Represented By
Todd L Turoci

Plaintiff(s):

Itria Ventures, LLC

Represented By
Michael F Chekian

Trustee(s):

Arturo Cisneros (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

6:17-14345 Ruth Herrera Dresser

Chapter 7

Adv#: 6:17-01186 Gordon v. Dresser

#9.00 CONT Pre-Trial Conference on Complaint fld 8-25-17 for Non Dischargeability of Debt under False Pretense, False Representations and Fraud 11 U.S.C. Sec. 523(A)(2); Non Dischargeability of Debt under Fraud and Defalcation While Acting in a Fiduciary Capacity 11 U.S.C. Sec. 523(A)(4); Non Dischargeability of Debt for Wilfull and Malicious Injury 11 U.S.C. Sec. 523(A)(6)

From: 3/29/18

EH__

Docket 1

Matter Notes:

Appearances: _____

Order by Attorney _____ **Order by Chambers** _____

Status Conference cont'd. to: _____

Pretrial Conf set for: _____ **Trial set for:** _____

Joint Status Report due: _____ **Scheduling order due** _____

Discovery cutoff: _____

Last day to file pretrial motions and pretrial order: _____

Complete 1 day of mediation by: _____ **Order appointing Mediator** _____

Evidentiary Hearing Set: _____

Tentative Ruling:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

CONT... Ruth Herrera Dresser

Chapter 7

- NONE LISTED -

Party Information

Debtor(s):

Ruth Herrera Dresser

Represented By
Christopher Hewitt

Defendant(s):

Ruth Dresser

Represented By
Michael Jay Berger

Plaintiff(s):

Marshall Gordon

Represented By
Marvin H Weiss

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

6:18-12027 Richard M. Thomas

Chapter 7

Adv#: 6:18-01156 Anderson, Chapter 7 Trustee v. Williams et al

#10.00 Motion for Default Judgment Against Defendants Amy Williams and Richard M. Thomas, Jr

Also #11

EH__

Docket 13

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 2:00 P.M.**

Matter Notes:

APPEARANCES: _____

ORDER BY ATTORNEY____ **ORDER BY CHAMBERS**_____

GRANTED: _____ **DENIED:** _____

CONT'D. TO: _____

WITHDRAWN: _____

OBJ SUSTAINED: _____ **OBJ OVERRULED:** _____

EVIDENTIARY HEARING SET: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard M. Thomas

Represented By
Keith Q Nguyen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

CONT... Richard M. Thomas

Chapter 7

Defendant(s):

Amy Williams Pro Se

Richard M Thomas Jr. Pro Se

Joint Debtor(s):

Raquel Young Represented By
Keith Q Nguyen

Movant(s):

Karl T. Anderson, Chapter 7 Trustee Represented By
Frank X Ruggier

Plaintiff(s):

Karl T. Anderson, Chapter 7 Trustee Represented By
Frank X Ruggier

Trustee(s):

Karl T Anderson (TR) Represented By
Larry D Simons
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

6:18-12027 Richard M. Thomas

Chapter 7

Adv#: 6:18-01156 Anderson, Chapter 7 Trustee v. Williams et al

#11.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01156. Complaint by Karl T. Anderson, Chapter 7 Trustee against Amy Williams, Richard M Thomas Jr.. (Charge To Estate) (\$350.00). Complaint to: (1) Avoid and Recover Fraudulent Transfer; (2) Obtain Declaratory Relief as to Ownership of Real Property; and (3) Authorize Sale of Property Owned in Part by Non-Debtor Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer))

From: 9/26/18

Also #10

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 2:00 P.M.**

Matter Notes:

Appearances: _____

Order by Attorney_____ **Order by Chambers**_____

Status Conference cont'd. to: _____

Pretrial Conf set for: _____ **Trial set for:**_____

Joint Status Report due: _____ **Scheduling order due** _____

Discovery cutoff: _____

Last day to file pretrial motions and pretrial order:_____

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 7, 2018

Hearing Room 303

2:00 PM

CONT... Richard M. Thomas Chapter 7

Complete 1 day of mediation by: _____ Order appointing Mediator _____

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard M. Thomas

Represented By
Keith Q Nguyen

Defendant(s):

Amy Williams

Pro Se

Richard M Thomas Jr.

Pro Se

Joint Debtor(s):

Raquel Young

Represented By
Keith Q Nguyen

Plaintiff(s):

Karl T. Anderson, Chapter 7 Trustee

Represented By
Frank X Ruggier

Trustee(s):

Karl T Anderson (TR)

Represented By
Larry D Simons
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#1.00 CONT Motion of U.S. Trustee for the Entry of an Order Requiring Nationstar Mortgage LLC to Provide an Escrow Account Reconciliation Statement & Related Relief

From: 6/28/18, 8/30/18

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:13-28940 Jose Castellanos and Hiliana Castellanos

Chapter 13

#2.00 CONT Motion for Leave to File New Order on Debtors' Motion to Avoid Junior Lien on Debtor's Principal Residence.

From: 9/13/18

EH__

Docket 124

Tentative Ruling:

11/8/2018

The Court finds Debtors' request for authority to lodge an amended order appropriate under FRCP 60(a). Specifically, the Court is persuaded that the Court likely intended to approve the Motion and grant lien avoidance on completion of plan payments rather than on receipt of a discharge but due to clerical mistake by Debtor in the lodgment of the order, entered an order granting avoidance on discharge in a case where the Debtors were not eligible for discharge and where that ineligibility was apparent to all parties. For these reasons, and finding notice was proper under the circumstances, the Court is inclined to GRANT the Motion permitting the lodgment of an amended order.

APPEARANCES WAIVED. Movant may lodge an order within 7 days.

9/13/18

BACKGROUND

On November 21, 2013, Jose & Hiliana Castellanos ("Debtors") filed a Chapter 7 voluntary petition. Debtors previously received a discharge in a Chapter 7 proceeding on October 21, 2010. As such, Debtors were ineligible for a discharge in the instant

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

CONT... **Jose Castellanos and Hiliana Castellanos**
case.

Chapter 13

On December 17, 2013, Debtors converted their case to Chapter 13. On December 24, 2013, Debtors filed a motion to avoid liens pursuant to § 506(d). The motion requested that the second and third liens on Debtors' principal residence, held by Bank of America and Excel National Bank, respectively be avoided conditioned upon "receipt of a chapter 13 discharge." On March 10, 2014, the Court granted the relief sought in the motion.

On June 6, 2018, the Chapter 13 trustee filed his final report. On July 3, 2018, Debtors filed a motion for leave to file new order on Debtors' motion to avoid junior lien. On July 25, 2018, Debtors re-filed the motion, and the matter was set for hearing.

DISCUSSION

Debtors appear to argue that 11 U.S.C. § 105 provides the basis for the relief requested FED. R. CIV. P. Rule 60(b), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024, however, provides the mechanism whereby a party can seek relief from a final order. Pursuant to FED. R. CIV. P. Rule 60(c)(1), however, Debtors are time-barred from bringing an argument under FED. R. CIV. P. Rule 60(b)(1)-(3). Therefore, the only applicable bases for relief are FED. R. CIV. P. Rule 60(b)(4)-(6).

The motion filed by Debtors does not provide adequate information to allow the Court to apply the applicable legal framework, even if the Court were to construe the motion as requesting relief pursuant to an appropriate legal provision.

Furthermore, in light of this Court's ruling in *In re Washington*, 587 B.R. 349 (Bankr. C.D. Cal. 2018), permitting Debtors to amend their motion at the end of their case would be prejudicial to creditors and would open up a legal loophole. Pursuant to *In re Washington*, the Debtors may be required to pay the claims of the contingently

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

CONT... Jose Castellanos and Hiliana Castellanos

Chapter 13

avoided lienholders through the Chapter 13 plan *pro rata* with other unsecured creditors. Allowing Debtors to fix their own mistake, at the conclusion of the case, would allow Debtors to avoid the secured claims of the junior lienholders while avoiding paying those claims through the Chapter 13 plan, a result expressly rejected by *In re Washington*.

In conclusion, Debtors have failed to identify the appropriate legal provision for the relief requested, have failed to make an adequate legal showing to justify relief under a legally appropriate provision, and have requested relief which, if granted, would contravene this Court's decision in *In re Washington*. For all the above reasons, the Court is inclined to DENY the motion.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Castellanos

Represented By
Mark E Brenner

Joint Debtor(s):

Hiliana Castellanos

Represented By
Mark E Brenner

Movant(s):

Jose Castellanos

Represented By
Mark E Brenner
Mark E Brenner

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

CONT... Jose Castellanos and Hiliana Castellanos

Chapter 13

Hiliana Castellanos

Represented By
Mark E Brenner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:14-19913 Martin Caballero and Clementina Caballero

Chapter 13

#3.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments (re: increased income)

From: 10/25/18

EH__

Docket 127

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Caballero

Represented By
Luis G Torres

Joint Debtor(s):

Clementina Caballero

Represented By
Luis G Torres

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:17-11261 Ernie Macias

Chapter 13

#4.00 CONT Order to show cause why Alon Darvish should not be held in contempt of court pursuant to 11 U.S.C. Sect 105 and Federal Rule of Bankruptcy Procedure 9020

CASE DISMISSED 3/13/17

From: 11/30/17, 1/25/18, 4/12/18, 6/14/18, 8/23/18, 10/18/18

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 11/6/18**

Tentative Ruling:

11/30/17

BACKGROUND

On February 21, 2017, Ernie Macias ("Debtor") filed his petition for chapter 13 relief. The Debtor's case was filed by Alon Darvish ("Darvish"). On March 13, 2017, the Debtor's case was dismissed for failure to file information.

On March 24, 2017, the Office of the United States Trustee ("UST") filed a Motion to Disgorge Attorney's Fees ("Disgorgement Motion"). On June 13, 2017, the Court granted in part and denied in part the UST's Disgorgement Motion (the "Disgorgement Order"). The Disgorgement Order required Darvish to file his disclosure of compensation, and to disgorge fees received from the Debtor back to him.

On September 20, 2017, the UST filed its Motion For An Order To Show Cause Why Alon Darvish Should Not Be Held In Contempt Of Court Pursuant To 11 U.S.C. § 105 And Federal Rule Of Bankruptcy Procedure 9020 (the "Motion for OSC"). The Motion for OSC specifically asserted that Darvish had failed to comply with any part of the Disgorgement Order. The UST's Motion for OSC further asserted that Darvish had repeatedly failed to disclose compensation and had been sanctioned for such conduct under similar circumstances in at least 6 other cases. (Motion for OSC at 9).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

On October 20, 2017, the Court granted the Motion for OSC and ordered Darvish to show cause why he should not be held in contempt (the "OSC"). Darvish filed his response to the OSC on November 16, 2017 ("Response"). On November 21, 2017, the UST replied to the Response.

DISCUSSION

In his Response, Darvish indicated that his practice includes the filing of skeletal petitions for chapter 13 debtors for the purpose of stopping foreclosures. He indicated that when such skeletal petitions are filed, his software does not file the Disclosure of Compensation. Darvish asserts that he is a solo practitioner who is overwhelmed and understaffed and who is trying to rectify the issues in his practice. In Reply, the UST objects particularly to Darvish's failure to outline specific steps he intends to take to remedy the issues at his firm. The UST is also concerned that Darvish has essentially admitted that his practice includes the filing of abusive petitions intended solely to avoid foreclosures. The UST requests that the Court continue the matter for Darvish to set forth specific remedial actions as ordered. The UST also requests that the Court separately consider whether a separate order to show cause is justified based on Darvish's inherently abusive prevention practice.

TENTATIVE RULING

The Court agrees with the UST that Darvish's explanation is insufficient. Darvish's Response indicates clearly the reason for the failure to file disclosure of compensation forms. Despite this fact, he does not explain the ongoing failure to file these forms, particularly where he has previously been sanctioned for failing to disclose his compensation. The ongoing failure to file required documents, despite having already been sanctioned, supports the UST's request for a specific plan of remediation. Absent such plan, Darvish may simply continue to rely on his thus far unreliable bankruptcy filing software.

Separately, the UST's concern regarding Darvish's practice of filing skeletal petitions is well-taken. In particular, if Darvish is advising his clients to file abusive petitions to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

CONT... Ernie Macias

Chapter 13

delay foreclosure, such conduct may warrant further sanctions/discipline.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ernie Macias

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:17-14972 Jude Okwor

Chapter 13

#5.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 10/18/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jude Okwor

Represented By
Javier H Castillo

Movant(s):

Jude Okwor

Represented By
Javier H Castillo
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16366 Jose Luis Tafoya

Chapter 13

#6.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Tafoya

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16458 Leonard Walter Frost, Jr. and Joan Cheng Frost

Chapter 13

#7.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonard Walter Frost Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Joan Cheng Frost

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16489 Rebecca Moore

Chapter 13

#8.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Moore

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16505 Harold Edward Correa and David Corey White

Chapter 13

#9.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold Edward Correa

Represented By
Matthew D. Resnik

Joint Debtor(s):

David Corey White

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16694 Cynthia M Gonzalez and Guadalupe Siddiqui

Chapter 13

#10.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cynthia M Gonzalez

Represented By
Paul Y Lee

Joint Debtor(s):

Guadalupe Siddiqui

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

#11.00 Motion RE: Objection to Claim Number 1 by Claimant Tyler & Bursch, LLP.

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Movant(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-16868 John Morris and Cassandra Morris

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 10/25/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Morris

Represented By
Julie J Villalobos

Joint Debtor(s):

Cassandra Morris

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17173 Frank Prouty

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Prouty

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17204 Justo Ocegueda

Chapter 13

#14.00 CONT Confirmation of Chapter 13 Plan

From: 10/25/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justo Ocegueda

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17229 Joe Anthony Dominguez, Sr.

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

*** VACATED *** REASON: CASE DISMISSED 8/31/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Anthony Dominguez Sr.

Represented By
Timothy L McCandless

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17237 Michael Hernando Ferriola

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Hernando Ferriola

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17307 Rita Denise Pappalardo and Steven Joseph Pappalardo

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rita Denise Pappalardo

Represented By
Aaron Lloyd

Joint Debtor(s):

Steven Joseph Pappalardo

Represented By
Aaron Lloyd

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17328 Dustin Taylor Sharp and Stephanie Regina Sharp

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dustin Taylor Sharp

Represented By
Dana Travis

Joint Debtor(s):

Stephanie Regina Sharp

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17344 John Ryan

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Ryan

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17349 Thomas More Butler and Tamara Butler

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas More Butler

Represented By
Stuart G Steingraber

Joint Debtor(s):

Tamara Butler

Represented By
Stuart G Steingraber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17351 Melanie Tarhuni

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17381 Charles Mickey Alligood

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Mickey Alligood

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17443 Martha Diaz

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha Diaz

Represented By
Michael E Clark

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17485 Silvia R Segura

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Silvia R Segura

Represented By
Ricardo A Figueroa

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17499 Engracia Alcala

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Engracia Alcala

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17502 Shaun Besci

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shaun Besci

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17504 Jossue Aly Majana

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jossue Aly Majana

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17540 Norma Hermosillo Hernandez

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norma Hermosillo Hernandez Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17556 Daniel Javier Garcia

Chapter 13

#29.00 Motion to Authorize Loan Modification (LMM) with Flagstar Bank or for an Order Permitting Parties to enter into such an agreement

Also #30

EH__

Docket 14

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Javier Garcia

Represented By
Steven A Alpert

Movant(s):

Daniel Javier Garcia

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17556 Daniel Javier Garcia

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

Also #29

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Javier Garcia

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17597 David Meisland

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Meisland

Represented By
Nima S Vokshori

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-17605 Joseph N Duguay, II

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph N Duguay II

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:00 AM

6:18-18622 Jackie May Zapata

Chapter 13

#33.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate re 2003 Volvo Sedan S40 and 29706 Stonewood Rd Temecula, CA 92591

MOVANT: JACKIE MAY ZAPATA

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jackie May Zapata	Pro Se
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Movant(s):

Jackie May Zapata	Pro Se
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Trustee(s):

Rod Danielson (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:13-18206 Darrin Hammond and Sandra Hammond

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

EH__

Docket 81

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrin Hammond

Represented By
Julie J Villalobos

Joint Debtor(s):

Sandra Hammond

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:13-18557 Michael Anthony Clay and Brenda Ann Clay

Chapter 13

#35.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18

EH__

Docket 275

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Clay

Represented By
Dana Travis

Joint Debtor(s):

Brenda Ann Clay

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:13-25297 Cheryl Ann Hill

Chapter 13

#36.00 Trustee's Motion to Dismiss Case

EH__

Docket 170

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/25/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cheryl Ann Hill

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:13-28068 Clarence White

Chapter 13

#37.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 153

***** VACATED *** REASON: CASE DISMISSED 10/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Clarence White

Represented By
Steven A Wolvek

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:13-30567 Robert Warren Gillam and Diana Lynn Gillam

Chapter 13

#38.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 84

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Warren Gillam

Represented By
James P Doan

Joint Debtor(s):

Diana Lynn Gillam

Represented By
James P Doan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-10539 Joseph Lane Hilliard and Christine Vivian Hilliard

Chapter 13

#39.00 Trustee's Motion to Dismiss Case

EH__

Docket 63

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Lane Hilliard

Represented By
Ronald W Ask

Joint Debtor(s):

Christine Vivian Hilliard

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-17561 Percival Inciong

Chapter 13

#40.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Percival Inciong

Represented By
Brian C Miles

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-19029 Sheila Marie Dejesa

Chapter 13

#41.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila Marie Dejesa

Represented By
Lisa H Robinson
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-20007 Celia Baeza

Chapter 13

#42.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Celia Baeza

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-20757 Robert A Ausler and Marie A Galloway

Chapter 13

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 128

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert A Ausler

Represented By
James T Lillard

Joint Debtor(s):

Marie A Galloway

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-21377 Adam Max Thewes and Kristine Ann Thewes

Chapter 13

#44.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Max Thewes

Represented By
Steven A Alpert

Joint Debtor(s):

Kristine Ann Thewes

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-22637 Michelle Ann Maki

Chapter 13

#45.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Ann Maki

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-24084 Michael Lee Barnes and Belinda Ann Barnes

Chapter 13

#46.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 110

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Lee Barnes

Represented By
Todd L Turoci

Joint Debtor(s):

Belinda Ann Barnes

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:14-24888 Jesus Padilla Simental

Chapter 13

#47.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Padilla Simental

Represented By
Bryn C Deb

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-10660 Patricia Eagan

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Eagan

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-13346 Chris Maddox and Christie Michelle Maddox

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH ____

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chris Maddox

Represented By
Sanaz S Bereliani

Joint Debtor(s):

Christie Michelle Maddox

Represented By
Sanaz S Bereliani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-15137 David E. Laliberte and Lori L. Laliberte

Chapter 13

#50.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David E. Laliberte

Represented By
Bernard J Gartland
Timothy S Huyck

Joint Debtor(s):

Lori L. Laliberte

Represented By
Bernard J Gartland
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-15522 Scott Allan Oswald and Lisa Frances Oswald

Chapter 13

#51.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 95

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Allan Oswald

Represented By
Richard Lynn Barrett

Joint Debtor(s):

Lisa Frances Oswald

Represented By
Richard Lynn Barrett

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-15971 Allen J Sheerin

Chapter 13

#52.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allen J Sheerin

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-16367 John Stephen Puddy, Jr.

Chapter 13

#53.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH__

Docket 61

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Stephen Puddy Jr.

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-19069 Zulu A Ali

Chapter 13

#54.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 123

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zulu A Ali

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-19432 Kirk Eugene Frantz and Mary Elizabeth Frantz

Chapter 13

#55.00 Trustee's Motion to Dismiss Case

EH__

Docket 140

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kirk Eugene Frantz

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Mary Elizabeth Frantz

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-19542 Philipp Johannes Borner and Audrey Faustorilla Borner

Chapter 13

#56.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Philipp Johannes Borner

Represented By
D Justin Harelik

Joint Debtor(s):

Audrey Faustorilla Borner

Represented By
D Justin Harelik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#57.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-20387 Marion Schmidt

Chapter 13

#58.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marion Schmidt

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:15-20998 Eric Kissell

Chapter 13

#59.00 Trustee's Motion to Dismiss Case

EH__

Docket 76

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/23/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Kissell

Represented By
William J Howell

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-13169 Teresa M. Dearmond

Chapter 13

#60.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa M. Dearmond

Represented By
Amanda G Billyard
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-13422 Daniel Jimenez and Addy Marlene Jimenez

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daniel Jimenez

Represented By
Raj T Wadhvani

Joint Debtor(s):

Addy Marlene Jimenez

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-13872 Kimberly Ann Bowen

Chapter 13

#62.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18, 9/13/18, 10/18/18

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Ann Bowen

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-14440 Michael Douglas Guerino and Xochitl Rodriguez Guerino

Chapter 13

#63.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 62

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Douglas Guerino

Represented By
Joseph M Hoats

Joint Debtor(s):

Xochitl Rodriguez Guerino

Represented By
Joseph M Hoats

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-15097 Arlene Wilson Jackson

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/7/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arlene Wilson Jackson

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-15216 Charles Bowen Blanton and Hedly Maria Blanton

Chapter 13

#65.00 Trustee's Motion to Dismiss Case

EH__

Docket 63

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Bowen Blanton

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Hedly Maria Blanton

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-16314 Anthony James Parker and Cynthia Parker

Chapter 13

#66.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony James Parker

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Cynthia Parker

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-16319 Jeffrey Otto Schellin and Jennifer Lynn Schellin

Chapter 13

#67.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 70

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey Otto Schellin

Represented By
John F Brady

Joint Debtor(s):

Jennifer Lynn Schellin

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-17765 Mary Jones

Chapter 13

#68.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary Jones

Represented By
Matthew D. Resnik

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-17893 Ashley Douglas Faulstich

Chapter 13

#69.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley Douglas Faulstich

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-18082 Joseph John Vargas and Lydia Vargas

Chapter 13

#70.00 Trustee's Motion to Dismiss Case

EH__

Docket 85

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph John Vargas

Represented By
Dana Travis

Joint Debtor(s):

Lydia Vargas

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-18359 Joseph Liebgott, IV and Robby Jean Harrison

Chapter 13

#71.00 Trustee's Motion to Dismiss Case

EH__

Docket 92

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Liebgott IV

Represented By
John F Brady

Joint Debtor(s):

Robby Jean Harrison

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#72.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/6/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John D Castro Jr

Represented By
Chris A Mullen

Joint Debtor(s):

Jennifer Manda Castro

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-20081 Richard LaFayette Sellers

Chapter 13

#73.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard LaFayette Sellers

Represented By
Marjorie M Johnson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#74.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18, 8/23/18, 9/13/18, 10/25/18

Also #75

EH__

Docket 68

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:16-20133 Deborah Catherine Hamernik

Chapter 13

#75.00 Trustee's Motion to Dismiss Case re Delinquency

Also #74

EH__

Docket 76

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Deborah Catherine Hamernik

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-10460 Julio Cesar Cacho and Rosalie Ann Cacho

Chapter 13

#76.00 CONT Trustee's Motion to Dismiss Case (Delinquency)

From: 10/25/18

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julio Cesar Cacho

Represented By
M Wayne Tucker

Joint Debtor(s):

Rosalie Ann Cacho

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-10620 Larry R. Hoddick and Joyce Kelly Hoddick

Chapter 13

#77.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/10/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry R. Hoddick

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Joyce Kelly Hoddick

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-10787 Willie J Brooks

Chapter 13

#78.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Willie J Brooks

Represented By
Kevin Tang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-11245 Bryan D. Chriss

Chapter 13

#79.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 63

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
9/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan D. Chriss

Represented By
Michael Smith
Cynthia L Gibson
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#80.00 Trustee's Motion to Dismiss Case re Delinquency

Also #81

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-11658 Maisha Lenette Ghant-Elie

Chapter 13

#81.00 CONT Trustee's Motion to Dismiss Case re Tax Returns/Refunds

From: 7/23/18

Also #80

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maisha Lenette Ghant-Elie

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-11800 Veronica Salinas

Chapter 13

#82.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Salinas

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-12712 Jose Luis Castillo

Chapter 13

#83.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Castillo

Represented By
Sunita N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-12719 Fernando Herrera, III

Chapter 13

#84.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/25/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Herrera III

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-13032 Victor Warrenlee Anastasi, Jr. and Diane Lynne Anastasi

Chapter 13

#85.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Warrenlee Anastasi Jr.

Represented By
Dana Travis

Joint Debtor(s):

Diane Lynne Anastasi

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-13890 Peter Hiroshi Kiyasu and Jennifer Ann Kiyasu

Chapter 13

#86.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Hiroshi Kiyasu

Represented By
Steven A Alpert

Joint Debtor(s):

Jennifer Ann Kiyasu

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-14549 Denice Laree Grimes and Derrick Gregory Grimes

Chapter 13

#87.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denice Laree Grimes

Represented By
M Wayne Tucker

Joint Debtor(s):

Derrick Gregory Grimes

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-14789 Sadia Sohail

Chapter 13

#88.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sadia Sohail

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-15032 Ruben Lopez and Jessica Lopez

Chapter 13

#89.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Lopez

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Jessica Lopez

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-15102 Gwendolyn Washington

Chapter 13

#90.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwendolyn Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-15285 Trevor D. Washington and Sandra Washington

Chapter 13

#91.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trevor D. Washington

Represented By
Julie J Villalobos

Joint Debtor(s):

Sandra Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-15427 Cary Lee Surface and Amber Dawn Surface

Chapter 7

#92.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
10/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Lee Surface

Represented By
Lionel E Giron

Joint Debtor(s):

Amber Dawn Surface

Represented By
Lionel E Giron

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-15740 Mark Gehrig

Chapter 13

#93.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#94.00 Trustee's Motion to Dismiss Case re Delinquency

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-16164 William Richard Newborg and Serina Rae Newborg

Chapter 13

#95.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Richard Newborg

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Serina Rae Newborg

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-16295 Coe Lamoureux and Julie Lamoureux

Chapter 13

#96.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Coe Lamoureux

Represented By
W. Derek May

Joint Debtor(s):

Julie Lamoureux

Represented By
W. Derek May

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-16350 Elvira Stark

Chapter 13

#97.00 Trustee's Motion to Dismiss Case

EH__

Docket 22

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/6/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elvira Stark

Represented By
Robert L Firth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-16699 Cindy Louise Lawson

Chapter 13

#98.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cindy Louise Lawson

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-16751 Gary Ramirez and Christina Faith Ramirez

Chapter 13

#99.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Ramirez

Represented By
Ethan Kiwhan Chin

Joint Debtor(s):

Christina Faith Ramirez

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-16795 Artush Stepanian and Wendy L. Wilkie

Chapter 13

#100.00 Trustee's Motion to Dismiss Case

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Artush Stepanian

Represented By
James D. Hornbuckle

Joint Debtor(s):

Wendy L. Wilkie

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-17531 Harvey Everett Mosely and Jean Ann Mosely

Chapter 13

#101.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harvey Everett Mosely

Represented By
Paul Y Lee

Joint Debtor(s):

Jean Ann Mosely

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-17829 Derek Brian Winkenweder

Chapter 13

#102.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derek Brian Winkenweder

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-17942 Viorel Bucur

Chapter 13

#103.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Viorel Bucur

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-18340 Cary Allen Griggs and Heather Lynn Griggs

Chapter 13

#104.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cary Allen Griggs

Represented By
Ronald W Ask

Joint Debtor(s):

Heather Lynn Griggs

Represented By
Ronald W Ask

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-18482 Roberto Garcia Garcia and Maria Martha Garcia

Chapter 13

#105.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18, 9/27/18, 10/18/18

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roberto Garcia Garcia

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Maria Martha Garcia

Represented By
Michael E Clark
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-19433 Edward Uy Hidalgo and Trixie Quijada

Chapter 13

#106.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Uy Hidalgo

Represented By
Keith F Rouse

Joint Debtor(s):

Trixie Quijada

Represented By
Keith F Rouse

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-19892 Lena Dolores Wade

Chapter 13

#107.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lena Dolores Wade

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-20055 Laquance Denise Mejia

Chapter 13

#108.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 42

***** VACATED *** REASON: CASE DISMISSED 8/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laquance Denise Mejia

Represented By
Cynthia A Dunning

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-20114 Frank Garcia and Susan Garcia

Chapter 13

#109.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Garcia

Represented By
Paul Y Lee

Joint Debtor(s):

Susan Garcia

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-20240 Natona Smith and Tameiko Smith

Chapter 13

#110.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natona Smith

Represented By
Natalie A Alvarado

Joint Debtor(s):

Tameiko Smith

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:17-20473 Felipe Gerardo

Chapter 13

#111.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/7/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe Gerardo

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-10127 David H Yopp

Chapter 7

#112.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 25

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 7/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David H Yopp

Represented By
Julie J Villalobos

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-10633 Charles Mickey Alligood

Chapter 13

#113.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 31

***** VACATED *** REASON: CASE DISMISSED 8/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Mickey Alligood

Represented By
Alon Darvish

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-10825 William Thomas Pedrino and Terri Lyn Pedrino

Chapter 13

#114.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William Thomas Pedrino

Represented By
Todd L Turoci

Joint Debtor(s):

Terri Lyn Pedrino

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-10907 Gloria Ann Dodson

Chapter 13

#115.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gloria Ann Dodson

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-10940 Ruben L Benitez and Christina M Benitez

Chapter 13

#116.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben L Benitez

Represented By
Sundee M Teeple

Joint Debtor(s):

Christina M Benitez

Represented By
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-11416 Darlene J. Wadler

Chapter 13

#117.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darlene J. Wadler

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-11701 Wayne Anthony King and Traci Ann Zweck

Chapter 13

#118.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 25

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wayne Anthony King

Represented By
Dana Travis

Joint Debtor(s):

Traci Ann Zweck

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-11924 Don Gurule and Elaine Gurule

Chapter 13

#119.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Don Gurule

Represented By
Christopher Hewitt

Joint Debtor(s):

Elaine Gurule

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 8, 2018

Hearing Room 303

11:01 AM

6:18-11987 Carmen Lopez

Chapter 13

#120.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Lopez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14954 GLASGOW COURT, Victorville, CA, 92394 Under 11 U.S.C. § 362

MOVANT: NATIONSTAR MORTGAGE LLC dba MR. COOPER

EH__

Docket 133

Tentative Ruling:

11/13/18
Service: Proper
Opposition: YES

Debtors dispute that they are behind 9 payments and request a 30-day continuance to establish the payment history.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... James Robert Kinney and Stephanie Mae Kinney

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:13-25137 Herbert Anderson, Jr.

Chapter 13

#2.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2058 Orchard Drive, Perris, CA 92571

MOVANT: NATIONSTAR MORTGAGE LLC

From: 11/6/18

EH__

Docket 62

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: None

Based on the fact that Debtor appears to have completed his Chapter 13 plan, and based on the evidence submitted by Movant which appears to indicate that Debtor has made the last eighteen monthly payments, the Court is inclined to GRANT the motion to the extent of lifting the automatic stay as it applies to the bankruptcy estate only. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3, and 12. DENY alternative request under ¶ 13 as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Herbert Anderson Jr.

Represented By
Todd B Becker

Movant(s):

Nationstar Mortgage, LLC.

Represented By
Michael Daniels

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Herbert Anderson, Jr.

Darlene C Vigil

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:13-26702 Ricardo F Estrellado, Jr and Lilian P Estrellado

Chapter 13

#3.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 27535 Papillion Street #3, Murrieta, CA 92562

EH ____

Docket 58

Tentative Ruling:

11/13/18
Service: Proper
Opposition: No

GRANT pursuant to § 362(d)(1). GRANT waiver of 14-day stay. GRANT as to ¶¶ 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ricardo F Estrellado Jr

Represented By
Thomas Shanner

Joint Debtor(s):

Lilian P Estrellado

Represented By
Thomas Shanner

Movant(s):

Nationstar Mortgage LLC, its

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:16-11151 Jeanne Marie Jackson

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1649 Pinedale Avenue, Bloomington, CA 92316

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 11/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeanne Marie Jackson

Represented By
D Justin Harelik

Movant(s):

Freedom Mortgage Corporation

Represented By
Kristin A Zilberstein
Kelly M Raftery
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie Chapter 13

#5.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Ford Escape; VIN: 1FMCU0H93DUD72995

MOVANT: ALTA VISTA CREDIT UNION

From: 9/11/18

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Movant(s):

Alta Vista Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:17-19565 Cynthia Ramos

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6645 Truman Ct., Chino, California 91710

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 84

Tentative Ruling:

11/13/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request under ¶ 3 permitting Movant to offer Debtor loan workout options;
and GRANT order designating Debtor as "borrower" under Cal. Civil Code § 2920.5.
DENY request for APO as moot

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Cynthia Ramos

Represented By
Hayk Grigoryan

Movant(s):

SPECIALIZED LOAN SERVICING

Represented By
Carlos R Hernandez-Vivoni
Mark S Krause

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:17-20487 Ann Marie Smith

Chapter 13

#7.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6140 Sard St, Alta Loma, CA 91701

MOVANT: WELLS FARGO BANK N.A.

From: 10/16/18

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/29/18**

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT relief from § 1301(a) co-debtor stay. GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written oppositions is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Ann Marie Smith

Represented By
Brian J Soo-Hoo

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Nancy L Lee
Jonetta A Graves

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Ann Marie Smith

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-12323 Kevin E Horton and Manuel F. Dela Rosa

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 48258 Chesapeake PI, Indio, CA 92201

MOVANT: CITIBANK NA

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin E Horton

Represented By
Todd L Turoci

Joint Debtor(s):

Manuel F. Dela Rosa

Represented By
Todd L Turoci

Movant(s):

Citibank, N.A.

Represented By
Robert P Zahradka

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-14278 David Bruce Bremer and Tina Marie Bremer

Chapter 13

#9.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Scion XB

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

From: 10/2/18, 11/6/18

EH__

Docket 29

Tentative Ruling:

10/02/2018

Service is Proper

Opposition: YES

Parties to indicate whether there has been progress on an agreement for an APO.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

David Bruce Bremer

Represented By
Paul Y Lee

Joint Debtor(s):

Tina Marie Bremer

Represented By
Paul Y Lee

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... David Bruce Bremer and Tina Marie Bremer

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-14336 Peter Najim

Chapter 13

#10.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 35967 Country Park Dr., Wildomar, CA

MOVANT: CARDENAS THREE LLC

EH__

Docket 53

Tentative Ruling:

11/13/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay. GRANT request under ¶ 3 permitting Movant to offer Debtor loan workout options; and DENY request to lift the co-debtor stay as no co-debtor was served. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Movant(s):

Cardenas Three, LLC, a California

Represented By
Coby Halavais

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-14949 Alice Chow

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2010 Ford F250, VIN: 1FTSW2BRXAEA62976

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 26

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Alice Chow

Represented By
Andrew Nguyen

Movant(s):

Santander Consumer USA Inc., as

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-16064 Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

#12.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2017 Beta 500 RR-S

MOVANT: LBS FINANCIAL CREDIT UNION

EH__

Docket 30

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. GRANT relief from the co-debtor stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Michael D. Wickham

Represented By
M Wayne Tucker

Joint Debtor(s):

JoAnn Y. Wickham

Represented By
M Wayne Tucker

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17099 Carlington Hugh Whyne and Tia Antionette Whyne

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Tundra

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 17

Tentative Ruling:

11/13/18

Notice: Proper

Opposition: None

GRANT pursuant to §§ 362(d)(1) and (d)(2). GRANT waiver of 14-day stay.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carlington Hugh Whyne	Pro Se
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Joint Debtor(s):

Tia Antionette Whyne	Pro Se
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Movant(s):

Toyota Motor Credit Corporation	Represented By Austin P Nagel
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Carlington Hugh Whyne and Tia Antionette Whyne

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17323 Keith T. Marshall and Sonia M. Marshall

Chapter 7

#14.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Dodge Ram, VIN 1C6RD6FT8CS267760

MOVANT: SANTANDER CONSUMER USA INC.

From: 10/16/18

EH__

Docket 11

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: None

The Court notes that rather than attach the appropriate exhibits, it appears that Movant has inadvertently replaced those exhibits with a second copy of the motion. As a result, Movant has failed to establish that it has a security interest in the subject property nor has Movant established the fair market value of the property. Therefore, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Keith T. Marshall

Represented By
Christopher J Langley

Joint Debtor(s):

Sonia M. Marshall

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Keith T. Marshall and Sonia M. Marshall

Chapter 7

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17381 Charles Mickey Alligood

Chapter 13

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2010 Hyundai Elantra

MOVANT: QUALITY ACCEPTANCE LLC

CASE DISMISSED 11/8/18

EH__

Docket 16

***** VACATED *** REASON: CASE DISMISSED 11/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Mickey Alligood

Represented By
Alon Darvish

Movant(s):

Quality Acceptance, LLC

Represented By
Robert S Lampl

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17590 Paul Stephen Fletcher and Gina Apolinar Fletcher

Chapter 7

#16.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2006 Chrysler Pacifica, VIN
2A4GM48476R900744

MOVANT: SANTANDER CONSUMER USA INC

EH ____

Docket 15

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Paul Stephen Fletcher

Represented By
Nicholas M Wajda

Joint Debtor(s):

Gina Apolinar Fletcher

Represented By
Nicholas M Wajda

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Paul Stephen Fletcher and Gina Apolinar Fletcher

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17769 Kellie C. Baker

Chapter 13

#17.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2016 Toyota Sequoia

MOVANT: LBS FINANCIAL CREDIT UNION

EH__

Docket 12

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). DENY request under § 362(d)(2) for lack of cause shown. GRANT waiver of 4001(a)(3) stay. GRANT relief from co-debtor stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Kellie C. Baker

Represented By
Edward T Weber

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17797 Susan Violet Guillot

Chapter 13

#18.00 Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii) 28281 Robert St., Perris, California

MOVANT: MATTHEW GREENE & LORI GREENE

EH ____

Docket 42

Tentative Ruling:

11/13/18
Notice: Proper
Opposition: None

The instant case was filed within one year of the dismissal of the Debtor's prior case, Case No. 17-15347. Thus, the Debtor was required to seek to continue the stay pursuant to § 362(c)(3). The language of § 362(c)(3) plainly states that the Court cannot extend the stay until "after notice and hearing completed before the expiration of the 30-day period". Here, the 30-day period expired on October 14, 2018, and the hearing on Debtor's Motion was as held and denied on October 30, 2018. Based on the failure to obtain an order prior to the expiration of the 30-day period, no stay is in effect. The Motion is GRANTED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Susan Violet Guillot

Represented By
Gary S Saunders

Movant(s):

Matthew & Lori Greene

Represented By
Coby Halavais

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Susan Violet Guillot

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17903 Phillip David Johnson and Miriam Carreon Johnson

Chapter 7

#19.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2011 Mercedes-Benz C Class, VIN
WDDGF5EB3BA525982

MOVANT: WELLS FARGO BANK NA

EH ____

Docket 9

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1) and § 362(d)(2). GRANT waiver of
4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Phillip David Johnson

Represented By
Kristin R Lamar

Joint Debtor(s):

Miriam Carreon Johnson

Represented By
Kristin R Lamar

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

CONT... Phillip David Johnson and Miriam Carreon Johnson

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-17915 Stephanie F Grijalva-Gould

Chapter 7

#20.00 Amended Motion (related document(s): 12 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2009 Mitsubishi Galant, VIN 4A3AB36F29E002647

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 15

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1) and § 362(d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Stephanie F Grijalva-Gould

Represented By
Brian J Soo-Hoo

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-18127 Rudy Avila

Chapter 7

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Chevrolet Equinox, VIN 2GNALBEK7F6416863

MOVANT: ACAR LEASING LTD

EH__

Docket 7

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rudy Avila

Represented By
Andrew Nguyen

Movant(s):

ACAR Leasing LTD dba GM

Represented By
Jennifer H Wang

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-18142 Arlene Bada

Chapter 7

#22.00 motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2013 Toyota Camry

MOVANT: GATEWAY ONE LENDING & FINANCE

EH__

Docket 8

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1) and § 362(d)(2). GRANT waiver of 4001(a)(3) stay. GRANT request for lifting of co-debtor stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Arlene Bada

Represented By
James P Doan

Movant(s):

Gateway One Lending & Finance

Represented By
Karel G Rocha

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#23.00 Cont Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 1778 Carr Rd Ste 4A, Calexico, CA 92231

MOVANT: PACIFIC RIM DISTRIBUTION CENTER LLC

FROM 10/30/18

EH__

Docket 47

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). DENY request pursuant to § 362(d)
(2) for lack of cause shown. GRANT waiver of 4001(a)(3) stay. DENY all remaining
requests for relief for lack of cause shown.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Pacific Rim Distribution Center,

Represented By
Kurt Rifbjerg

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-18384 Kent Christian

Chapter 7

#24.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford F150, VIN 1FTEW1EP1HKC45440

MOVANT: TD AUTO FINANCE LLC

EH__

Docket 9

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1) and § 362(d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Kent Christian

Represented By
David L Nelson

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

10:00 AM

6:18-18816 Vadany Sophan

Chapter 13

#25.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 2016 Honda Accord

MOVANT: VADANY SOPHAN

EH__

Docket 12

Tentative Ruling:

11/13/18

The Debtor's prior case was dismissed for failure to make payment and based on a failure to provide adequate proof of income from employment as an Uber/Lyft Driver. The Debtor has provided evidence that he has obtained new employment with regular income since the prior filing. The Court is inclined to GRANT the Motion as having overcome the presumption that the case was not filed in good faith.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Vadany Sophan

Represented By
Lionel E Giron

Movant(s):

Vadany Sophan

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-17533 Antoine Hossein Babai

Chapter 11

#26.00 Amended Motion (related document(s): 25 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 71100 Aerie Road, Palm Desert, California 92260
(ADVANCED FROM 2:00 PM CALENDAR)

MOVANT: ANTOINE HOSSEIN BABAI

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoine Hossein Babai

Represented By
Christopher Hewitt

Movant(s):

Antoine Hossein Babai

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#27.00 CONT Patient Care Ombudsman's Emergency Motion for Order Approving Review of Confidential Patient Records Under § 333, and Approving Notice to Patients Under Bankruptcy Rule 2015.1(b)
(ADVANCED FROM 2:00 PM CALENDAR)

From: 10/2/18, 10/30/18

Also #28 - #33

EH__

Docket 75

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz
Bradley A Cosman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#28.00 CONT Application to Employ Seelig+Cussigh HCO LLC as Consultant to Patient Care Ombudsman Retroactive to September 13, 2018
(ADVANCED FROM 2:00 PM CALENDAR)

From: 10/30/18

Also #27 - #33

EH__

Docket 101

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz
Bradley A Cosman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#29.00 CONT Application to Employ Perkins Coie LLP as Counsel to Patient Care
Ombudsman Retroactive to September 13, 2018
(ADVANCED FROM 2:00 PM CALENDAR)

From: 10/30/18

Also #27 - #33

EH__

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Jerry Seelig

Represented By
Sara Chenetz
Bradley A Cosman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#30.00 Hearing On Amended Notice Of Setting Insider Compensation Of Oscar Brambila
(ADVANCED FROM 2:00 PM CALENDAR)

Also #27 - #33

EH__

Docket 151

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#31.00 CONT Emergency Motion for Order: (1) Authorizing Payment of PrePetition Payroll Obligations; and (2) Authorizing Debtor to Honor PrePetition Employment Procedures
(FINAL HEARING)
(ADVANCED FROM 2:00 PM CALENDAR)

From: 8/20/18, 9/25/18, 10/16/18

Also #27 - #33

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente
Ryan W Beall
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#32.00 CONT Emergency Motion for Order: (1) Authorizing Debtors to Use Cash Collateral on Interim Basis; (2) Granting Adequate Protection to Secured Creditors; and (3) Scheduling a Final Hearing
**(FINAL HEARING)
(ADVANCED FROM 2:00 PM CALENDAR)**

From: 8/20/18, 9/25/18, 10/16/18

Also #27 - #33

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente
Ryan W Beall
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

12:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

**#33.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference
And (2) Requiring Status Report
(ADVANCED FROM 2:00 PM CALENDAR)**

From: 8/28/18, 9/25/18, 10/30/18

Also #27 - #32

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#34.00 CONT Application for Compensation of Final Fees and/or Expenses with proof of service for Fredman Lieberman Pearl LLP, Debtor's Attorney, Period: 5/11/2016 to 12/5/2016, Fee: \$278,079.00, Expenses: \$4,603.13

From: 12/19/17, 4/24/18, 10/9/16, 10/16/18

EH__

Docket 306

***** VACATED *** REASON: CONTINUED TO 11/27/18 AT 2:00 P.M.**

Tentative Ruling:

11/13/2018

The Application for Compensation was amended on 10/30/2018 to correct errors in the calculations submitted by Applicant. The Application having been corrected and their being no objections by interested party to the Application, finding that the amounts are otherwise reasonable, the Court is inclined to GRANT the Application, allowing fees in the amounts stated in the October 30, 2018, corrected amounts.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

10/16/18

On May 11, 2016, Allied Injury Management, Inc. ("Debtor") filed a Chapter 11 voluntary petition. On June 6, 2016, the Court approved the employment application of Fredman Lieberman Pearl LLP to serve as counsel to Debtor ("Applicant"). On November 17, 2016, the Court approved an application to expand the scope of Applicant's representation. On November 30, 2018, the Court ordered the appointment of a Chapter 11 Trustee and, five days later, David Goodrich was appointed as the Chapter 11 Trustee.

On October 6, 2017, Applicant filed an application for compensation for an aggregate amount of \$282,682.13 covering the period of May 11, 2016 to December 5, 2016. Applicant and UST have twice stipulated to a continuance of the hearing.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Chapter 11

Pursuant to 11 U.S.C. § 330(a)(1), the court may award reasonable compensation for actual, necessary services. The court has an independent duty to review the fee application in the absence of objections. *See* 11 U.S.C. § 330(a)(2). The court "will not indulge in extensive labor and guesswork to justify a fee for an attorney who has not done so himself." *In re Taylor*, 66 B.R. 390 (Bankr. W.D. Pa. 1986).

11 U.S.C. § 330(a)(3) provides factors to be considered in determining the reasonableness of requested compensation. These factors include time spent, rates charged, necessity of the service, reasonableness of the service, expertise of attorney, and comparable market rates.

First of all, the Court notes that Applicant's fee application is somewhat unclear. The application requests \$278,079 for professional fees related to the main bankruptcy case and three adversary proceeding, and a summary identifying the amount of fees in each proceeding is provided on the tables that spans pages 6 and 7 of the fee application. That table identifies fees in the amount of \$242,270.50 in the main case. Nevertheless, the very next table, which deals with categories of tasks performed and spans pages 7-8 of the fee application, only identifies \$227,244.50 in fees for the main case. It does not appear that the fee application addresses or explains this discrepancy of \$15,026, and, therefore, the Court is inclined to reduce the fee application by \$15,026.

The "Summary of Fees for the Main Case" table is additionally problematic because of the fact that the majority of the rows and tables in this summary do not add up to the identified total. While the miscalculations are not egregious, and are sometimes to the disadvantage of Applicant, the errors force put the credibility of the fee application as a whole, including its more than 100 pages of billing entries, into question. The inherent contradictions of the fee application continue when comparing the summary tables with the more detailed tables in the application's sections on the adversary matters.

Additionally, the Court notes that the first two pages of Exhibit 4 include billing for services provided which predate the effective date of the employment order. Those billing entries related to services provided by Mr. Lieberman are also lumped entries. For those two reasons, the Court is inclined to reduce the fee application by an additional amount of \$6,068.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc. Chapter 11

Otherwise, the Court has reviewed the fee application and finds the requested fees and costs to be generally reasonable. The Court is inclined to CONTINUE the hearing for Counsel to file an amended application correcting the arithmetical errors and apparent contradictions throughout the fee application.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Fredman Lieberman Pearl LLP

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 13, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#35.00 Application for Compensation for Michael Jones, Debtor's Attorney, Period:
3/27/2018 to 10/22/2018, Fee: \$54,450, Expenses: \$0.00

EH__

Docket 87

***** VACATED *** REASON: CONTINUED TO 11/27/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

10:00 AM

6:18-16798 Renard Louis Hamilton and Regina Elizabeth Hamilton

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and United Auto Credit Corporation re: 2015 Hyundai Sonata

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renard Louis Hamilton	Pro Se
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Joint Debtor(s):

Regina Elizabeth Hamilton	Pro Se
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Trustee(s):

Steven M Speier (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

10:00 AM

6:18-16713 Danny Arthur Goodro and Marina Hernandez Goodro

Chapter 7

**#2.00 Pro se Reaffirmation Agreement Between Debtor and Alaska USA Federal
Credit Union re 2014 Chevrolet Cruze**

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Arthur Goodro

Represented By
Dina Farhat

Joint Debtor(s):

Marina Hernandez Goodro

Represented By
Dina Farhat

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

10:00 AM

6:18-16099 Hugo Ugarte and Teresa Ugarte

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Ally Financial re 2012 Dodge Durango

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hugo Ugarte

Represented By
Michael H Colmenares

Joint Debtor(s):

Teresa Ugarte

Represented By
Michael H Colmenares

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

10:00 AM

6:16-17888 Jay J. Goodman

Chapter 7

#4.00 Status Conference re Jay Goodman Filing Of September 6, 2018 re Objection re Order Approving Motion For Attorney Fees

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jay J. Goodman

Represented By
Christopher Hewitt

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

11:00 AM

6:13-23186 Richard C Cox, Jr

Chapter 7

#5.00 CONT Motion for Turnover of Insurance Renewal Commissions

From: 8/22/18, 9/12/18

EH __

Docket 150

***** VACATED *** REASON: CONTINUED TO 1/16/19 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard C Cox Jr

Represented By
Summer M Shaw

Movant(s):

Helen R. Frazer (TR)

Represented By
Leonard M Shulman
Brandon J Iskander
Lynda T Bui

Trustee(s):

Helen R. Frazer (TR)

Represented By
Leonard M Shulman
Brandon J Iskander
Lynda T Bui

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

11:00 AM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:18-01123 First Home Bank v. Karadas

#6.00 CONT Motion for Consent Order re: Claim of Creditor First Home Bank as Nondischargeable

From: 10/17/18

Also #7

EH__

Docket 11

Tentative Ruling:

10/17/18

DISCUSSION

On November 20, 2017 ("Petition Date"), Sean Karadas ("Debtor") filed his petition for chapter 7 relief. Charles Daff is the duly appointed chapter 7 trustee ("Trustee"). Among the assets of the estate are Small Business Administration loan funds totaling \$327,653 (the "SBA Loan") obtained by the Debtor from First Home Bank for his wholly owned corporation, Pacific Trium, Inc. ("Pacific Trium") Trustee has evidence that almost immediately following the disbursement of loan funds to the Debtor, that the Debtor transferred the funds from Pacific Trium's account to his personal account on May 31, 2017, and then from his account to his son's account on June 20, 2017.

On May 24, 2018, First Home Bank filed a dischargeability action under §§ 523 and 727 against the Debtor objecting to the discharge of the Debtor's personal guaranty and alleging fraud and misrepresentation by Debtor in obtaining the SBA Loan.

On September 11, 2018, First Home Bank filed a Motion for Consent Order re: Claim of Creditor First Home Bank as Nondischargeable ("Motion"). The Motion specifically seeks approval of the parties' stipulation as to nondischargeability of the personal guaranty and separately seeks dismissal of the remaining claims. Although the Motion acknowledges that parties in interest may timely file a response to the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

11:00 AM

CONT... Sean Karadas

Chapter 7

Motion to pursue the §727 action, the Motion is deficient in that the proof of service fails to indicate service on the Debtor's creditors. To date, the Court's claims register reflects that 17 claims have been filed against the Debtor's estate and as such, there are interested parties who may be interested in pursuing the §727 action.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to CONTINUE the hearing on the Motion to November 14, 2018, at 11:00 a.m. for the Debtor to serve the Debtor's creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Movant(s):

First Home Bank

Represented By
Joshua N Kastan

Plaintiff(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

11:00 AM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:18-01123 First Home Bank v. Karadas

#7.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01123. Complaint by First Home Bank against Sean Karadas. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(65 (Dischargeability - other)),(41 (Objection / revocation of discharge - 727(c),(d),(e))), (72 (Injunctive relief - other))(Kastan, Joshua)

From: 7/25/18, 10/24/18

Also #6

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

11:00 AM

CONT... Sean Karadas

Chapter 7

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Wednesday, November 14, 2018

Hearing Room 303

11:00 AM

6:18-16362 Lisa Caron

Chapter 13

#8.00 Motion to Dismiss Case for Abuse

EH__

Docket 22

*** VACATED *** REASON: ORDER ENTERED 11/9/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lisa Caron

Represented By
Bruce A Wilson

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:18-12440 Paul Pound

Chapter 7

Adv#: 6:18-01147 Lloyd v. Pound

#9.00 CONT Status Conference RE: Complaint by April Lloyd against Paul M Pound. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 9/5/18

Also #10

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/5/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Pound

Represented By
Todd L Turoci

Defendant(s):

Paul M Pound

Represented By
Todd L Turoci

Plaintiff(s):

April Lloyd

Represented By
Chane Buck

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:18-12440 Paul Pound

Chapter 7

Adv#: 6:18-01147 Lloyd v. Pound

#10.00 Motion For Summary Judgment

Also #9

EH__

Docket 6

***** VACATED *** REASON: CONTINUED TO 12/5/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Pound

Represented By
Todd L Turoci

Defendant(s):

Paul M Pound

Represented By
Todd L Turoci

Movant(s):

April Lloyd

Represented By
Chane Buck

Plaintiff(s):

April Lloyd

Represented By
Chane Buck

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:18-12282 Frank Javier Valderrama

Chapter 7

Adv#: 6:18-01141 Balderas et al v. Valderrama

#11.00 Motion to Dismiss Adversary Proceeding Motion to dismiss **First Amended Complaint**

Also #12

EH__

Docket 12

Tentative Ruling:

11/14/18

BACKGROUND

On March 21, 2018, Frank Valderrama ("Debtor") filed a Chapter 7 voluntary petition. On July 2, 2018, Debtor received a discharge.

On June 25, 2018, Elizabeth Balderas & Jose Carrillo (collectively, "Plaintiffs") filed a complaint against Debtor for non-dischargeability pursuant to 11 U.S.C. § 523(a)(2) (A).

On July 17, 2018, Debtor filed a motion to dismiss for failure to state a claim. On August 10, 2018, Plaintiffs filed their opposition. On September 10, 2018, the Court granted the motion, dismissing the complaint with leave to amend.

On September 28, 2018, Plaintiffs filed an amended complaint (the "FAC"). On

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

October 19, 2018, Debtor filed another motion to dismiss. On October 31, 2018, Plaintiffs filed their opposition.

DISCUSSION

I. MOTION TO DISMISS STANDARD

In order to avoid dismissal pursuant to Civil Rule 12(b)(6), a complaint must allege sufficient factual matter, which if accepted as true, would "state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (*quoting Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible when a court can draw a reasonable inference that the defendant is liable for misconduct. *Id.* The plaintiff must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Id.*

II. NON-DISCHARGEABILITY STANDARD

As a preliminary note, the Court notes that the format and opposition of the FAC is rather confusing. The adversary proceeding cover sheet and the first page of the complaint identify the complaint as a non-dischargeability complaint under 11 U.S.C. § 523(a)(2) [not itself an actual provision] and § 523(a)(2)(A); three causes of action are likewise identified: (1) breach of written contract; (2) breach of fiduciary duty; and (3) fraud.

The adversary cover sheet, in the section titled "nature of suit," also checks § 523(a)(4). As was made clear in the previous motion to dismiss tentative ruling, the Court will not address a cause of action which is not clearly asserted in the complaint. Here, once again, Plaintiffs have not actually mentioned § 523(a)(4) in the entirety of the complaint, and, therefore, the Court will construe the FAC as solely a request under § 523(a)(2)(A). As a result, the Court will not address Debtor's argument that Plaintiffs

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

are time-barred from bringing a § 523(a)(4) claim.

11 U.S.C. § 523(a)(2)(A) states:

(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(b) of this title does not discharge an individual debtor from any debt –

(2) for money, property, services, or an extension, renewal, or refinancing of creditor, to the extent obtained by –

(A) false pretenses, a false representation, or actual fraud, other than a statement respecting the debtor's or an insider's financial condition;

The elements of a § 523(a)(2)(A) claim are well-established: (a) the debtor made representations; (b) which were known to be false; (c) the representations were made with the intention and purpose of deceiving the creditor; (d) the creditor relied on such representations; (e) the creditor sustained loss and damage as a proximate result of the representations. *See, e.g., In re Sabban*, 600 F.3d 1219, 1222 (9th Cir. 2010).

As noted by Debtor, FED. R. CIV. P. Rule 9(b) is applicable to a § 523(a)(2)(A) non-dischargeability proceeding. *See, e.g., In re Kimmel*, 2008 WL 5076380 at *1 (9th Cir. 2008). "In order to properly plead fraud with particularity, the complaint must allege the time, place, and content of the fraudulent representation such that a defendant can prepare an adequate response to the allegations." *Id.*

Here, while its organization is rather confusing, the FAC has made substantial progress towards addressing the concerns raised regarding the original complaint. Specifically, the FAC does contain allegations which, if liberally construed, amount to a false representation of a material fact. For example, paragraph 35 states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

Each time Plaintiffs made a payment, Debtor assured them that progress was being made on the project. Debtor assured them that materials and construction were being expended [sic] with the money he received from Plaintiffs. Such representations were false in that in his meeting of the credits [sic] Debtor testified under oath that he did not use any money he received by Plaintiffs to pay for material or labor.

The FAC also contains different variations, in different locations, of the following assertion, found in ¶ 41: "Debtor intentionally withheld the true information from Plaintiffs so that Plaintiffs continue [sic] to pay Debtor." Regarding the element of reliance, the Court notes that ¶ 32 concludes by stating: "Plaintiffs would not have paid Debtor additional funds had they known that Debtor was keeping the money for himself," which could be construed as alleging reliance on the part of Plaintiffs. Debtor has not argued that Plaintiffs have failed to adequately allege damages, and it seems clear that the element of damages had been adequately asserted.

Turning to the heightened pleading standard of FED. R. CIV. P. Rule 9(b), it would appear that the FAC, if liberally construed, does contain allegations of fraudulent representations with sufficient particularity. Specifically, for example, paragraph 35, reproduced above, appears to allege that Debtor asserted he was spending the money on materials and constructions each time that a payment was made. Given that paragraphs ¶¶ 36 and 38 identify a list of dates when payments were made, it would appear that, taking the FAC as a whole, there are adequate assertions of a particular representation, made by a particular person, on a particular date.

In Debtor's motion to dismiss, Debtor appears to assert that the FAC fails to plead fraud with particularity because "[t]here is no allegation that any payment was made as a result of any specific misrepresentation." [Dkt. No. 12, pg. 8]. As the Court noted above, there are certain sections of the FAC, such as ¶ 32, which assert that Debtor would not have made payments to Debtor, if not for Debtor's representation that the money was being spent on materials and construction. It would appear that such allegations are adequate to allege fraud with particularity. The Court declines to address Debtor's argument that Plaintiffs cannot establish reasonable reliance because

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... **Frank Javier Valderrama**

Chapter 7

the reasonableness of such reliance is a factual issue not ripe for determination at this time.

Debtor also argues that the first cause of action, breach of contract, should be dismissed as a matter of law because the cause of action is not a basis to hold a debt to be non-dischargeable. The Court notes, however, that the tentative ruling of August 29, 2018, pointed out that if Plaintiffs wished to obtain a money judgment, Plaintiffs would need to articulate the legal basis for that debt so that the Court would have a basis to liquidate the debt. While it is not clear from the face of the FAC, it would appear that the cause of action for breach of contract was not intended to serve as a basis for non-dischargeability, but, rather, a basis for a money judgment. Furthermore, given the references to state law and the absence of any reference to 11 U.S.C. § 523(a)(4), it appears that the second cause of action, for breach of fiduciary duty, also may serve the same purpose. While it is debatable whether "breach of contract" and "breach of fiduciary duty" should serve as independent causes of action, the Court understands them to serve as simply providing the legal basis of the alleged debt, which would only be relevant if Plaintiffs were to prevail on the § 523(a)(2)(A) claim.

Finally, the Court agrees with Debtor that Elizabeth Balderas lacks standing because she is neither a party to the contract nor an express beneficiary thereof. Plaintiffs argue that: "The contract was entered into during the marriage, therefore, it is community property. Certainly, Plaintiff Balderas has a right to recover money paid to Debtor whether by her individually or her deceased husband which was paid with community funds." [Dkt. No. 15, pg 13]. This appears to be incorrect as a matter of law. *See, e.g., Hatchwell v. Blue Shield of California*, 198 Cal. App. 3d 1027, 1036 (Cal. Ct. App. 1988) ("Denise contends that she may maintain the action pursuant to her community property interest in the contract . . . In *Austero v. Nat'l Casualty Co.*, 62 Cal. App 3d 511 (Cal. Ct. App. 1976), the court rejected this contention, stating: 'Whatever plaintiff's property rights with respect to the policies may be, the fact remains that she is not a party to the contracts.');" *see also Gutierrez v. State Farm Mut. Ins. Co.*, 2012 WL 398828 at *3 (N.D. Cal. 2012) ("[Community property statutory presumptions] do not, however, confer standing on a non-contracting spouse.").

To the extent that Plaintiffs argue that Elizabeth Balderas was a party to the contract or the partnership agreement, the Court rejects such assertions as implausible given that Plaintiffs have attached a copy of the contract which shows that Elizabeth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... **Frank Javier Valderrama**

Chapter 7

Balderas was not a party. Plaintiffs counsel is requested to review FED. R. BANKR. P. Rule 9011(b), and is reminded that factual misrepresentations or frivolous legal arguments may warrant sanctions.

TENTATIVE RULING

The Court is inclined to GRANT the motion to the extent of dismissing Elizabeth Balderas from the action, with leave to amend, and otherwise DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Defendant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Movant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Plaintiff(s):

Elizabeth Balderas

Represented By
John F Bazan

Jose Carrillo

Represented By
John F Bazan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Frank Javier Valderrama

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:18-12282 Frank Javier Valderrama

Chapter 7

Adv#: 6:18-01141 Balderas et al v. Valderrama

#12.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01141. Complaint by Elizabeth Balderas, Jose Carrillo against Frank Javier Valderrama. 523(a)(2), false pretenses, false representation, actual fraud)

From: 8/29/18

Also #11

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 9/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Defendant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Plaintiff(s):

Elizabeth Balderas

Represented By
John F Bazan

Jose Carrillo

Represented By
John F Bazan

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#13.00 Motion to Dismiss Adversary Proceeding for failure to state a claim

Also #14

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#14.00 CONT Status Conference Re: Adversary case 6:18-ap-01064. Complaint by Mona Gerges, Rafet Gerges, St. Mary Properties, LLC against Mark Bastorous, Bernadette Shenouda. False pretenses, False representation, actual fraud, 67- Dischargeability - 523(a)(4); Fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), Willful and malicious injury

From: 5/9/18, 5/16/18, 7/11/18, 8/22/18, 10/31/18

Also #13

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafet Gerges

Represented By
Louis J Esbin

St. Mary Properties, LLC

Represented By
Louis J Esbin

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:17-10724 Bausman and Company Incorporated

Chapter 7

Adv#: 6:18-01179 WHITMORE v. Strata Forest Products, Inc.

#15.00 Status Conference RE: [1] Adversary case 6:18-ap-01179. Complaint by ROBERT S WHITMORE against Strata Forest Products, Inc.. (Charge To Estate - \$350.00). Nature of Suit: (12 (Recovery of money/property - 547 preference)),(91 (Declaratory judgment)) (Djang, Caroline)

EH__

Docket 1

*** VACATED *** REASON: ADVERSARY DISMISSED 10/25/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bausman and Company Incorporated

Represented By
William A Smelko

Defendant(s):

Strata Forest Products, Inc.

Pro Se

Plaintiff(s):

ROBERT S WHITMORE

Represented By
Caroline Djang

Trustee(s):

Robert Whitmore (TR)

Represented By
Best Best & Krieger
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:17-10724 Bausman and Company Incorporated

Chapter 7

Adv#: 6:18-01180 Whitmore v. Sierra Forest Products, Inc. dba Atlas Lumber

#16.00 Status Conference Re: Adversary Complaint by Robert S. Whitmore against Sierra Forest Products, Inc. dba Atlas Lumber. (Charge To Estate \$350.00).
Nature of Suit: 12 - Recovery of money/property - 547 preference, 91 -
Declaratory judgment

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bausman and Company Incorporated

Represented By
William A Smelko

Defendant(s):

Sierra Forest Products, Inc. dba Atlas

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Caroline Djang

Trustee(s):

Robert Whitmore (TR)

Represented By
Best Best & Krieger
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:13-14986 David Wayne Wakefield

Chapter 7

Adv#: 6:14-01288 Grobstein v. Wakefield

#17.00 Motion for Attorney's Fees Incurred in Enforcing a Judgment

EH__

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wayne Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Defendant(s):

Elise Wakefield

Pro Se

Joint Debtor(s):

Elise Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Movant(s):

Howard Grobstein

Represented By
Alan W Forsley

Plaintiff(s):

Howard Grobstein

Represented By
Alan W Forsley

Trustee(s):

Howard B Grobstein (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT...

David Wayne Wakefield

Alan W Forsley

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#18.00 Motion to Dismiss Adversary Proceeding for Failure to State a Claim upon which Relief can be Granted or in the Alternative for a more Definite Statement filed by **Liberty Orthopedic Corporation**

Also #19 - #21

EH__

Docket 98

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Movant(s):

LIBERTY ORTHOPEDIC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#19.00 Motion to Dismiss Adversary Proceeding for Failure to State a Claim upon which Relief can be Granted filed by **OIC Medical Corporation**

Also #18 - #21

EH__

Docket 99

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Movant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#20.00 Motion to Dismiss Adversary Proceeding for Failure to State a Claim upon which Relief can be Granted or in the Alternative for a more Definite Statement
Universal Orthopaedic Group

Also #18 - #21

EH__

Docket 97

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Movant(s):

UNIVERSAL ORTHOPAEDIC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#21.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18, 8/22/18, 10/31/18

Also #18 - #20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 14, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:10-20626 Irma Cantu

Chapter 13

Adv#: 6:17-01057 Cantu v. Ocwen Loan Servicing, LLC et al

#1.00 Status Conference RE: [1] Adversary case 6:17-ap-01057. Complaint by Irma Cantu against Ocwen Loan Servicing, LLC. (Fee Not Required). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)),(65 (Dischargeability - other)),(72 (Injunctive relief - other)) (Cravens, Leonard)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irma Cantu

Represented By
Leonard J Cravens

Defendant(s):

Ocwen Loan Servicing, LLC

Pro Se

Ocwen Loan Servicing, LLC

Represented By
Adam N Barasch

Plaintiff(s):

Irma Cantu

Represented By
Leonard J Cravens

Trustee(s):

Rod (MJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-14867 Richard Cornelius

Chapter 13

Adv#: 6:18-01178 United States Of America v. Cornelius

#2.00 Status Conference RE: [1] Adversary case 6:18-ap-01178. Complaint by United States Of America against Richard Cornelius. (Fee Not Required). Nature of Suit: (62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) (Levey, Elan)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/10/19 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Cornelius

Represented By
Paul Y Lee

Defendant(s):

Richard Cornelius

Pro Se

Joint Debtor(s):

Naomi Rodriguez-Cornelius

Represented By
Paul Y Lee

Plaintiff(s):

United States Of America

Represented By
Elan S Levey

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17351 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01181 Tarhuni v. Lakeview Loan Servicing LLC et al

#3.00 Motion to Dismiss Adversary Proceeding to Determine Extent and Validity of Lien, Request for Declaratory Judgment, and Request for Injunctive Relief for Lack of Standing, Lack of Subject Matter Jurisdiction, Discretionary Abstention, and Failure to State a Claim Upon Which Relief can be Granted

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni Pro Se

Defendant(s):

Lakeview Loan Servicing LLC Represented By
Jonathan C Cahill

Loancare LLC Represented By
Jonathan C Cahill

Movant(s):

Lakeview Loan Servicing LLC Represented By
Jonathan C Cahill

Loancare LLC Represented By
Jonathan C Cahill

Plaintiff(s):

Melanie Tarhuni Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

CONT... Melanie Tarhuni

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17351 Melanie Tarhuni

Chapter 13

#4.00 CONT Confirmation of Chapter 13 Plan

From: 11/8/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#5.00 CONT Trustee's Motion to Dismiss Case

From: 9/27/18, 10/25/18

Also #6

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-12567 Jaelyn Roylene Young

Chapter 13

#6.00 Order to show cause why case should not be dismissed

Also #5

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaelyn Roylene Young

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-12622 Karen Jannette Rimola

Chapter 13

#7.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Jannette Rimola

Represented By
Norma Duenas

Movant(s):

Karen Jannette Rimola

Represented By
Norma Duenas
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#8.00 CONT Motion of U.S. Trustee for the Entry of an Order Requiring Nationstar Mortgage LLC to Provide an Escrow Account Reconciliation Statement & Related Relief

From: 6/28/18, 8/30/18, 11/8/18

EH__

Docket 113

***** VACATED *** REASON: ORDER ENTERED 11/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-19067 Denise Valencia

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 13820 Ellis Park Trail Eastvale, CA 92880

MOVANT: SHERRI SHAFIZADEH

CASE DISMISSED 11/13/18

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Valencia

Pro Se

Movant(s):

Sherri S Shafizadeh

Represented By
Barry L O'Connor

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:16-19018 Ingeborg Margarete Preisendanz

Chapter 13

#10.00 Application for Compensation for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) for Danny K Agai, Creditor's Attorney, Period: to, Fee: \$1100.00, Expenses: \$0.

EH__

Docket 47

Tentative Ruling:

11/15/18

On October 10, 2016, Ingeborg Preisendanz ("Debtor") filed a Chapter 13 voluntary petition. On November 21, 2016, Debtor's Chapter 13 case was confirmed.

On September 22, 2018, Debtor's attorney, Danny Agai ("Applicant"), filed an application for compensation requesting \$1,100. Applicant requests \$350 for opposing a motion to dismiss (approved by Trustee) and \$750 for opposing a motion for relief from the automatic stay. On September 25, 2018, Trustee filed comments requesting billing records to justify the \$750 for opposition to the motion for relief from the automatic stay. On October 6, 2018, Applicant filed a supplemental exhibit with billing records. On October 22, 2018, Applicant set the matter for hearing.

The Court notes that the billing records provided by Applicant contain lumped entries. Nevertheless, in the absence of any further objection by Trustee, noting the apparent reasonableness of the fees charged, and that Applicant was successful in getting the motion for relief from stay denied, the Court is inclined to APPROVE the fees in their entirety.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

**CONT... Ingeborg Margarete Preisendanz
Tentative Ruling:**

Chapter 13

Subject to further objection by Trustee, the Court is inclined to APPROVE the application.

APPERANCES REQUIRED.

Party Information

Debtor(s):

Ingeborg Margarete Preisendanz

Represented By
Danny K Agai

Movant(s):

Ingeborg Margarete Preisendanz

Represented By
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-16804 Adam Brian Britt and Kenya Lashawn Britt

Chapter 13

#11.00 Motion for Authority to Incur Debt (Ch 13)

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Brian Britt

Represented By
Scott Kosner

Joint Debtor(s):

Kenya Lashawn Britt

Represented By
Scott Kosner

Movant(s):

Adam Brian Britt

Represented By
Scott Kosner

Kenya Lashawn Britt

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

#12.00 CONT Confirmation of Chapter 13 Plan

From: 10/25/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-16489 Rebecca Moore

Chapter 13

#13.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18, 11/8/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Moore

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:17-12149 Irma Dalia Cantu

Chapter 13

#14.00 CONT Debtor's Motion for Order Disallowing Claim no 1-1 filed by Ocwen Loan Servicing, LLC

From: 6/4/18, 8/30/18

EH__

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens

Movant(s):

Irma Dalia Cantu

Represented By
Leonard J Cravens
Leonard J Cravens

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17624 Jose Antonio Velasco and Lilian Micaela Velasco

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Velasco

Represented By
Danny K Agai

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17633 Debra Kristeen Schuler

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra Kristeen Schuler

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17635 David Bloch and Sarah Bloch

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Bloch

Represented By
Julie J Villalobos

Joint Debtor(s):

Sarah Bloch

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17646 Belinda Pastran

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Belinda Pastran

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17660 Sharon Lee Martinez

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sharon Lee Martinez

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17671 J Jesus Hernandez

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

J Jesus Hernandez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17676 Patricia Ellen Bond-Gomez

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ellen Bond-Gomez

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17677 Chadwick Otieno Ochieng and Christine Achieng Matoka

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chadwick Otieno Ochieng

Represented By
John F Brady

Joint Debtor(s):

Christine Achieng Matoka

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17680 Ignacio Diaz

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ignacio Diaz

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17681 Cameron Hudson

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cameron Hudson

Represented By
Stuart R Simone

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17687 Moises Alvarez and Martha Alvarez

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/14/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Moises Alvarez

Represented By
Todd L Turoci

Joint Debtor(s):

Martha Alvarez

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17700 Nick Caropino

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nick Caropino

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17714 Jon Patrick Park

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jon Patrick Park

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17717 Jesus Gutierrez

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Gutierrez

Represented By
Inez Tinoco-Vaca

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17721 Maribel Villarreal

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maribel Villarreal

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17732 DeBora Debbie Walker

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DeBora Debbie Walker

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17735 Carlos Garcia

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Garcia

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17737 Juan Aguilera

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 9/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Aguilera

Represented By
A Mina Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17769 Kellie C. Baker

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kellie C. Baker

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17784 David John Stoykovich, Jr. and Merlina Lynn Burton

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David John Stoykovich Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Merlina Lynn Burton

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17797 Susan Violet Guillot

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Violet Guillot

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17832 Laura Darice Jambazian

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Laura Darice Jambazian

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17854 Billy Joe Osuna

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Billy Joe Osuna

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17862 Diana L Montaya

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana L Montaya

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17869 Michael Ferriola

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Ferriola

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17871 Dennis McKusick

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/12/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis McKusick

Represented By
Michael Avanesian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17874 Javier Valadez

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Valadez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17876 Maria Mercado

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Mercado

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17878 Sumanta Chakravarti and Madhumita Chakravarti

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sumanta Chakravarti

Represented By
Paul Y Lee

Joint Debtor(s):

Madhumita Chakravarti

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17883 Norberto Calalay Jimenez and Araceli Corrales Jimenez

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norberto Calalay Jimenez

Represented By
Christopher J Langley

Joint Debtor(s):

Araceli Corrales Jimenez

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17886 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ricky Antonio Scott

Represented By
Eva M Hollands

Joint Debtor(s):

Shemida Shiloni Scott

Represented By
Eva M Hollands

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17927 Ertun Reshat and Hale Reshat

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ertun Reshat

Represented By
April E Roberts

Joint Debtor(s):

Hale Reshat

Represented By
April E Roberts

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17938 Catalina J Alvarez

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Catalina J Alvarez

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17946 Erika Lynn Pruitt

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erika Lynn Pruitt

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17953 Stacy Scott Patton, Sr

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Stacy Scott Patton Sr

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-17995 Jingyi Luo

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/9/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jingyi Luo

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-18002 Jennifer Romero

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Romero

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:00 AM

6:18-14882 Hazel Harrison

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hazel Harrison

Represented By
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:14-11597 Taylor J. Bretz

Chapter 13

#53.00 Trustee's Motion to Dismiss Case

EH__

Docket 223

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Taylor J. Bretz

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:14-19913 Martin Caballero and Clementina Caballero

Chapter 13

#54.00 Trustee's Motion to Dismiss Case

EH__

Docket 136

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martin Caballero

Represented By
Luis G Torres

Joint Debtor(s):

Clementina Caballero

Represented By
Luis G Torres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#55.00 Trustee's Motion to Dismiss Case

EH__

Docket 121

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:15-13811 Christopher Lee Sumners

Chapter 13

#56.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Lee Sumners

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:16-11794 ROBERT A HAGUE and DIANNE L HAGUE

Chapter 13

#57.00 Trustee's Motion to Dismiss Case

EH__

Docket 115

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/31/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ROBERT A HAGUE

Represented By
Manfred Schroer

Joint Debtor(s):

DIANNE L HAGUE

Represented By
Manfred Schroer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:16-17536 Gracey Hunter

Chapter 13

#58.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH __

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gracey Hunter

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#59.00 Trustee's Motion to Dismiss Case

EH__

Docket 116

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:17-13608 Warren Alan Hall and Kelly Suzanne Hall

Chapter 13

#60.00 Trustee's Motion to Dismiss Case re Delinquency

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Warren Alan Hall

Represented By
Lionel E Giron

Joint Debtor(s):

Kelly Suzanne Hall

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:17-13917 Teresa A Salvail and Michael D Salvail

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Teresa A Salvail

Represented By
Julie J Villalobos

Joint Debtor(s):

Michael D Salvail

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:17-14744 Cirenio Merida

Chapter 13

#62.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cirenio Merida

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:17-15285 Trevor D. Washington and Sandra Washington

Chapter 13

#63.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

***** VACATED *** REASON: CASE DISMISSED 11/8/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trevor D. Washington

Represented By
Julie J Villalobos

Joint Debtor(s):

Sandra Washington

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#64.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18, 10/18/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:18-13714 Jose Martinez and Aurora Martinez

Chapter 13

#65.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Martinez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Aurora Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:18-13793 Michael Moreno and Azucena Moreno

Chapter 13

#66.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Moreno

Represented By
Andrew Nguyen

Joint Debtor(s):

Azucena Moreno

Represented By
Andrew Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 15, 2018

Hearing Room 303

11:01 AM

6:18-14340 Lawrence A McCoy

Chapter 13

#67.00 Trustee's Motion to Dismiss Case

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence A McCoy

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:14-18622 Saul Bautista

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 11 Della Cava Lane, Lake Elsinore, California 92532

MOVANT: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

EH__

Docket 49

***** VACATED *** REASON: CONTINUED TO 1/15/18 AT 10:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Saul Bautista

Represented By
James T Lillard

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
Grace Chang-Rodriguez
Ann Nguyen
Kennessa C Hartin
Delesia Graham
Gilbert R Yabes

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:15-13652 David Wark and Michelle Wark

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 51910 Avenida Alvarado, La Quinta, California 92253-3190

MOVANT: CITIMORTGAGE, INC.

EH__

Docket 67

Tentative Ruling:

11/27/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

David Wark

Represented By
Christopher Hewitt

Joint Debtor(s):

Michelle Wark

Represented By
Christopher Hewitt

Movant(s):

CitiMortgage, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... David Wark and Michelle Wark

Chapter 13

Anthony C Kesterson
Helen L Williams
Cheryl A Knapmeyer
Robert P Zahradka

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:15-14501 Vonetta M Mays

Chapter 13

#3.00 notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2011 JEEP COMPASS, VIN: 1J4N F1FB 4BD2 10495

MOVANT: MECHANICS BANK

EH__

Docket 198

Tentative Ruling:

11/27/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Vonetta M Mays

Represented By
Christopher J Langley

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:16-10048 Margaret Crain

Chapter 13

#4.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3300 Mary Ellen Dr, Riverside, California 92509-0816

MOVANT: WELLS FARGO BANK, N.A.

CASE DISMISSED 11/1/18

From: 5/15/18, 6/26/18, 8/1/18, 8/21/18, 10/16/18

EH__

Docket 66

***** VACATED *** REASON: CASE DISMISSED 11/1/18**

Tentative Ruling:

Tentative Ruling:

5/15/2018

Service is Proper
Opposition: Yes

Parties to apprise Court regarding extent of arrears and status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Margaret Crain

Represented By
Yelena Gurevich

Movant(s):

Wells Fargo Bank, N.A.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... Margaret Crain

Chapter 13

Jamie D Hanawalt
Jessica L Carter
Tavon Taylor

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:16-18820 Chase D Chung

Chapter 13

#5.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 60231 La Mirada Trail, Joshua Tree, California 92252

MOVANT: WELLS FARGO BANK N.A.

From: 11/6/18

EH__

Docket 73

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Chase D Chung

Represented By
Daniel C Sever

Movant(s):

WELLS FARGO BANK, N.A.,

Represented By
Shreena Augustin
Seth Greenhill
April Harriott
Theron S Covey
Sean C Ferry

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... Chase D Chung

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:17-13523 Loretta Chavis

Chapter 13

#6.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 837 Michigan Ave, Beaumont, CA 92223

MOVANT: SUN WEST MORTGAGE COMPANY INC

EH__

Docket 26

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT requests under ¶¶ 2, 3 and 12.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Loretta Chavis

Represented By
Dan Perry

Movant(s):

Sun West Mortgage Company, Inc.,

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: for property located at 370 Claremont St Hemet, CA
92545

MOVANT: US BANK NATIONAL ASSOCIATION

From: 10/16/18, 11/6/18

EH__

Docket 30

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carolyn Maxine Bodden

Represented By
Edward G Topolski

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:17-20382 Raymond Ballejos and Veronica Ballejos

Chapter 13

#8.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 1820 Michigan St, Colton CA 92324-1327

MOVANT: QUICKEN LOANS INC

CASE DISMISSED 10/18/18

EH__

Docket 53

***** VACATED *** REASON: CASE DISMISSED 10/18/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raymond Ballejos

Represented By
Natalie A Alvarado

Joint Debtor(s):

Veronica Ballejos

Represented By
Natalie A Alvarado

Movant(s):

Quicken Loans Inc., its successors

Represented By
Nichole Glowin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-10079 Cheryl Linda Fernandez

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 425 Grant Street, Redlands, California 92373

MOVANT: WILMINGTON SAVINGS FUND SOCIETY, FSB

EH__

Docket 67

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. DENY request for relief from § 1301(a) stay because Movant has failed to serve the co-debtor at the address identified in Schedule H. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cheryl Linda Fernandez

Represented By
Matthew D. Resnik

Movant(s):

Wilmington Savings Fund Society,

Represented By
Kelsey X Luu
Jamie D Hanawalt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... Cheryl Linda Fernandez

Gilbert R Yabes

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-13327 Ridge B. M. Robert

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Camry, VIN 4T4BF1FK2DR298847

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/21/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ridge B. M. Robert

Represented By
Gene Koon

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Sheryl K Ith

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-13503 John L Velasquez and Christi J Velasquez

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3124 Oakview Lane

MOVANT: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

EH__

Docket 41

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John L Velasquez

Represented By
Paul Y Lee

Joint Debtor(s):

Christi J Velasquez

Represented By
Paul Y Lee

Movant(s):

JPMorgan Chase Bank, National

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#12.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 17455 Kentucky Derby Drive, Moreno Valley, California 92555

MOVANT: WVMF FUNDING LLC

From: 11/6/18

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 11/20/18**

Tentative Ruling:

11/6/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lamar Ramon Benjamin

Represented By
Ethan Kiwhan Chin

Movant(s):

WVMF Funding, LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-16064 Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

#13.00 CONT Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2017 Beta 500 RR-S

MOVANT: LBS FINANCIAL CREDIT UNION

From: 11/13/18

EH__

Docket 30

***** VACATED *** REASON: STIPULATED APO ENTERED 11/26/18**

Tentative Ruling:

11/13/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay. GRANT relief from the co-debtor stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Michael D. Wickham

Represented By
M Wayne Tucker

Joint Debtor(s):

JoAnn Y. Wickham

Represented By
M Wayne Tucker

Movant(s):

LBS Financial Credit Union

Represented By
Karel G Rocha

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-17421 Michelle Barrera

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 9

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Michelle Barrera

Represented By
Paul Y Lee

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-17986 Crystal Del Rosario

Chapter 7

#15.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2015 Mercedes-Benz C300W, VIN #
55SWF4JBXFU092680

MOVANT: MERCEDES-BENZ FINANCIAL SERVICES USA LLC

EH ____

Docket 8

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or
written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Crystal Del Rosario

Represented By
Terrence Fantauzzi

Movant(s):

Mercedes-Benz Financial Services

Represented By
Rebecca A Caley

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-18520 Charles Dennis West

Chapter 7

#16.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 35662 Crossroads Street, Wildomar Area, CA 92595

MOVANT: WELLS FARGO BANK NA

CASE DISMISSED 10/29/18

EH__

Docket 9

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The instant case was dismissed on October 29, 2018, and, as a result, the automatic stay terminated pursuant to 11 U.S.C. S 362(c)(1)-(2). Therefore, the Court is inclined to DENY all requests for relief which are not *in rem* requests as moot. The Court is inclined to DENY relief from stay pursuant to § 362(d)(4) for lack of cause shown. Movant's proffered bases for a bad faith finding are: (1) multiple filings affecting the property; and (2) that the instant filing was a skeletal filing. Regarding Debtor's previous filings, Debtor had a case summarily dismissed more than six years ago, and had an additional case dismissed in May 2018 after completing approximately half of his Chapter 13 plan. Debtor's recent history does not evince an abuse of the bankruptcy protections. Furthermore, the instant skeletal filing does not, of itself, appear to warrant a bad faith finding.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Charles Dennis West

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... Charles Dennis West

Chapter 7

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Gilbert R Yabes

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-18688 Jose F. Escobar

Chapter 7

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Ford Mustang Eco-boost

MOVANT: THE GOLDEN 1 CREDIT UNION

EH__

Docket 7

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT relief from Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Jose F. Escobar

Represented By
Christopher Hewitt

Movant(s):

Golden 1 Credit Union

Represented By
Mirco J Haag

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-18810 Jennifer Marie Silva

Chapter 13

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 309 Cheshire Lane, Hemet, California 92544 [In Rem]

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 9

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from stay pursuant to § 362(d)(4) based on nine bankruptcy cases affecting the property in the past two years and multiple unauthorized transfers of a fractionalized interest in property. GRANT waiver of the Rule 4001(a)(3) stay. Pursuant to 11 U.S.C. § 362(c)(4)(A)(i), the automatic stay never went into effect in the instant case, and therefore the Court is inclined to DENY all remaining requests as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jennifer Marie Silva

Pro Se

Movant(s):

U.S. Bank National Association, not

Represented By
Erin M McCartney

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

CONT... Jennifer Marie Silva

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-19017 Hortencia Gallardo

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 HONDA CIVIC, VIN: 2HGF C2F7 6HH5 17281

MOVANT: HONDA LEASE TRUST

EH__

Docket 14

Tentative Ruling:

11/27/2018

Service is Proper

Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1) and (2). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2. DENY alternative request under ¶ 11 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Hortencia Gallardo

Pro Se

Movant(s):

HONDA LEASE TRUST

Represented By
Vincent V Frounjian

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-19147 Miguel Angel Huape

Chapter 7

#20.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 557 Casey Court, Colton CA

MOVANT: MARIA JA JAUREGUI

EH__

Docket 12

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d)
(1). GRANT waiver of Rule 4001(a)(3) stay. GRANT request under ¶ 2.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Miguel Angel Huape

Represented By
Khushwant Sean Singh

Movant(s):

Maria Ja Jauregui

Represented By
Helen G Long

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-19400 Maria D Valdez Quintero

Chapter 13

#21.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 29104 Escalante Road Sun City, CA 92587

MOVANT: MARIA D VALDEZ QUINTERO

EH__

Docket 6

Tentative Ruling:

11/27/2018

The Court having reviewed the motion, good cause appearing, and noting the lack of any opposition, the Court is inclined to GRANT the motion, CONTINING the automatic stay as to all creditors.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Maria D Valdez Quintero

Represented By
Jaime A Cuevas Jr.

Movant(s):

Maria D Valdez Quintero

Represented By
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

10:00 AM

6:18-18622 Jackie May Zapata

Chapter 13

#22.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate re 2003 Volvo Sedan S40 and 29706 Stonewood Rd Temecula, CA 92591

MOVANT: JACKIE MAY ZAPATA

From: 11/8/18

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jackie May Zapata

Represented By
Todd L Turoci

Movant(s):

Jackie May Zapata

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#23.00 CONT Application for Compensation of Final Fees and/or Expenses with proof of service for Fredman Lieberman Pearl LLP, Debtor's Attorney, Period: 5/11/2016 to 12/5/2016, Fee: \$278,079.00, Expenses: \$4,603.13

From: 12/19/17, 4/24/18, 10/9/16, 10/16/18, 11/13/18

Also #24 & #25

EH__

Docket 306

Tentative Ruling:

11/27/2018

The Application for Compensation was amended by Applicant's reply filed on 10/30/2018 to correct errors in the calculations submitted by Applicant. The Application having been corrected, the amounts requested now appear reasonable, and the Court is inclined to GRANT the Application, allowing fees in the amount of \$280,618.13 in fees and expenses, and approving payment in the amount of \$171,044.63 (to the extent funds are available).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Fredman Lieberman Pearl LLP

Represented By
Alan W Forsley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#24.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

From: 11/8/16, 12/6/16, 1/10/17, 3/7/17,4/4/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18

Also #23 & #25

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#25.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 6/7/16, 8/30/16, 9/14/16, 10/20/16, 10/25/16, 12/6/16, 1/10/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18

Also #23 & #24

EH__

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#26.00 CONT Status Conference Re: Complaint by Cambridge Medical Funding Group II, LLC against Allied Injury Management, Inc., John C. Larson. 02 - Other e.g. other actions that would have been brought in state court if unrelated to bankruptcy

HOLDING DATE

From: 11/1/16, 12/6/16, 1/31/17, 2/28/17, 3/28/17, 5/30/17, 8/29/17, 10/3/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

John C. Larson

Pro Se

Plaintiff(s):

Cambridge Medical Funding Group

Represented By
Kenneth Hennesay

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01279 Allied Injury Management, Inc. v. One Stop Multi-Specialty Medical Group

#27.00 CONT Status Conference RE: [1] Adversary case 6:16-ap-01279. Complaint by Allied Injury Management, Inc. against One Stop Multi-Specialty Medical Group & Therapy, Inc., One Stop Multi-Specialty Medical Group, Inc., Nor Cal Pain Management Medical Group, Inc.. (Charge To Estate). Complaint for (1) Breach of Contract; (2) Account Stated; and (3) Unjust Enrichment Nature of Suit: (14 (Recovery of money/property - other))

From: 1/24/17, 3/7/17, 4/25/17, 6/27/17, 7/11/17, 9/12/17, 11/14/17, 11/28/17, 1/30/18, 4/10/18, 4/24/18, 6/26/18, 9/25/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Defendant(s):

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

One Stop Multi-Specialty Medical

Represented By
Maria K Pum
Maria C Armenta

Nor Cal Pain Management Medical

Represented By
Maria K Pum
Maria C Armenta

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Trustee(s):

David M Goodrich (TR)

Represented By
Mark S Horoupian
Jason Balitzer
Victor A Sahn
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:16-19993 B & B Family, Incorporated

Chapter 11

Adv#: 6:18-01116 Forte v. B & B Family, Incorporated

#28.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01116. Complaint by Patricia Forte against B & B Family, Incorporated

From: 7/24/18, 7/31/18, 10/9/18, 10/16/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/29/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

B & B Family, Incorporated

Represented By
Todd L Turoci
Julie Philippi

Defendant(s):

B & B Family, Incorporated

Represented By
Todd L Turoci

Plaintiff(s):

Patricia Forte

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#29.00 Application for Compensation Application for Compensation And Reimbursement Of Final Fees And Expenses of Lozano Law Center, Inc., Per 11 U.S.C. § 330; Declarations Of David Lozano, Esq. And Joe Ruvalcava Support Thereof (With Proof of Service) for David Lozano, Debtor's Attorney, Period: 5/19/2017 to 10/10/2018, Fee: \$93,279.00, Expenses: \$988.60.

EH__

Docket 171

Tentative Ruling:

11/27/2018

On July 7, 2017, AMJ Plumbing Specialists Corp. ("Debtor") filed a Chapter 11 voluntary petition. On October 10, 2017, the Court approved the employment application of Lozano Law Center, Inc. ("Applicant") to serve as counsel to Debtor. Debtor's first amended disclosure statement was approved on June 6, 2018, and Debtor's first amended plan of reorganization was confirmed on August 3, 2018. No interim fee applications have been filed by Applicant.

On November 5, 2018, Applicant filed an application for compensation, requesting allowance and payment of \$119,279 in fees (less a retainer of \$26,000) and \$988.60 in expenses. No opposition have been filed.

Pursuant to 11 U.S.C. § 330(a)(1), the court may award reasonable compensation for actual, necessary services. The court has an independent duty to review the fee application in the absence of objections. *See* 11 U.S.C. § 330(a)(2). The court "will not indulge in extensive labor and guesswork to justify a fee for an attorney who has not done so himself." *In re Taylor*, 66 B.R. 390 (Bankr. W.D. Pa. 1986).

11 U.S.C. § 330(a)(3) provides factors to be considered in determining the reasonableness of requested compensation. These factors include time spent, rates charged, necessity of the service, reasonableness of the service, expertise of attorney, and comparable market rates.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... AMJ Plumbing Specialists Corp.

Chapter 11

First, the Court notes that the instant case was filed on July 7, 2017. Applicant's employment application, filed August 22, 2017, explicitly requested authorization for Debtor to employ Applicant, *nunc pro tunc*, effective July 7, 2017. The Court's order granting the employment application, entered October 10, 2017, reflects that employment is effective July 7, 2017. Nevertheless, Applicant has billed for substantial work completed prepetition. The billing entries submitted by Applicant reflected that Applicant billed \$9,984 for work completed prior to the effective date of employment, which the Court is inclined to strike as outside the scope of the employment order entered by the Court.

Second, the Court notes that the fee application contains numerous, unambiguously lumped entries, which is prohibited by Local Rule 2016-1(a)(1)(E) (iii) and applicable case law. For instance, one single entry, dated March 23, 2018, states the following: "Discuss available dates with court clerk. Discuss bank account information with Debtor. Prepare proposed deadlines and amend the motion, Disclosure Statement and Plan. Discussed Adequate Protection Payments with Matilda. Review Email from union re penalties and fees. Frank Alvarado," and identifies a total billed time of 8.96 hours. Such entries preclude the Court from engaging in the required review of the reasonableness and necessity of the services provided.

Third, the Court notes that it does not appear Applicant has provided any detailed description or summary of the expenses incurred and requested through the application. Pursuant to Local Rule 2016-1(a)(1)(F) and applicable case law, a summary of the expenses incurred is required for allowance.

Given that the fee application is replete with instances of lumping which would result in a disallowance of a substantial amount, if not the majority of the requested fees, the Court is inclined to DISALLOW the application in its entirety, without prejudice, and allow Applicant to file an amended fee application.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... AMJ Plumbing Specialists Corp.

Chapter 11

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

Movant(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano
David Lozano
David Lozano
David Lozano
David Lozano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-10155 Jose De Jesus Hernandez

Chapter 11

#30.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 10/23/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose De Jesus Hernandez

Represented By
Eric Bensamochan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#31.00 Motion for Order Authorizing Assumption of Lease with Pacific Spectrum One Pursuant to Bankruptcy Code Section 365(a)]

Also #32

EH__

Docket 109

Tentative Ruling:

11/27/2018

BACKGROUND

On July 12, 2018, LA Steel Servs., Inc. ("Debtor") filed a Chapter 11 voluntary petition. On Schedule G, Debtor listed an industrial lease agreement (the "Lease") with Pacific Spectrum One for business premises located at 1760 California Ave., Ste. 201, Corona, CA. On November 6, 2018, Debtor filed a motion to assume the Lease pursuant to 11 U.S.C. § 365. Debtor asserts that Debtor is not currently in default under the lease terms, that assumption of lease is a proper exercise of Debtor's business judgment, and that the landlord is adequately assured of future payments pursuant to the lease terms.

DISCUSSION

11 U.S.C. § 365(a) provides that: "Except as provided in sections 765 and 766 of this title and in subsections (b), (c), and (d) of this section, the trustee, subject to the court's approval, may assume or reject any executory contract or unexpired lease of the debtor." 11 U.S.C. § 365(c) provides limitations which are not applicable to the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... LA Steel Services, Inc., a California corporation

Chapter 11

instant situation. 11 U.S.C. § 365(b) provides the requirements if there is an existing default in the executory contract to be assumed. Here, Debtor asserts that there is no default, and, therefore, that section is inapplicable.

11 U.S.C. § 365(d) provides for the deadline for an executory contract to be assumed or rejected. In a Chapter 11 case, 11 U.S.C. § 365(d)(2) provides that executory contracts regarding personal property or residential real property may be assumed or rejected at any time prior to confirmation of the Chapter 11 plan. 11 U.S.C. § 365(d)(4)(A)(i) provides that an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected and surrendered if not assumed within 120 days after the petition date. Debtor's case was filed on July 12, 2018, and, as a result, the deadline to assume the Lease was November 9, 2018. Nevertheless, ostensibly due to practical considerations, the majority of case law construes this deadline as a deadline for the filing of the motion rather than the entry of an order approving assumption. *See e.g.*, 3 COLLIER'S ON BANKRUPTCY ¶ 365.05[3][d] (16th ed. 2017) ("Recognizing these difficulties, most courts required that a trustee or debtor in possession act before the expiration of the [period], but held that court approval of a trustee or debtor in possession's motion to assume could be granted after the expiration of the period.").

Therefore, none of the statutory exceptions being applicable, Debtor having demonstrated that the decision to assume is a sound exercise of its business judgment, notice being proper, and no opposition having been filed, the Court is inclined to GRANT the motion.

TENTATIVE RULING

The Court is inclined to GRANT the motion.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... LA Steel Services, Inc., a California corporation

Chapter 11

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#32.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 8/28/18, 9/25/18

Also #31

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#33.00 CONT Application for Compensation for Michael Jones, Debtor's Attorney, Period: 3/27/2018 to 10/22/2018, Fee: \$54,450, Expenses: \$0.00

From: 11/13/18

EH__

Docket 87

Tentative Ruling:

11/27/2018

On March 27, 2018, G Hurtado Construction, Inc. ("Debtor") filed its petition for chapter 11 relief. The bankruptcy was precipitated by a wage and hour lawsuit brought by two and possibly more former employees. On April 25, 2018, the Court approved the employment application of M. Jones & Associates, P.C. ("Applicant") to serve as counsel to Debtor. Debtor's initial disclosure statement required amendment following the Court's allowance of late-filed claims. The First Amended DS and Plan were filed in October 2018. On October 22, 2018, the Applicant filed the instant and first interim fee application seeking allowance of \$54,450 in fees and \$0 in expenses for the period of March 27, 2018, through and including October 22, 2018. No opposition has been filed.

Pursuant to 11 U.S.C. § 330(a)(1), the court may award reasonable compensation for actual, necessary services. The court has an independent duty to review the fee application in the absence of objections. *See* 11 U.S.C. § 330(a)(2). The court "will not indulge in extensive labor and guesswork to justify a fee for an attorney who has not done so himself." *In re Taylor*, 66 B.R. 390 (Bankr. W.D. Pa. 1986).

11 U.S.C. § 330(a)(3) provides factors to be considered in determining the reasonableness of requested compensation. These factors include time spent, rates charged, necessity of the service, reasonableness of the service, expertise of attorney, and comparable market rates.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT...

G Hurtado Construction, Inc.

Chapter 11

Applicant indicates that it is in possession of \$10,600 being held in the firm's trust account. Additionally, the Applicant indicates that the Debtor currently has \$722,251.50 in unrestricted funds with which to make payment. Here, based on the time entries narrative, and record of the case, the Court finds that the amounts sought by Applicant are reasonable. As an interim application, however, the Court will allow 80% of the requested fees, with 20% disallowed without prejudice as a hold back.

Moreover, pursuant to Local Rule 2016-1(a)(1)(J) requires a separately filed declaration from the client, or in the alternative, if the client refuses to provide such declaration, Applicant's own declaration describing steps taken to obtain the client's declaration. Here, the Application indicates that the client declaration would be filed in close proximity with the Application.

Based on the foregoing, the Court is inclined to GRANT the request for allowance of fees at 80% (\$43,560), and the related request for order authorizing payment by the Debtor, conditioned upon the filing of a client declaration or explanation, as required under LBR 2016-1(a)(1)(J)

APPEARANCES REQUIRED.

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#34.00 Application to Employ Shulman Hodges & Bastian LLP as General Bankruptcy Counsel

EH__

Docket 45

Tentative Ruling:

11/27/2018

DISCUSSION

"[I]t is clear that the bankruptcy court has broad discretion over the appointment of professionals." *In re Seeburg Prods. Corp.*, 215 B.R. 175, 178 (Bankr. N.D. Ill. 1997). A violation of the rules of professional responsibility can be sufficient reason to disqualify a proposed counsel from being employed in a case. *See, e.g., In re Universal Bldg. Prods.*, 486 B.R. 650, 661 (Bankr. D. Del. 2010) (collecting cases).

"An attorney retained by the trustee, or debtor in possession, who assists with the collection of the assets of the estate, must abide by the highest professional standards." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 840 (Bankr. C.D. Cal. 1991) "Not honesty alone, but the punctilio of an honor the most sensitive, is the standard of behavior." *Meinhard v. Salmon*, 164 N.E. 545, 546 (N.Y. 1928).

"[A] debtor who proposes a sale of all of its assets . . . must fully disclose to the court and creditors the relationship between the buyer and seller, as well as the circumstances under which the negotiations have taken place, any marketing efforts, and the factual basis upon which the debtor determined that the price was reasonable." *In re Wilde Horse Enters., Inc.*, 136 B.R. at 842. *In re Wilde Horse Enters., Inc.*,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... **Technology Solutions & Services, Inc., a Californi**
continued on to state:

Chapter 11

The Court finds from the evidence before it that Ms. Bernstein either (1) knew of the collusive and undisclosed relationships in this case and knowingly participated in misleading the Court and creditors; or (2) didn't know of the collusive and undisclosed relationships in this case, and is therefore wholly incompetent because she insisted on remaining ignorant of the facts and law applicable to her case notwithstanding the numerous indicia of questionable conduct along the way. Whether Ms. Bernstein's acts were wrongful, willfully incompetent or grossly negligent is not important to the determination here. Under either case, the Court concludes her fees must be denied in their entirety [sic], she should not be permitted to represent debtors in possession before any bankruptcy court, and her conduct in this case must be referred to the State Bar of California for disciplinary proceedings.

Id. at 847.

In the instant case, it appears Applicant failed to act with honesty and candor in relation to the sale of substantially all of the estate's assets. Specifically, notwithstanding Applicant's duty to the Court, Applicant failed to disclose a material side deal which was pertinent to the terms of the sale under review, and Applicant even stated at the hearing it was not Applicant's job to make such disclosure. Applicant's conduct in this case has fallen short of complying with the rules of professional conduct and has obstructed the Court's review of the primary matter in this case, the sale of substantially all of Debtor's assets. Given that such conduct is clearly adequate to disallow Applicant's fees in their entirety, the Court is inclined to find that authorizing the employment of Applicant would be a frivolous exercise.

TENTATIVE RULING

The Court is inclined to DISALLOW the application.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Technology Solutions & Services, Inc., a Californi

Chapter 11

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

**#35.00 CONT Motion for approval of chapter 11 disclosure statement
(Holding Date)**

From: 8/21/18, 10/23/18

Also #36

EH__

Docket 78

Tentative Ruling:

8/21/18

I. PROCEDURAL BACKGROUND

On January 26, 2018, Markus Boyd ("Debtor") filed a Chapter 11 voluntary petition. On February 13, 2018, the Court entered an interim order approving use of cash collateral. On March 6, 2018, the Court entered orders (1) authorizing Debtor to provide adequate assurance of payment to utility service providers and; (2) approving a budget. On March 26, 2018, the Court authorized the employment of Nicholas Gebelt as counsel for Debtor. On April 26, 2018, the Court disallowed four claims of American Express (claim numbers 2 and 4-6).

On June 22, 2018, Debtor filed its disclosure statement and Chapter 11 plan. On August 7, 2018, UST filed a limited objection to Debtor's disclosure statement.

II. DISCLOSURE STATEMENT

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

In addition to the disclosure statement, the following exhibits are included: (1) "Treatment of Claims/Interests" (Exhibit A); (2) "Executory Contracts & Unexpired Leases" (Exhibit B); (3) "Cash Flow Projections" (Exhibit C); (4) "Recent Financial History" (Exhibit D); (5) "Secured Claims" (Exhibit E); (6) "General Unsecured Claims, in Class 4A or 4B" (Exhibit F); "Liquidating Analysis" (Exhibit G); "Endnotes/Continuation Sheets" (which includes a supplement) (Exhibit H). Debtor has used the Court's optional disclosure statement form and worksheets, and, therefore, the format of the disclosure statement is adequate.

The Chapter 11 Plan's proposed effective date is October 21, 2018. There are four classes of claims and four listed categories of unclassified claims¹:

- 1) Class 1: Arrears secured by real property -- \$174,971.67 claim, Debtor proposes to pay over 60 months. Debtor's Exhibit A contains a row for arrears on the second and third deeds of trust, but does not identify any amount owing.
- 2) Class 2: Additional claims secured by real property – Debtor lists three different claims within this class. Debtor proposes to continue paying his mortgage (identified as \$772,733.45)², over 230 months and at 2% interest. Debtor proposes to cure his delinquency on HOA dues over 60 months. Debtor has included a row for, presumably, future HOA dues but no amount is listed. Nor is it clear that this class is truly unimpaired.
- 3) Class 3: Priority claims: Debtor's plan does not list any claims in class 3
- 4) Class 4: General Unsecured – \$45,151.20, Debtor proposes to pay over 60 months.
 - 1) Type 1: UST fees (\$650) – paid in full on effective date
 - 2) Type 2: Taxes (IRS) – approximately \$80k, paid over 51 months
 - 3) Type 3: Taxes (FTB) –\$5,651.86, paid over 51 months

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT...

Markus Anthony Boyd

Chapter 11

- 4) Type 4: Nicholas Gebelt's fees (\$30k)—paid in full on effective date
- 5) Type 5: Accountant's fees – none listed

III. LEGAL ANALYSIS

A. Adequate Information

A Chapter 11 disclosure statement is required to contain "adequate information" pursuant to 11 U.S.C. § 1125(b). Section 1125(f)(2) provides that: "the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28." The Central District of California has devised a disclosure statement template, Form 3017-1.CH11.DISCLSR.STMT, which Debtor generally adopted as to format.

As to the substance of a disclosure statement, 11 U.S.C. § 1125(a)(1) defines "adequate information" as:

information of a kind, and in sufficient detail as far as is reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case, that would enable such a hypothetical investor of the relevant class to make an informed judgment about the plan, but adequate information need not include such information about any other possible or proposed plan and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

The type of information required varies with the circumstances. *See, e.g., In re Jeppson*, 66 B.R. 269, 292 (Bankr. D. Utah 1986) (listing nineteen categories of information commonly required); *see also In re Malek*, 35 B.R. 443, 443-44 (Bankr. E.D. Mich. 1983) (listing minimum requirements).

While Debtor has utilized Court approved forms and has clearly delineated the treatment of the varying claims, the disclosure statement simply lacks the information necessary to evaluate Debtor's financial situation and determine the probability of the plan's success. First of all, as noted by UST, Debtor's practice appears to have been not to withhold taxes on earned income. Second of all, the limited financial information provided by Debtor indicates his income fluctuates drastically. The four months of "recent financial history" (Exhibit D) including in the disclosure statement note the following monthly receipts:

- 1) \$4,559 (February) (the corresponding monthly operating report lists receipts of \$51.89)
- 2) \$32,591 (March)
- 3) \$15,541 (April)
- 4) \$35,626 (May)

Additionally, a monthly operating report for June, filed after the disclosure statement, identifies receipts in the amount of \$1,801.11. The limited financial history provided supports UST's assertion that: "Debtor's tax liabilities are a significant risk factor given that the monthly operating reports reflect that the Debtor averages between \$18-\$19,000 in monthly net income – much less than the \$30,000 reported in the Disclosure Statement's cash flow projections." Indeed, using that \$18-\$19,000 figure, if one assumes that the receipts are before tax and that Debtor will ultimately be unsuccessful in the pending adversary proceeding, it would appear that the proposed plan may be infeasible. In any event, the financial information provided in the disclosure statement is grossly inadequate for an evaluation of the prospects of the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

CONT... Markus Anthony Boyd

Chapter 11

proposed plan. The information simply does not allow for a reasonably accurate estimation of Debtor's income and expenses moving forward.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

Movant(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#36.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 3/20/18, 8/21/18, 10/23/18

Also #35

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Markus Anthony Boyd

Represented By
Nicholas W Gebelt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#37.00 Motion of the Debtor and Debtor-in-Possession for Order Approving Services Agreement with Force 10 Partners, LLC, Pursuant to 11 U.S.C. § 363(b)

Also #38 - #40

EH__

Docket 154

***** VACATED *** REASON: CONTINUED TO 1/15/19 at 2:00 PM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente
Ryan W Beall
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#38.00 Motion To Compel Payment Of Administrative Rent Or Immediate Rejection Of Lease And Related Relief

Also #37 - #40

EH__

Docket 194

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

The H. N. and Frances C. Berger

Represented By
David B Golubchik

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#39.00 Application for Compensation Notice of Hearing and First and Final Application for Approval of Fees and Reimbursement of Expenses for Todd L Turoci, Debtor's Attorney, Period: 8/16/2018 to 9/28/2018, Fee: \$39,127.50, Expenses: \$2,670.02.

Also #37 - #40

EH__

Docket 126

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
David M Goodrich
Beth Gaschen
Beth Gaschen
Jennifer Vicente
Jennifer Vicente
Ryan W Beall
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, November 27, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#40.00 Status Conference RE: [171] Ombudsman Report for the period of 09/13/2018 through 10/26/2018 (Cosman, Bradley)

Also #37 - #39

EH__

Docket 171

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01308 Cisneros v. BWI CONSULTING, LLC et al

#1.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01308. Complaint by A. Cisneros against BWI CONSULTING, LLC, Black and White, Inc., BLACK AND WHITE BILLING COMPANY, BLACK AND WHITE INK, MEHRAN DEVELOPMENT CORPORATION. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(14 (Recovery of money/property - other))

From: 1/13/16, 3/23/16, 5/25/16, 7/27/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17, 9/13/17, 12/13/17, 2/14/18, 5/16/18, 6/11/18, 8/22/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/27/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

BWI CONSULTING, LLC	Pro Se
Black and White, Inc.	Pro Se
BLACK AND WHITE BILLING	Pro Se
BLACK AND WHITE INK	Pro Se
MEHRAN DEVELOPMENT	Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:17-18075 Steven Rodriguez and Jennifer Rodriguez

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 31

Tentative Ruling:

TENTATIVE RULING

11/28/2018

No opposition has been filed.

Service was Proper.

The Trustee's Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 292

Trustee Expenses: \$ 29

The Trustee may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Steven Rodriguez

Represented By
Andrew Nguyen

Joint Debtor(s):

Jennifer Rodriguez

Represented By
Andrew Nguyen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Steven Rodriguez and Jennifer Rodriguez

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:17-19329 Adrian James Walker and Sahtasah Evett Walker

Chapter 7

#3.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 25

Tentative Ruling:

11/28/2018

No opposition has been filed.

Service was Proper.

The Trustee Final Report been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 566.83

Trustee Expenses: \$ 153.54

The Trustee may submit on the tentative.

APPEARANCES WAIVED. Trustee to lodge an order within 7 days.

Party Information

Debtor(s):

Adrian James Walker

Represented By
Steven A Alpert

Joint Debtor(s):

Sahtasah Evett Walker

Represented By
Steven A Alpert

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Adrian James Walker and Sahtasah Evett Walker

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:18-11327 Latoya Joy Armstrong

Chapter 7

#4.00 CONT Order to show cause why John Alarcon should not be held in contempt of court pursuant to 11 U.S.C. §105 and F.R.B.P. 9020
(Holding date)

From: 8/30/18, 9/27/18, 10/17/18

EH__

Docket 20

***** VACATED *** REASON: STIPULATED ORDER ENTERED 11/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Latoya Joy Armstrong

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#5.00 CONT Motion to Dismiss Bankruptcy Case

From: 10/17/18, 10/24/18

Also #6

EH__

Docket 47

Tentative Ruling:

10/17/2018

BACKGROUND

On April 13, 2018, Desert Ice Castle, LLC ("Debtor") filed its petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). The Debtor's Managing Member and alleged sole owner is Anthony Liu ("Liu"). The petition indicated that the Debtor owned assets totaling \$1,864.61 and had liabilities totaling \$860,500. The Debtor listed two claimants in Schedule F, one claim of Andrzej Luczynski ("Luczynski") in the amount of \$800,000 (as disputed) and a claim of Lui Bin in the amount of \$60,500. On September 12, 2018, Luczynski filed Claim No 1-1 in the amount of \$3,200,000 based on a State Court Action for "unlawful termination [of] joint venture; conversion; unlawful eviction". Luczynski has further indicated that a trial date for the State Court Action is set for November 2, 2018. The Docket reflects that a Motion to Disallow Claim No. 1 has been set for hearing on October 24, 2018.

On September 10, 2018, the Debtor filed a motion to dismiss the bankruptcy ("Motion"). A notice of Non-opposition was filed by Lui Bin on the same date. Opposition to the Motion was filed by Luczynski and the Trustee on October 3, 2018 (the "Oppositions"). The Debtor filed an Omnibus Reply to the Oppositions on October 10, 2018 ("Reply").

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

The Debtor seeks dismissal pursuant to § 305(a)(1). Section 305(a)(1) provides as follows:

The court, after notice and a hearing, may dismiss a case under this title, or may suspend all proceedings in a case under this title, at any time if—

(1) the interests of creditors and the debtor would be better served by such dismissal or suspension;

11 U.S.C. § 305(a)(1); *In re Eastman*, 188 B.R. 621, 625 (9th Cir. BAP 1995). The courts that have construed § 305(a)(1) are in general agreement that abstention in a properly filed bankruptcy case is an extraordinary remedy, and that dismissal is appropriate under § 305(a)(1) **only** in the situation where the court finds that both "creditors and the debtor" would be "better served" by a dismissal. *Id.* (internal citations omitted). The legislative history uses the following example of such a situation:

an arrangement is being worked out by creditors and the debtor out of court, there is no prejudice to the rights of creditors in that arrangement, and an involuntary case has been commenced by a few recalcitrant creditors to provide a basis for future threats to extract full payment.

H.R.Rep. No. 95–595, 95th Cong., 1st Sess. 325 (1977); 1978 U.S.C.C.A.N. 5963, 6281.

As the statutory language and legislative history demonstrate, the test under § 305(a) is not whether dismissal would give rise to a substantial prejudice to the debtor. Nor is the test whether a balancing process favors dismissal. Rather, the test is whether both the debtor and the creditors would be "better served" by a dismissal.

In support of the Motion, the Debtor argues that (1) Luczynski will suffer no prejudice from dismissal of the case because the amended complaint filed in the State Action dismissed the Debtor from the complaint; (2) Creditor Lui Bin will be paid in full; (3) the only parties benefitting from continuation of the case are the Trustee and his professionals. Although the Debtor has seemingly been dismissed from the underlying State Court litigation, the State Action retains allegations that the Debtor is an alter ego of the named defendant, Liu. (Roman Decl. ¶ 2).

The Oppositions essentially assert that (1) Luczynski has filed a proof of claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

that constitutes prima facie evidence of a claim; and (2) avoidable insider payments have been discovered that will benefit the Debtor's creditors.

On the current record, the Court is inclined to DENY the Motion. Here, assuming (as the Court must at this juncture) that Luczynski may have an enforceable claim against the Debtor's estate, dismissal is likely to result in plain legal prejudice to Luczynski because the Debtor and its principal/sole shareholder seek to payoff the only other unsecured creditor in full in order to force a dismissal. The Debtor's strategy is a transparent violation of the bankruptcy code's command that similarly situated creditors must be treated similarly. Additionally, the Court is unconvinced that the dismissal of the Debtor from the underlying State Court Action is a sufficient basis to find that the Debtor has no remaining liability to Luczynski. In fact, the Debtor's evidence confirms that Luczynski's complaint continues to argue that the Debtor and Liu are alter egos. For now, the Court agrees with the Trustee and Luczynski that dismissal would be premature at this point.

TENTATIVE RULING

Based on the foregoing, the Court finds that Debtor has not met its burden of demonstrating that both the Debtor and creditors will be "better served" by dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Thomas J Eastmond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#6.00 CONT Motion to Disallow Claims Disallowing Claim No. 1 of Andrzej Luczynski Pursuant to 11 U.S.C. 502

From: 10/24/18

Also #5

EH__

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:18-15107 Jesus Davila Romero

Chapter 7

#7.00 Motion to Convert Case From Chapter 7 to 13

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Davila Romero

Represented By
Neil R Hedtke

Movant(s):

Jesus Davila Romero

Represented By
Neil R Hedtke

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:18-18094 Gregory O Ouma

Chapter 7

#8.00 Motion For Contempt And Violation Of The Automatic Stay

EH__

Docket 12

Tentative Ruling:

11/28/2018

BACKGROUND

On October 16, 2017, Gregory Ouma ("Debtor") filed a chapter 13 petition for relief (the "First Case"). The Debtor's First Case was dismissed on November 30, 2017. On September 25, 2018 ("Petition Date"), filed his petition for chapter 7 relief (the "Second Case").

On November 2, 2018, the Debtor filed a Motion for Contempt ("Motion") asserting that H.D. Valley Development Corporation, H.G. Long and Leslie Born ("Respondents") violated the automatic stay by continuing legal proceedings to obtain a judgment and writ of possession on October 30, 2018. On November 13, 2018, Respondents filed their opposition to the Motion ("Opposition").

DISCUSSION

The Respondents respond that pursuant to § 362(c)(3), when a debtor had a single or joint case pending within the preceding 1-year period which was dismissed, the stay terminates on the 30th day after the filing of the later case unless a motion to extend the stay is granted. 11 U.S.C. § 362(c)(3). Here, the Debtor's First Case was pending and dismissed within 1 year of the filing of the Second Case. Thus, § 362(c)(3) applies. Pursuant to § 362(c)(3), the stay terminated on October 25, 2018. Per the Respondents' declaration and evidence, the unlawful detainer trial was originally set for September 27, 2018, but was continued to October 30, 2018, due to the filing of the Second Case. The record before the Court indicates that there were no actions taken by Respondents during the 30-day period between the Petition Date and October 25, 2018. Additionally, the docket text attached to the Debtor's motion indicates that the only action taken by Respondents during the 30-day stay period was the filing of a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

CONT... Gregory O Ouma

Chapter 7

notice of continuance of the trial to October 30, 2018 on October 5, 2018.

Prohibited communications include those where direct or circumstantial evidence shows the creditor's actions were geared toward collection of a prepetition debt, were accompanied by coercion or harassment, or otherwise put pressure on the debtor to pay. *In re Zotow*, 432 B.R. 252, 258–59 (9th Cir. BAP 2010). Here, the filing of, and service of the notice of continuance are not in the nature of prohibited communications under § 362(a). Thus, the Debtor has failed to demonstrate that any action by Respondents violated the automatic stay.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to DENY the Motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gregory O Ouma	Pro Se
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Movant(s):

Gregory O Ouma	Pro Se
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Trustee(s):

Lynda T. Bui (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

11:00 AM

6:18-18317 Chiu Ng

Chapter 7

#9.00 Motion For Order Compelling Attorney To File Disclosure Of Compensation Pursuant To 11 U.S.C. § 329 And Federal Rule Of Bankruptcy Procedure 2016

EH ____

Docket 13

Tentative Ruling:

11/28/18

On October 17, 2018, the Office of the United States Trustee ("UST") filed its Motion for Order Compelling Attorney to File Disclosure of Compensation pursuant to 11 U.S.C. § 329 ("Motion"). The Motion requested that the Law Office of William Windham ("Windham") file a Statement of Attorney Compensation. Windham filed the Statement of Attorney Compensation on November 8, 2018.

The Court is inclined to DENY the Motion as moot.

Party Information

Debtor(s):

Chiu Ng

Represented By
William E Windham

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01319 DIAMOND v. Empire Partners, Inc., a California Corporation et

#10.00 Motion for Protective Order re Third Party Subpoena

EH__

Docket 471

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

Jeffrey Rosenfeld

P Sabin Willett

James P Previti

Represented By

Jonathan A Loeb

Jeffrey Rosenfeld

P Sabin Willett

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Larry Day

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Neil M Miller

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Paul Roman

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

O'Melveny & Myers, LLP

Represented By
Howard Steinberg
P Sabin Willett

Peter T. Healy

Represented By
Howard Steinberg
P Sabin Willett

Movant(s):

KPMG LLP

Represented By
Richard W Esterkin

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger - SUSPENDED -
Peter M Bransten
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
Cynthia M Cohen
Roye Zur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat
Adv#: 6:15-01303 Cisneros v. AMERICAN EXPRESS

Chapter 7

#11.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01303. Complaint by A. Cisneros against AMERICAN EXPRESS. (Charge To Estate \$350). For Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 1/13/16, 3/23/16, 5/25/16, 6/29/16, 8/31/16, 11/2/16, 2/1/17, 5/3/17 9/13/17, 12/13/17, 2/14/18, 5/16/18, 6/11/18, 8/22/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/27/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

AMERICAN EXPRESS

Represented By
Robert S Lampl
Chad V Haes

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#12.00 Motion by Revere Financial Corporation and Receiver Jerry Wang to Strike Affirmative Defenses in Answer by Douglas J. Roger to First Amended Complaint by Revere Financial Corporation and Receiver Jerry Wang

EH__

Docket 133

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw
Thomas J Eastmond
Marc C Forsythe

Movant(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger
A. Cisneros

Chapter 7

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#13.00 Motion for Protective Order Interested Parties Douglas J. Roger And Nicole L. Ebarbs Notice Of Motion And Motion For Protective Order Pursuant To Federal Rules Of Civil Procedure Rules 26(c) and 45

Also #14

EH__

Docket 93

*** VACATED *** REASON: CONTINUED TO 12/12/18 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Douglas J. Roger and Nicole L.

Represented By
Marc C Forsythe

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#14.00 Motion to Quash Modify and/or for a Protective Order re Subpoenas served on Citizens Business Bank, MUFG Union Bank, and Bank of Southern California by Plaintiff

Also #13

EH__

Docket 95

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Liberty Orthopedic Corporation

Represented By
Misty A Perry Isaacson

Universal Orthopaedic Group

Represented By
Misty A Perry Isaacson

OIC Medical Corporation

Represented By
Misty A Perry Isaacson

Plaintiff(s):

Revere Financial Corporation

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Franklin R Fraley Jr

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Represented By

Laurel R Zaeske

Arjun Sivakumar

Carmela Pagay

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:18-12282 Frank Javier Valderrama

Chapter 7

Adv#: 6:18-01141 Balderas et al v. Valderrama

#15.00 Status Conference RE: [10] Amended Complaint First by John F Bazan on behalf of Elizabeth Balderas, Jose Carrillo against all plaintiffs. (Bazan, John)

EH__

Docket 10

***** VACATED *** REASON: ADVERSARY DISMISSED 11/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Defendant(s):

Frank Javier Valderrama

Represented By
Robert G Uriarte

Plaintiff(s):

Elizabeth Balderas

Represented By
John F Bazan

Jose Carrillo

Represented By
John F Bazan

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Goe & Forsythe, LLP et al

#16.00 CONT Motion To Dismiss Amended Complaint Against Chapter 7 Trustee

From: 9/4/18, 10/30/18

Also #17

EH__

Docket 14

***** VACATED *** REASON: ADVERSARY DISMISSED 11/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Goe & Forsythe, LLP

Pro Se

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Movant(s):

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01105 Johnson v. Goe & Forsythe, LLP et al

#17.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01105. Complaint by Joana Johnson against Vance Zachary Johnson, Goe & Forsythe, LLP. (61 (Dischargeability - 523(a)(5), domestic support)) (Talkov, Scott)

From: 7/10/18, 9/12/18, 10/30/18

Also #16

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 11/20/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vance Zachary Johnson

Represented By
Robert P Goe

Defendant(s):

Goe & Forsythe, LLP

Pro Se

Todd A Frealy, Chapter 7 Trustee

Represented By
Monica Y Kim

Plaintiff(s):

Joana Johnson

Represented By
Scott Talkov

Trustee(s):

Todd A. Frealy (TR)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:17-19042 Trending Up

Chapter 7

Adv#: 6:18-01078 Simons (TR) v. Parks et al

#18.00 CONT Status Conference Re: Complaint by Larry D Simons (TR) against Robert Parks, Barbara Parks. (Charge To Estate) Nature of Suit: 12 - Recovery of money/property - 547 preference

From: 6/5/18, 8/22/18

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED 11/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Trending Up

Represented By
Daniel King

Defendant(s):

Robert Parks

Represented By
Kathleen P March

Barbara Parks

Represented By
Kathleen P March

Plaintiff(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:15-14230 Home Security Stores, Inc.

Chapter 7

#19.00 Chapter 7 Trustee, John P. Pringle's Notice of Motion and Motion for Order Extending Time to File Avoidance Actions Under 11 U.S.C. § 546

EH__

Docket 114

Tentative Ruling:

11/28/2018

On October 30, 2018, the Trustee filed a Motion for Order Extending Time to file Avoidance Actions under 11 USC § 546 and FRBP 9006. Service of the Motion was proper and no opposition has been filed. Good cause appearing, the Court is inclined to GRANT the request for a 6-month extension of time for Trustee to file avoidance actions.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Home Security Stores, Inc.

Represented By
Winfield S Payne III

Movant(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

Trustee(s):

John P Pringle (TR)

Represented By
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:16-15813 John E. Tackett

Chapter 7

Adv#: 6:18-01138 Speier v. Conestoga Settlement Services, LLC et al

#20.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01138. Complaint by Steven M Speier against Conestoga Settlement Services, LLC, Conestoga International Holdings, LLC, Conestoga Trust, Provident Trust Group, LLC, De Leon & Washburh, P.C., Thomas Washburn, Hector De Leon, Jeff Converse, Michael Woods, Michael McDermott. (Charge To Estate). Complaint for: (1) Breach of Written Contract; (2) Rescission and Restitution for Fraud; (3) Money Had and Received; (4) Unjust Enrichment; (5) Fraud; (6) Negligent Representation; (7) Negligence; (8) Rescission and Restitution for Sale of Unqualified Securities [Cal. Corp. §25503]; (9) Damages for Sale of Unqualified Securities [Cal. Corp. §25503]; (10) Rescission: Securities: Misrepresentation [Cal. Corp. §25501]; (11) Damages: Securities: Misrepresentation [Cal. Corp. § 25501]; (12) Contempt for Willful Violation of Automatic Stay Pursuant to 11 U.S.C. § 105; and (13) Elder Financial Abuse [Cal. Welf. & Inst. Code § 15600 et seq.] Nature of Suit: (14 (Recovery of money/property - other)) (Eastmond, Thomas)

From: 8/29/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John E. Tackett

Represented By
Stefan R Pancer

Defendant(s):

Conestoga Settlement Services, LLC

Represented By
Charles Miller

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

CONT... John E. Tackett Chapter 7

Conestoga International Holdings,	Represented By Charles Miller
Conestoga Trust	Represented By Charles Miller
Provident Trust Group, LLC	Represented By Marshall J Hogan
De Leon & Washburh, P.C.	Represented By Jasmin Yang David D Samani
Thomas Washburn	Represented By Jasmin Yang David D Samani
Hector De Leon	Represented By Jasmin Yang David D Samani
Jeff Converse	Pro Se
Michael Woods	Pro Se
Michael McDermott	Pro Se

Joint Debtor(s):

Ellen O. Tackett	Represented By Stefan R Pancer
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Plaintiff(s):

Steven M Speier	Represented By Thomas J Eastmond Robert P Goe
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Trustee(s):

Steven M Speier (TR)	Represented By Robert P Goe Thomas J Eastmond
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, November 28, 2018

Hearing Room 303

2:00 PM

6:17-14345 Ruth Herrera Dresser

Chapter 7

Adv#: 6:17-01186 Gordon v. Dresser

#21.00 CONT Status Conference on Complaint fld 8-25-17 for Non Dischargeability of Debt under False Pretense, False Representations and Fraud 11 U.S.C. Sec. 523(A)(2); Non Dischargeability of Debt under Fraud and Defalcation While Acting in a Fiduciary Capacity 11 U.S.C. Sec. 523(A)(4); Non Dischargeability of Debt for Wilfull and Malicious Injury 11 U.S.C. Sec. 523(A)(6)

From: 3/29/18, 11/7/18

EH__

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 11/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruth Herrera Dresser

Represented By
Christopher Hewitt

Defendant(s):

Ruth Dresser

Represented By
Michael Jay Berger

Plaintiff(s):

Marshall Gordon

Represented By
Marvin H Weiss

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

Adv#: 6:18-01186 Roberto v. Tyler & Bursch, LLP et al

#1.00 Motion to Dismiss Adversary Proceeding (6) Motion to Dismiss Plaintiff Donna Roberto's Complaint for Declaratory Relief # 2 Declaration of Nathan R. Klein in Support of Defendants Tyler & Bursch, LLP and Jennifer L. Bursch's Fed. R. Civ. P. 12(B)(6) Motion to Dismiss Plaintiff Donna Roberto's Complaint for Declaratory Relief # 3 Declaration of Jennifer L. Bursch in Support of Defendants Tyler & Bursch, LLP and Jennifer L. Bursch's Fed. R. Civ. P. 12(B)(6) Motion to Dismiss Plaintiff Donna Roberto's Complaint for Declaratory Relief # 4 Compendium of Exhibits in Support of Defendants Tyler & Bursch, LLP and Jennifer L. Bursch's Fed. R. Civ. P. 12(B)(6) Motion to Dismiss Plaintiff Donna Roberto's Complaint for Declaratory Relief # 5 Declaration of Service) (Tyler, Robert)

Also #2

EH__

Docket 5

Tentative Ruling:

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Defendant(s):

Tyler & Bursch, LLP

Represented By
Robert H Tyler
Todd L Turoci

Jennifer Bursch

Represented By
Robert H Tyler
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Donna Roberto

Chapter 13

Movant(s):

Tyler & Bursch, LLP

Represented By
Robert H Tyler
Todd L Turoci

Jennifer Bursch

Represented By
Robert H Tyler
Todd L Turoci

Plaintiff(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

Adv#: 6:18-01186 Roberto v. Tyler & Bursch, LLP et al

#2.00 Status Conference RE: [1] Adversary case 6:18-ap-01186 Complaint by Donna Roberto against Tyler & Bursch, LLP, Jennifer Bursch. (Fee Not Required). Nature of Suit: (91 (Declaratory judgment)),(21 (Validity, priority or extent of lien or other interest in property)),(12 (Recovery of money/property - 547 preference))

Also #1

EH ____

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Defendant(s):

Tyler & Bursch, LLP

Represented By
Robert H Tyler
Todd L Turoci

Jennifer Bursch

Represented By
Robert H Tyler
Todd L Turoci

Plaintiff(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Donna Roberto

Chapter 13

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-17351 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01181 Tarhuni v. Lakeview Loan Servicing LLC et al

#3.00 Status Conference RE: [1] Adversary case 6:18-ap-01181. Complaint by Melanie Tarhuni against Lakeview Loan Servicing LLC , Loancare LLC . (Fee Not Required). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) ,(71 (Injunctive relief - reinstatement of stay)) ,(91 (Declaratory judgment))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni Pro Se

Defendant(s):

Lakeview Loan Servicing LLC Represented By
Jonathan C Cahill

Loancare LLC Represented By
Jonathan C Cahill

Plaintiff(s):

Melanie Tarhuni Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:14-12516 John Alexander Jay

Chapter 13

#4.00 Application for Compensation for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a RARA with attached Exhibits and Proof of Service for Summer M Shaw, Debtor's Attorney, Period: 6/25/2018 to 8/16/2018, Fee: \$1087.50, Expenses: \$0.

EH__

Docket 220

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Alexander Jay

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

John Alexander Jay

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:14-17529 Troy Gene Thomas and Becky L Thomas

Chapter 13

#5.00 Application for Compensation of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case with Proof of Service for Jenny L Doling, Debtor's Attorney, Period: 5/30/2018 to 10/8/2018, Fee: \$425.00, Expenses: \$0.

EH__

Docket 120

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Troy Gene Thomas

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Becky L Thomas

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Troy Gene Thomas

Represented By
Jenny L Doling
Summer M Shaw

Becky L Thomas

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:17-13599 Maurice Frank Manceau

Chapter 13

#6.00 Application for Compensation for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a RARA with Proof of Service for Jenny L Doling, Debtor's Attorney, Period: 8/30/2018 to 9/27/2018, Fee: \$425.00, Expenses: \$0.

EH__

Docket 83

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maurice Frank Manceau

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Maurice Frank Manceau

Represented By
Jenny L Doling
Jenny L Doling
Summer M Shaw
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:15-13218 Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

#7.00 Application for Compensation for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a RARA with attached Exhibit A and Proof of Service for Summer M Shaw, Debtor's Attorney, Period: 12/20/2017 to 1/5/2018, Fee: \$265.00, Expenses: \$0.

EH__

Docket 118

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Ramiro J Cruz

Represented By
Summer M Shaw
Summer M Shaw
Jenny L Doling
Jenny L Doling

Norma Idalia Cruz

Represented By
Summer M Shaw
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Ramiro J Cruz and Norma Idalia Cruz

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:16-11303 Joseph Robert Byrne and Hillary Allyne Byrne

Chapter 13

#8.00 Application for Compensation for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a RARA with attached Exhibit A and Proof of Service for Jenny L Doling, Debtor's Attorney, Period: 6/6/2018 to 7/5/2018, Fee: \$265.00, Expenses: \$0.

EH__

Docket 121

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Robert Byrne

Represented By
Jenny L Doling
Summer M Shaw

Joint Debtor(s):

Hillary Allyne Byrne

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

Joseph Robert Byrne

Represented By
Jenny L Doling
Jenny L Doling
Summer M Shaw
Summer M Shaw

Hillary Allyne Byrne

Represented By
Jenny L Doling
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Joseph Robert Byrne and Hillary Allyne Byrne

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:16-13595 Robert P Contreras and Marie G Contreras

Chapter 13

#9.00 Application for Compensation with proof of service for Sundee M Teeple,
Debtor's Attorney, Fee: \$797.50, Expenses: \$53.58

EH ____

Docket 50

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert P Contreras

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Marie G Contreras

Represented By
Michael Smith
Sundee M Teeple

Movant(s):

Robert P Contreras

Represented By
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple

Marie G Contreras

Represented By
Michael Smith
Michael Smith
Sundee M Teeple
Sundee M Teeple

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Robert P Contreras and Marie G Contreras

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#10.00 Application for Compensation Amended to Correct the Docket Number of the Opp to TMD on Page Three (3) of the Application with Proof of Service for Summer M Shaw, Debtor's Attorney, Period: 7/10/2018 to 9/11/2018, Fee: \$425.00, Expenses: \$0.

Also #11

EH__

Docket 117

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Scott Patrick Williams and Lisa Ann Williams

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#11.00 Application for Compensation of Attorney for Debtor for Additional Fees and Related Expenses in a Pending Chapter 13 Case with Proof of Service for Summer M Shaw, Debtor's Attorney, Period: 7/11/2018 to 10/5/2018, Fee: \$425.00, Expenses: \$0.

Also #10

EH__

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Scott Patrick Williams and Lisa Ann Williams

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:14-22637 Michelle Ann Maki

Chapter 13

#12.00 Motion to vacate dismissal

EH__

Docket 90

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Ann Maki

Represented By
Dana Travis

Movant(s):

Michelle Ann Maki

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:17-14972 Jude Okwor

Chapter 13

#13.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 10/18/18, 11/8/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jude Okwor

Represented By
Javier H Castillo

Movant(s):

Jude Okwor

Represented By
Javier H Castillo
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-19696 Corinthia A. Williams

Chapter 13

#14.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: CORINTHIA A. WILLIAMS

EH__

Docket 7

Tentative Ruling:

11/29/2018

The evidence that the tax issue which resulted in the dismissal of the Debtor's second case is insufficient. At minimum, the Debtor should have provided a declaration of the tax preparer she hired to give the Court an opinion regarding the likelihood that the IRS would again file a claim of a similar amount, which would render the Debtor's case infeasible.

As to service, the Order Setting Hearing on Shortened time required that a Written Notice of the Hearing **AND** a copy of the Court's Order Setting the Hearing be sent to the creditors indicated. Instead, Docket No. 15 is a stand-alone proof of service which indicates that the Order and a Notice of Hearing were mailed to the foreclosing creditor. However, Docket reflects a failure by Debtor to file a Notice of Hearing indicating the date, time and place of the hearing. The stand-alone proof of service is insufficient for the Court to have certainty that a Notice of Hearing which satisfies due process requirements was mailed to the foreclosing creditor.

As such, the tentative ruling is to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Corinthia A. Williams

Chapter 13

Movant(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#15.00 CONT Motion to Dismiss Case for Failure to Make Plan Payments to dismiss case and/or for order determining Milestone's debt is not subject to Debtor's plan or modification of plan

From: 10/25/18

Also #16

EH__

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-11319 Fernando Coronel and Maria Coronel

Chapter 13

#16.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 150 W. Highland Ave, San Bernardino, CA 92405

MOVANT: MILESTONE FINANCIAL LLC

From: 9/25/18, 10/18/18, 10/25/18

Also #15

EH__

Docket 49

Tentative Ruling:

9/25/2018

Service is Proper
Opposition: Yes

As a preliminary note, the Court notes that Local Rule 4001-(1)(c)(4) states that: "[a] motion for relief from the automatic stay must be filed separately from, and not combined in the same document with, any other request for relief, unless otherwise ordered by the court." Therefore, the default position is that the alternative requests made by Movant, for dismissal of the case or modification of the plan, are inappropriately brought in conjunction with a motion for relief from stay. Here, the Court is inclined to not deviate from the default position, because such requests are more appropriately heard on a Chapter 13 calendar when the Chapter 13 Trustee is present. Therefore, the Court is inclined to DENY the alternative requests for dismissal of the case or modification of the plan without prejudice.

Regarding the request for relief from the automatic stay, the Court notes that Debtor is correct in asserting that the Chapter 13 plan is a conduit plan, with payments to be made to Del Toro Loan Servicing, Movant's servicer, through the plan. While the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Fernando Coronel and Maria Coronel Chapter 13

Court notes that the docket does not reflect that a motion to dismiss for delinquency has been filed in this case, Debtor has not provided any supporting documentation indicating that the Chapter 13 plan payments are current.

Parties to discuss status of Chapter 13 plan payments and whether funds have been received by Movant and/or its loan servicer, Del Toro Loan Servicing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fernando Coronel

Represented By
Raymond Perez

Joint Debtor(s):

Maria Coronel

Represented By
Raymond Perez

Movant(s):

Milestone Financial, LLC

Represented By
Harris L Cohen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-12822 Cynthia Miller

Chapter 13

#17.00 Motion to Disallow Claims 1 & 2 re Cavalry SPV 1, LLC

EH__

Docket 32

Tentative Ruling:

11/29/2018

BACKGROUND:

On April 5, 2018 ("Petition Date"), Cynthia Miller ("Debtor") filed her petition for chapter 13 relief. On April 7, 2018, Cavalry SPV I, LLC ("Claimant") filed two claims against the Debtor's estate: Claim No. 1 for \$437.39 and Claim No. 2 for \$742.11. On October 25, 2018, the Debtor filed a motion objecting to both Claims 1 and 2 ("Objection"). Service was proper and no response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT...

Cynthia Miller

Chapter 13

claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (quoting *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (quoting *In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (quoting *Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

The Debtor asserts that Claims 1 and 2 are barred by the applicable statute of limitations. Section 502(b)(1) provides that a claim is deemed allowed, unless such claim is unenforceable against the debtor and property of the debtor under applicable law. Under California law, the statute of limitations applicable to common counts is four years if the action is founded upon a contract or other writing (e.g., "book account" (§ 3:398), "account stated" (§ 3:400), or money lent on a note), and the statute of limitations is generally four years from the date of the last item in the account. CCP § 337(1),(2); *Armstrong Petroleum Corp. v. Tri-Valley Oil & Gas Co.*, 116 CA 4th 1375, 1396, FN. 9 (Cal. App. 2004).

Here, both Claim No. 1 and Claim No. 2 present documentation indicating that the last transaction date or item on the accounts occurred more than four years prior to the Petition Date. Thus, based on the record before the Court, the Debtor has pointed to facts sufficient to defeat the allegations of the claim and Claimant has made no response.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objection in its entirety

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Cynthia Miller

Chapter 13

DISALLOWING Claims 1 and 2 in their entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Cynthia Miller

Represented By
Richard Lynn Barrett

Movant(s):

Cynthia Miller

Represented By
Richard Lynn Barrett

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-14257 Adam Casey Addison

Chapter 13

#18.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18, 9/13/18, 10/18/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Casey Addison

Represented By
Nima S Vokshori
Luke Jackson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-14336 Peter Najim

Chapter 13

#19.00 CONT Confirmation of Chapter 13 Plan

From: 7/19/18, 8/2/18, 8/23/18, 10/18/18

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter Najim

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-15975 Rafael Martinez and Lilia Janeth Martinez

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rafael Martinez

Represented By
Omar Zambrano

Joint Debtor(s):

Lilia Janeth Martinez

Represented By
Omar Zambrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16458 Leonard Walter Frost, Jr. and Joan Cheng Frost

Chapter 13

#21.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18, 11/8/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leonard Walter Frost Jr.

Represented By
Kristin R Lamar

Joint Debtor(s):

Joan Cheng Frost

Represented By
Kristin R Lamar

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16552 Patrick Lovato

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patrick Lovato

Represented By
Justin Lynch

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16680 Tanisha S. Santee

Chapter 13

#23.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanisha S. Santee

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

#24.00 CONT Motion RE: Objection to Claim Number 1 by Claimant Tyler & Bursch, LLP.

HOLDING DATE

From: 11/8/18

Also #25

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Movant(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16811 Donna Roberto

Chapter 13

#25.00 CONT Confirmation of Chapter 13 Plan

From: 10/25/18, 11/15/18

Also #24

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Roberto

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16892 Shelley Elizabeth Gastelo

Chapter 13

#26.00 Motion RE: Objection to Claim Number 12 by Claimant SN Servicing Corporation

Also #27

EH__

Docket 25

Tentative Ruling:

11/29/2018

BACKGROUND:

On August 15, 2018 ("Petition Date"), Shelley Gastelo ("Debtor") filed her petition for chapter 13 relief. Among the claims filed in the estate is Claim No. 12-1 filed by Elizon Master Participation Trust I, et al SN Servicing Corporation ("Claimant") in the amount of \$257,339.12 on October 22, 2018. On October 25, 2018, the Debtor filed her Objection to Claim No. 12 ("Objection"). Claimant, in turn, filed a response to the Objection on November 13, 2018.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Shelley Elizabeth Gastelo

Chapter 13

giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

The Debtor requests that this Court disallow Claimant's claim on the sole basis that she believes Claimant is noncompliant with FRBP 3001 in that Claimant has not indicated how arrears were calculated. However, as indicated by Claimant, in *In re Campbell* and *In re Heath*, the Ninth Circuit BAP indicated that lack of compliance with Rule 3001 is not a sufficient basis for disallowance of a claim. The Debtor has pointed to alternate sanctions provided for by Rule 3001 but has failed to establish that those sanctions are justified under the facts presented by this Objection.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

CONT... Shelley Elizabeth Gastelo

Chapter 13

Based on the foregoing, the Court is inclined to OVERRULE the Objection in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Shelley Elizabeth Gastelo

Represented By
Marcella Lucente

Movant(s):

Shelley Elizabeth Gastelo

Represented By
Marcella Lucente
Marcella Lucente

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-16892 Shelley Elizabeth Gastelo

Chapter 13

#27.00 CONT Confirmation of Chapter 13 Plan

From: 10/25/18

Also #26

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shelley Elizabeth Gastelo

Represented By
Marcella Lucente

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-17676 Patricia Ellen Bond-Gomez

Chapter 13

#28.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Ellen Bond-Gomez

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-17700 Nick Caropino

Chapter 13

#29.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nick Caropino

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-17735 Carlos Garcia

Chapter 13

#30.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Garcia

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-17946 Erika Lynn Pruitt

Chapter 13

#31.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erika Lynn Pruitt

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18047 Leanne Diaz

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leanne Diaz

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18068 Isaias Solano

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/1/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isaias Solano

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18074 Rubin Esquivel

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rubin Esquivel

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18085 Gary Bryant

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Bryant

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18091 Elizabeth M. Laird

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth M. Laird

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18113 Michelle Delahanty

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Delahanty

Represented By
Patricia Rodriguez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18119 Rebecca Anne Hernandez

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/15/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rebecca Anne Hernandez

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18140 Janisha Michelle Cook

Chapter 7

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
10/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Janisha Michelle Cook

Pro Se

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18158 Jorge Leon and Alicia Leon

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jorge Leon

Represented By
Paul Y Lee

Joint Debtor(s):

Alicia Leon

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18168 Nicholas Head

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas Head

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18202 Marlene Gomez Tarula

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marlene Gomez Tarula

Represented By
James Geoffrey Beirne

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18206 Maria Virginia Rivas Mendez

Chapter 13

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/16/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Virginia Rivas Mendez

Represented By
Curtis R Aijala

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18309 Henry Lopez, Jr

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Henry Lopez Jr

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18326 Louise Laster

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louise Laster

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18333 Chun Dae Felty

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/22/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chun Dae Felty

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18358 Grace Chacon Arranaga

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Grace Chacon Arranaga

Represented By
Robert L Firth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18359 Gilbert Stanley Valencia

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert Stanley Valencia

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18374 Mariama T Jobe

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mariama T Jobe

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18402 Susan Louise Marquez

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Louise Marquez

Represented By
Christopher Hewitt

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18413 Joseph A Hamburger and Kara L Hamburger

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph A Hamburger

Represented By
Paul Y Lee

Joint Debtor(s):

Kara L Hamburger

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18415 Donna Denise Upton

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Denise Upton

Represented By
Seema N Sood

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18451 Marcus Edward Kanavalov

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/23/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marcus Edward Kanavalov Sr Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18457 Juan A Martinez

Chapter 13

#54.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan A Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18478 Jose Granados and Norma Granados-Maycott

Chapter 13

#55.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Granados

Represented By
Todd L Turoci

Joint Debtor(s):

Norma Granados-Maycott

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18484 Denise Awages Bracken

Chapter 13

#56.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Awages Bracken

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18486 Jerome E. Geeter and Roslyn W Howell

Chapter 13

#57.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome E. Geeter

Represented By
Laleh Ensafi

Joint Debtor(s):

Roslyn W Howell

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18492 Pablo Cornejo

Chapter 13

#58.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pablo Cornejo

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18504 Elmer Arnold Tompkins

Chapter 13

#59.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elmer Arnold Tompkins

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18506 Chad Michael Kneip

Chapter 13

#60.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Chad Michael Kneip

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18551 Robert Heck

Chapter 13

#61.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Heck

Represented By
John M Boyko

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18552 Alberto Josue Lopez

Chapter 13

#62.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alberto Josue Lopez

Represented By
Anthony P Cara

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18553 Veronica Garcia

Chapter 13

#63.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Veronica Garcia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18555 Virginia Benavides

Chapter 13

#64.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Virginia Benavides

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18557 Gema Beniukoff and Ruben Sotelo

Chapter 13

#65.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gema Beniukoff

Represented By
Amanda G Billyard

Joint Debtor(s):

Ruben Sotelo

Represented By
Amanda G Billyard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18559 Karen Ann Savel

Chapter 13

#66.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Ann Savel

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18584 Jose Luis Garcia

Chapter 13

#67.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 10/29/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Garcia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18614 Frank Thomas Scott

Chapter 13

#68.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank Thomas Scott

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18622 Jackie May Zapata

Chapter 13

#69.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jackie May Zapata

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-18651 Edward V. Cota and Estela D. Cota

Chapter 13

#70.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward V. Cota

Represented By
Keith Q Nguyen

Joint Debtor(s):

Estela D. Cota

Represented By
Keith Q Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:00 AM

6:18-10740 Karin Olaya

Chapter 13

#71.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karin Olaya

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:13-18557 Michael Anthony Clay and Brenda Ann Clay

Chapter 13

#72.00 CONT Trustee's Motion to Dismiss Case

From: 9/13/18, 11/8/18

EH__

Docket 275

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Clay

Represented By
Dana Travis

Joint Debtor(s):

Brenda Ann Clay

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:13-26237 Carlos Vincent Valdez and Grace G. Valdez

Chapter 13

#73.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18, 10/18/18

EH__

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Vincent Valdez

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Grace G. Valdez

Represented By
Gregory M Shanfeld

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:14-22362 James Lange and Michelle Lange

Chapter 13

#74.00 Trustee's Motion to Dismiss Case (Delinquency)

EH__

Docket 160

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
10/24/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lange

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Joint Debtor(s):

Michelle Lange

Represented By
Michael Smith
Sundee M Teeple
Craig K Streed

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:14-23388 Jose N Recinos and Patricia Recinos

Chapter 13

#75.00 Trustee's Motion to Dismiss Case

EH__

Docket 304

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose N Recinos

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Patricia Recinos

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:15-12404 Anthony E Turkson

Chapter 13

#76.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18

EH__

Docket 142

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony E Turkson

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:15-19069 Zulu A Ali

Chapter 13

#77.00 Trustee's Motion to Dismiss Case

EH__

Docket 130

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zulu A Ali

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:15-19148 Esmeralda Caldera

Chapter 13

#78.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Esmeralda Caldera

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:15-20387 Marion Schmidt

Chapter 13

#79.00 CONT Trustee's Motion to Dismiss Case

From: 11/8/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marion Schmidt

Represented By
Daniel C Sever

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-15304 Fabiola Puttre

Chapter 13

#80.00 Trustee's Motion to Dismiss Case

EH__

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fabiola Puttre

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-16240 Dorothy Mae Simmons

Chapter 13

#81.00 Trustee's Motion to Dismiss Case

EH__

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dorothy Mae Simmons

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#82.00 Trustee's Motion to Dismiss Case

EH__

Docket 230

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-17902 Patricia Daniels

Chapter 13

#83.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Daniels

Represented By
Benjamin R Heston

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-18082 Joseph John Vargas and Lydia Vargas

Chapter 13

#84.00 CONT Trustee's Motion to Dismiss Case

From: 11/8/18

EH__

Docket 85

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph John Vargas

Represented By
Dana Travis

Joint Debtor(s):

Lydia Vargas

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-18372 Gene Ashley Heisser, Jr.

Chapter 13

#85.00 Trustee's Motion to Dismiss Case

EH__

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gene Ashley Heisser Jr.

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-19656 Jerome D Williams

Chapter 13

#86.00 Trustee's Motion to Dismiss Case

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome D Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:16-20081 Richard LaFayette Sellers

Chapter 13

#87.00 CONT Trustee's Motion to Dismiss Case

From: 11/8/18

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard LaFayette Sellers

Represented By
Marjorie M Johnson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-10082 Francisco R Palacios

Chapter 13

#88.00 Trustee's Motion to Dismiss Case

EH__

Docket 176

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco R Palacios

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-10101 Rizal Ligayo

Chapter 13

#89.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rizal Ligayo

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-10667 Louis Gutierrez

Chapter 13

#90.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Gutierrez

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-11245 Bryan D. Chriss

Chapter 13

#91.00 Trustee's Motion to Dismiss Case

EH__

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan D. Chriss

Represented By

Michael Smith

Cynthia L Gibson

Sundee M Teeple

Movant(s):

Rod Danielson (TR)

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-14789 Sadia Sohail

Chapter 13

#92.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 11/8/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sadia Sohail

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-15604 Mandy Catron

Chapter 13

#93.00 CONT Trustee's Motion to Dismiss Case

From: 8/30/18, 9/13/18, 10/18/18

EH __

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mandy Catron

Represented By
Stephen S Smyth
William J Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-17085 Paulette M Gonzales

Chapter 13

#94.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paulette M Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-18232 Maria Leticia Estrada

Chapter 13

#95.00 Trustee's Motion to Dismiss Case

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/28/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Leticia Estrada

Represented By
Raymond Perez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-18272 Brenda Barlow

Chapter 13

#96.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brenda Barlow

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-18507 Johnny Alcala

Chapter 13

#97.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnny Alcala

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-20240 Natona Smith and Tameiko Smith

Chapter 13

#98.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 11/8/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natona Smith

Represented By
Natalie A Alvarado

Joint Debtor(s):

Tameiko Smith

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-20272 Jesus E. Montano and Nichole Montano

Chapter 13

#99.00 Trustee's Motion to Dismiss Case

EH__

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus E. Montano

Represented By
Paul Y Lee

Joint Debtor(s):

Nichole Montano

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:17-20652 Marian Amelia Pagano

Chapter 13

#100.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 9/13/18, 10/25/18

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/27/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marian Amelia Pagano

Represented By
David Lozano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:18-11701 Wayne Anthony King and Traci Ann Zweck

Chapter 13

#101.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wayne Anthony King

Represented By
Dana Travis

Joint Debtor(s):

Traci Ann Zweck

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:18-11987 Carmen Lopez

Chapter 13

#102.00 Trustee's Motion to Dismiss Case

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Lopez

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:18-12782 Justa Nelida Guzman

Chapter 13

#103.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justa Nelida Guzman

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:18-13714 Jose Martinez and Aurora Martinez

Chapter 13

#104.00 CONT Trustee's Motion to Dismiss Case

From: 11/15/18

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Martinez

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Aurora Martinez

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:18-14340 Lawrence A McCoy

Chapter 13

#105.00 CONT Trustee's Motion to Dismiss Case

From: 11/15/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence A McCoy

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, November 29, 2018

Hearing Room 303

11:01 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#106.00 Trustee's Motion to Dismiss Case re Delinquency

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lamar Ramon Benjamin

Represented By
Ethan Kiwhan Chin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, December 3, 2018

Hearing Room 303

1:00 PM

6:18-19611 Pearl Bluitt

Chapter 13

#1.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 1217-1219 W. 60th Place, Los Angeles, CA 90044

MOVANT: GREEN ROCK II, A WYOMING LIMITED LIABILITY COMPANY

EH ____

Docket 10

Party Information

Debtor(s):

Pearl Bluitt

Represented By
Kenneth D Sisco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:16-15119 Rodolfo Domingo Plado and Esmenia Rivera Plado

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 4356 Camino San Miguel

MOVANT: WELLS FARGO BANK N.A.

EH__

Docket 49

Tentative Ruling:

12/4/2018
Service: Proper
Opposition: Yes

The parties are to update the Court regarding any discussions regarding an APO.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rodolfo Domingo Plado

Represented By
Dana Travis

Joint Debtor(s):

Esmenia Rivera Plado

Represented By
Dana Travis

Movant(s):

Wells Fargo Bank, N.A./Wells Fargo

Represented By
Rosemary Allen
Michelle Jones
Nancy L Lee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

CONT... Rodolfo Domingo Plado and Esmenia Rivera Plado

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:16-21150 Carl Darvin Gempeler and Charmaine Nina Gempeler

Chapter 13

#2.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 42190 Faber Ct, Temecula CA 92592

MOVANT: LAKEVIEW LOAN SERVICING LLC

EH__

Docket 31

***** VACATED *** REASON: ORDER ENTERED 11/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carl Darvin Gempeler

Represented By
Nicholas M Wajda

Joint Debtor(s):

Charmaine Nina Gempeler

Represented By
Nicholas M Wajda

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Erin M McCartney
Mark S Krause

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:17-16409 Jesse Norman Dofelmire and Roucelle Frias Dofelmire

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: (2016 Jeep Wrangler Vin # 1C4BJWEG9GL244205)

MOVANT: ALLY BANK

EH__

Docket 62

Tentative Ruling:

12/4/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jesse Norman Dofelmire

Represented By
Carey C Pickford

Joint Debtor(s):

Roucelle Frias Dofelmire

Represented By
Carey C Pickford

Movant(s):

Ally Bank

Represented By
Adam N Barasch

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

CONT... Jesse Norman Dofelmire and Roucelle Frias Dofelmire

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-11529 Michael A Losoya and Patricia O Losoya

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6713 Pierce Ct., Chino, CA 91710

MOVANT: HSBC BANK USA, NATIONAL ASSOCIATION

EH__

Docket 41

***** VACATED *** REASON: STIPULATED APO ENTERED 11/26/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael A Losoya

Represented By
Julie J Villalobos

Joint Debtor(s):

Patricia O Losoya

Represented By
Julie J Villalobos

Movant(s):

HSBC Bank USA, National

Represented By
Darren J Devlin

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-14761 Reginald D. Caldwell

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 34524 Devlin Dr, Beaumont, CA 92223

MOVANT: MIDFIRST BANK

EH__

Docket 33

Tentative Ruling:

12/4/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT requests under ¶¶ 3 and 12.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Reginald D. Caldwell

Represented By
Patricia M Ashcraft

Movant(s):

MidFirst Bank

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-16559 Charles Lynn Jenkins and Amanda Christina Marie Jenkins Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 35438 Stockton Street, Beaumont, CA 92223

MOVANT: DITECH FINANCIAL LLC

EH__

Docket 14

Tentative Ruling:

12/04/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1) and DENIED under § 362(d)(2) based on the existence of some equity in the Property. GRANT waiver of 4001(a)(3) stay. GRANT requests under ¶¶3 and 12.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Charles Lynn Jenkins

Represented By
Alexander Pham

Joint Debtor(s):

Amanda Christina Marie Jenkins

Represented By
Alexander Pham

Movant(s):

Ditech Financial LLC

Represented By
Darlene C Vigil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

CONT... Charles Lynn Jenkins and Amanda Christina Marie Jenkins

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-17681 Cameron Hudson

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Prius

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 25

Tentative Ruling:

12/4/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). DENY pursuant to § 362(d)(2) for lack of cause shown. GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Cameron Hudson

Represented By
Stuart R Simone

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-17817 Ruben Alfonso Rios

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford Fusion, VIN# 3FA6P0LU8GR281856

MOVANT: CAB WEST, LLC

EH__

Docket 7

Tentative Ruling:

12/4/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ruben Alfonso Rios

Represented By
Neil R Hedtke

Movant(s):

Cab West, LLC

Represented By
Jennifer H Wang

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-18140 Janisha Michelle Cook

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota Avalon

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 20

Tentative Ruling:

12/4/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Janisha Michelle Cook Pro Se

Movant(s):

Toyota Motor Credit Corporation Represented By
Austin P Nagel

Trustee(s):

Lynda T. Bui (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-18286 Allen Keith Taylor, Sr.

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford Fusion, VIN# 3FA6P0LU5HR306312

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 9

Tentative Ruling:

12/04/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Allen Keith Taylor Sr.

Represented By
Edward G Topolski

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-18651 Edward V. Cota and Estela D. Cota

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Mercedes-Benz GLA250W4, VIN: WDCTG4GB7HJ327390

MOVANT: DAIMLER TRUST

EH__

Docket 17

***** VACATED *** REASON: CASE DISMISSED 11/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward V. Cota

Represented By
Keith Q Nguyen

Joint Debtor(s):

Estela D. Cota

Represented By
Keith Q Nguyen

Movant(s):

Daimler Trust

Represented By
Jennifer H Wang

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-18885 Terry E Crossley and Janell Crossley

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: Nonresidential Lease at 1520 N. Mountain Ave., Building C, Suite 117, Ontario, California 91762 , Supporting Exhibits "1" through "3"

MOVANT: REAL ESTATE BABY 12 LLC

EH__

Docket 15

Tentative Ruling:

12/4/2018
Service is Proper
Opposition: Yes

The Court is inclined to GRANT relief from the stay under §§ 362(d)(1) and (d)(2).
Parties to indicate whether resolution has been reached at hearing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Terry E Crossley

Represented By
Christopher J Langley

Joint Debtor(s):

Janell Crossley

Represented By
Christopher J Langley

Movant(s):

Real Estate Baby 12 LLC

Represented By
W. Derek May

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

CONT... Terry E Crossley and Janell Crossley

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

10:00 AM

6:18-18895 April Behrendt

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Toyota Prius

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 8

Tentative Ruling:

12/4/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

April Behrendt

Represented By
Terrence Fantauzzi

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#14.00 CONT Motion to Approve Stipulation By and Between Commercial Credit Group, Inc. and Debtor for Allowance of Administrative Rent Claim for \$94,978.00

From: 10/30/18

Also #15

EH__

Docket 416

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Commercial Credit Group, Inc.

Represented By
Andrew K Alper
Michael J Gomez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#15.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18, 7/24/18, 8/14/18, 10/30/18

Also #14

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#16.00 Confirmation of Chapter 11 Plan

Also #17

EH__

Docket 52

Tentative Ruling:

I. BACKGROUND

On August 25, 2017, Rick's Patio, Inc. ("Debtor") filed its petition for chapter 11 relief. The Debtor is a California corporation, engaged in the business of selling new and used hot tubs (spas) and related supplies. The Debtor has designated itself as a small business under 11 U.S.C. § 101(51C). The hearing on confirmation is set for December 4, 2018. In connection with Debtor's chapter 11 plan of reorganization ("Plan"), the Debtor obtained an order to value its assets. On October 5, 2018, the Debtor filed its valuation motion seeking to value the Debtor's assets at \$701,705.48 as of the petition date. The proposed valuation enables the Debtor to treat Wells Fargo and First Home Bank as the holders of secured claims and to avoid the junior liens of Fast Advanced Funding, LLC, Complete Business Solutions, Inc., Broadway Advance, LLC, Par Funding, Yellowstone Capital West LLC, and Cap Call LLC (collectively, the "Junior Liens").

II. DISCUSSION

The debtor carries the burden of proving that a Chapter 11 plan complies with the statutory requirements for confirmation under §§ 1129(a) & (b). In re Arnold and Baker Farms, 177 B.R. 648 (9th Cir. BAP (Ariz.) 1994). The debtor must show that the plan is confirmable by a preponderance of the evidence. See id. at 654; see also In re Monarch Beach Venture, Ltd., 166 B.R. 428 (C.D.Cal.1993).

1. Ballot Results:

The Debtors timely transmitted the Plan and Disclosure Statement to all known Persons who hold Claims and Interests that are impaired under the Plan and who are therefore entitled to vote on the Plan. The Debtors received (4) four ballots. The votes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT... Rick's Patio Inc

Chapter 11

were tallied as follows:

- a. Class 1: Wells Fargo (unimpaired) → Deemed to accept
- b. Class 2 First Home Bank (unimpaired) → Deemed to accept
- c. Class 3 General Unsecured Claims (impaired)
 - i. 1 ballot in favor, 100% of voting claims accepted. Thus, Class 3 has voted in favor
- d. Class 4: Insider Claims (impaired)
 - i. 1 ballot in favor, 100% of voting claims accepted. Thus, Class 4 has voted in favor
- e. Class 5 Equity: not voting.

A court can confirm a plan without resort to cram down if all impaired classes accept the plan. Here, all impaired classes have accepted the plan. Thus, cramdown is not required.

2. Confirmation Requirements under 11 U.S.C. §1129(a)

The Plan addresses the requirements of Bankruptcy Code 1129(a) as follows:

1. 11 U.S.C. § 1129(a)(1): The Plan complies with all of the applicable provisions of the Bankruptcy Code, including sections 1122 and 1123.
2. 11 U.S.C. § 1129(a)(2): The Debtor has complied with all of the Bankruptcy Code's applicable provisions.
3. 11 U.S.C. § 1129(a)(3): Good faith in proposing a plan of reorganization is assessed by the bankruptcy judge and viewed under the totality of the circumstances. In re Jorgensen, 66 B.R. 104, 108-109 (9th Cir. BAP 1986). Good faith requires that a plan will achieve a result consistent with the objectives and purposes of the Code. Jorgensen, 66 B.R. at 109. It also requires a fundamental fairness in dealing with one's creditors. Id. The bankruptcy judge is in the best position to assess the good faith of the parties. Id. Here, having received no objections to confirmation, the Court finds that the Plan has been proposed in good faith pursuant to FRBP 3020(b)(2).
4. 11 U.S.C. § 1129(a)(4): Debtor asserts that his Counsel will file a Fee Application shortly following confirmation of the Plan. This satisfies the Bankruptcy Code's requirement that payments for services or for costs and expenses in or in connection

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT... Rick's Patio Inc

Chapter 11

with a case, or in connection with a plan and incident to a case, must be approved by, or subject to the approval of, the Court as reasonable.

5. 11 U.S.C. § 1129(a)(5): The Plan addresses the continued management of the Debtor by its principals. The management was fully disclosed and there has been no objection to the continuing management by the principals. The Court finds the Plan meets the requirements of this provision.

6. 11 U.S.C. § 1129(a)(6): does not apply to the instant case.

7. 11 U.S.C. § 1129(a)(7): Each Person who holds a Claim or Interest in a Class that is impaired under the Plan either: (a) has accepted the Plan; or (b) will receive or retain under the Plan property of a value, as of the Effective Date, that is not less than that Person would receive or retain if the Debtor were liquidated under chapter 7 of the Bankruptcy Code. The Debtor has demonstrated that all impaired interest holders have accepted the plan.

8. 11 U.S.C. § 1129(a)(8): Section 1129(a)(8) requires unanimity of all classes to consensually confirm a plan. That is, each impaired class must have affirmatively accepted the plan. The Ballot Tally above indicates that this requirement is satisfied because all impaired classes have affirmatively accepted the plan.

9. 11 U.S.C. § 1129(a)(9): Section 1129(a)(9)(A) requires that holders of administrative claims and gap claims be paid "cash equal to the allowed amount of such claim" on the "effective date of the plan," unless the holder of a particular claim agrees to different treatment. Here, the Plan provides for the payment of outstanding administrative fees upon approval of fees and on the effective date. The priority tax claimants will be paid in full with interest within 5 years of the Petition Date and no distributions will be made to equity holders until all Plan payments are paid in full. This requirement is satisfied.

10. 11 U.S.C. § 1129(a)(10): This provision requires at least one class of claims that is impaired accept the plan. This requirement is satisfied.

11. 11 U.S.C. § 1129(a)(11): Plan confirmation is not likely to be followed by either the liquidation or the further financial reorganization of the Reorganized Debtor or

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT...

Rick's Patio Inc

Chapter 11

any successor to the Reorganized Debtor. The Debtor's projections and the MORs in the Court's record reflect that the projections of the Debtor appear accurate. Additionally, the Debtor's CFO has asserted that the Debtor will benefit from accumulated Net Operating Losses that will enable it to lower its tax liability for the coming years. The evidence provided, in addition to the Debtor's anecdotal evidence that the market for hot tubs is generally improving, suffices for purposes of confirmation today, particularly where the Debtor's creditors have accepted the Plan. As such, the Court finds this requirement is satisfied.

12. 11 U.S.C. § 1129(a)(12): The treatment of Administrative Claims under the Plan is for the UST to be paid by the Effective Date. This requirement is satisfied.

13. 11 U.S.C. § 1129(a)(13): does not apply to the instant case.

14. 11 U.S.C. § 1129(a)(14): does not apply to the instant case.

15. 11 U.S.C. § 1129(a)(15): does not apply to the instant case.

16. 11 U.S.C. § 1129(a)(16): This provision is satisfied for the reasons set forth in the Confirmation Brief.

III. TENTATIVE RULING

As set forth above, the Plan complies with the requirements of Section 1129, except that LBR 3018-1(a) requires the Debtor to make available the original ballots for inspection and review by the court. The original ballots were not attached to the ballot summary. Thus, in order to verify that the ballots were timely filed and signed, the Court is inclined to CONFIRM the Plan conditioned on provision of the ballots for the Court's review, which Debtor may file prior to the hearing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-11806 Rick's Patio Inc

Chapter 11

#17.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 4/24/18, 7/31/18, 9/25/18

Also #16

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rick's Patio Inc

Represented By
Robert B Rosenstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#18.00 CONT Motion to Dismiss Chapter 11 Case

From: 9/25/18, 10/1/18

Also #19 & #20

EH__

Docket 37

Tentative Ruling:

9/25/2018

BACKGROUND

On July 23, 2018, Richard Garavito ("Debtor") filed a Chapter 11 voluntary petition. Debtor previously filed a Chapter 13 case on April 17, 2018, which was dismissed on July 19, 2018.

On August 29, 2018, the Taylor Family Trust of June 16, 2004 ("Creditor"), the primary creditor in the instant case, filed a motion to confirm that the automatic stay terminated pursuant to 11 U.S.C. § 362(c)(3)(A). On September 7, 2018, Debtor filed a motion to continue/impose the automatic stay. Because Debtor has not offered a cognizable legal argument as to why the automatic stay has not terminated, or why Debtor can obtain a continuation of the automatic stay after the statutory deadline, the Court has posted tentative rulings indicating that it intends to grant Creditor's motion and deny Debtor's motion.

On September 11, 2018, Debtor filed a motion to dismiss the case and an application

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Garavito

Chapter 11

shortening time. On September 13, 2018, the Court approved the application shortening time, and set a hearing for September 25, 2018.

DISCUSSION

11 U.S.C. § 1112(b)(1) states:

Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause – most of which are more appropriately considered when the moving party is an entity other than the debtor.

Here, Debtor’s motion is unclear, at best. The entire argument why the case should be dismissed is reproduced, verbatim, as follows:

In the present case, since the motion to impose and/or continue the stay was not timely filed, the stay will no longer be in effect with the pending motion to terminate the stay filed by secured creditor Taylor Family Trust.

The Debtor should not be penalized due to counsel’s inadvertent calendaring

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Garavito

Chapter 11

error of the 30 days rule of filing a motion to impose and/or continue the stay. However, an argument can be made that under the majority approach a motion to impose or continue the stay shall be filed as to the Debtor individually and not as to the property of the estate. Here, the Subject Property is property of the estate and the automatic stay should be in effect as to the Subject Property.

However, due to circumstances surrounding the possible termination of the stay, the Debtor requests dismissal of this case as there is no purpose if the stay is not in effect as to the Subject Property.

[Dkt. No. 37, pg. 5]. In summary, Debtor acknowledges that the stay has statutorily terminated and the deadline to continue the automatic stay has lapsed, but then argues that such stay termination is with regards to the Debtor only, not property of the estate. Despite the argument, the Debtor then asserts that due to "circumstances" the Debtor requests dismissal because there is "no purpose" if the stay has also terminated as to property of the estate.

There are multiple issues with the above line of argument. First, Debtor does not appear to have raised any coherent cause for dismissal – the only argument made in favor of dismissal, that the "Subject Property" is not protected by the automatic stay, (and thus this Chapter 11 case cannot be successful) is also explicitly rejected by Debtor. Second, § 1112(b) requires the Court to consider whether dismissal or conversion to Chapter 7 is in the best interests of creditors and the estate. Here, Debtor's schedules filed in the instant case indicate that all creditors would likely be paid in full if this case was converted to Chapter 7. Therefore, pursuant to the analysis required by § 1112(b), it is unclear why this case would be dismissed rather than converted to Chapter 7.

Finally, the Court acknowledges that, in a reply relating to its motion to confirm that the automatic stay has terminated, Creditor has requested that, if the case is dismissed, Debtor be restricted from re-filing by a bar. While raising this argument in a reply relating to a different motion is procedurally improper, the Court need not address the request at the current time given the issues above.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

TENTATIVE RULING

Debtor and Creditor to argue: (1) whether there is cause for dismissal; (2) whether the automatic stay is in effect as to the Subject Property; and (3) whether dismissal or conversion to Chapter 7 would be in the best interests of creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#19.00 Amended Motion (related document(s): 30 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 5065 Brooks Street, Montclair, Ca 91763 Notice of Motion and Motion in Individual Case for Order Imposing a Stay

Also #18 & #20

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#20.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 8/21/18, 10/16/18

Also #18 & #19

EH ____

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#21.00 Motion by United States Trustee to Dismiss and/or Convert Chapter 11 Case

EH ___

Docket 189

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/16/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green
Abram Feuerstein esq

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-17533 Antoine Hossein Babai

Chapter 11

#22.00 Motion By United States Trustee To Dismiss And/Or Convert Chapter 11 Case

Also #23

EH__

Docket 34

Tentative Ruling:

12/04/2018

BACKGROUND

On September 5, 2018 ("Petition Date"), Antoine Babai ("Debtor") filed his petition for chapter 11 relief. The Debtor's schedules reflect that he owns valuable real and personal property, including but not limited to a single family home located at 71100 Aeirie Road in Palm Desert, CA which may yield equity to pay creditors. On October 31, 2018, the Office of the United States Trustee ("UST") filed its Motion to Dismiss or Convert the Debtor's case ("Motion"). Service was proper and no opposition has been filed.

The basis for the Motion is the assertion of the UST that the Debtor has failed to comply with his chapter 11 duties. Specifically, the Debtor submitted only a partial 7-day package, the Debtor failed to provide financial statements, failed to provide a declaration confirming that all pre-petition bank accounts have been closed, and a copy of a voided check from the debtor-in-possession bank account. Additionally, the Debtor has failed to submit additional information requested by the UST at the September 27, 2018, debtor interview.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT... Antoine Hossein Babai

Chapter 11

Section 1112(b)(1) provides:

Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

Section 1112(b)(4) sets forth a nonexhaustive list of what constitutes "cause" to convert or dismiss a case under § 1112(b)(1). *In re Consol. Pioneer Mortg. Entities*, 248 B.R. 368, 375 (9th Cir. BAP 2000), *aff'd*, 264 F.3d 803 (9th Cir. 2001). "The movant bears the burden of establishing by preponderance of the evidence that cause exists." *Sullivan v. Harnisch (In re Sullivan)*, 522 B.R. 604, 614 (9th Cir. BAP 2014) (citing *StellarOne Bank v. Lakewatch, LLC (In re Park)*, 436 B.R. 811, 815 (Bankr.W.D.Va.2010)).

If the bankruptcy court finds that cause exists to grant relief under § 1112(b)(1), it must then: "(1) decide whether dismissal, conversion, or the appointment of a trustee or examiner is in the best interest of creditors and the estate; and (2) identify whether there are unusual circumstances that establish that dismissal or conversion is not in the best interest of creditors and the estate." *In re Sullivan*, 522 B.R. at 612 (citing § 1112(b)(1), (b)(2), and *Shulkin Hutton, Inc., P.S. v. Treiger (In re Owens)*, 552 F.3d 958, 961 (9th Cir.2009)). In choosing between dismissal or conversion, a bankruptcy court must consider the interests of all creditors. *Id.* (citing *In re Owens*, 552 F.3d at 961). "If cause is established, the decision whether to convert or dismiss the case falls within the sound discretion of the court." *Id.* (citing *Mitan v. Duval (In re Mitán)*, 573 F.3d 237, 247 (6th Cir. 2009) and *Nelson v. Meyer (In re Nelson)*, 343 B.R. 671, 675 (9th Cir. BAP2006)).

The basis for the Motion is the assertion of the UST that the Debtor has failed to comply with his chapter 11 duties. Specifically, the Debtor submitted only a partial

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT... Antoine Hossein Babai

Chapter 11

7-day package, the Debtor failed to provide financial statements, failed to provide a declaration confirming that all pre-petition bank accounts have been closed, and a copy of a voided check from the debtor-in-possession bank account. Additionally, the Debtor has failed to submit additional information requested by the UST at the September 27, 2018, debtor interview. The UST's Motion is amply supported by the attached declaration and evidence and the Court has expressed concerns with the Debtor's case in the multiple case management conferences and hearings, on the record. Finally, the Court notes that the Debtor has failed to oppose the Motion and deems its nonopposition as consent to the granting of the relief requested pursuant to LBR 9013-1(h).

For the above reasons, the Court finds that cause is established to dismiss or convert the case. As to the choice between dismissal or conversion, the UST has pointed out and the Debtor's schedules confirm that the Debtor likely has nonexempt assets that may be liquidated for the benefit of creditors. For these reasons, the Court finds that conversion is the appropriate remedy.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion and CONVERT the Debtor's case to a case under chapter 7.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Antoine Hossein Babai

Represented By
Christopher Hewitt

Movant(s):

United States Trustee (RS)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

CONT...

Antoine Hossein Babai

Everett L Green
Abram Feuerstein esq

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:18-17533 Antoine Hossein Babai

Chapter 11

#23.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 10/2/18, 10/30/18

Also #22

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Antoine Hossein Babai

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#24.00 CONT Application for Compensation and Notice of Hearing with Proof of Service for Todd L Turoci, Debtor's Attorney, Period: 12/2/2017 to 9/17/2018, Fee: \$164280.00, Expenses: \$7207.77. (Turoci, Todd)

PUT AT END OF CALENDAR

From: 10/16/18, 10/30/18

Also #14 & #15

EH__

Docket 414

Tentative Ruling:

12/04/2018

Given the current stage of the chapter 11 proceeding, and finding that action by the Debtor to conclude the case remains outstanding, the Court is inclined to CONTINUE the instant fee application for a short time period to permit the Debtor an opportunity to file its request for dismissal and/or to otherwise outline a plan for concluding the case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 4, 2018

Hearing Room 303

3:00 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#25.00 Motion for Protective Order of Federal Rule of Bankruptcy Procedure 2004
Examination and Production of Documents

EH__

Docket 119

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:10-11814 Scott Leon Bosco and Karen Lee Bosco

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 41

***** VACATED *** REASON: CONTINUED TO 12/11/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Scott Leon Bosco

Represented By
Richard H Travis
Dana Travis

Joint Debtor(s):

Karen Lee Bosco

Represented By
Richard H Travis
Dana Travis

Trustee(s):

Robert Whitmore (TR)

Represented By
Justin Witkin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#2.00 CONT Motion To Reconsider Order Allowing Debtors To File Amended Schedules

From: 10/24/18

Also #3

EH__

Docket 45

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#3.00 CONT Motion Objecting To Debtors Claims Of Exemption In Proceeds From Personal Injury Case Pursuant To CCP § 704.140(b)

From: 10/24/18

Also #2

EH__

Docket 46

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:14-16813 M. A. Tabor

Chapter 7

Adv#: 6:16-01128 Frealy v. Trotochau et al

#4.00 Application and Order for Appearance and Examination

EH ____

Docket 53

***** VACATED *** REASON: CONTINUED TO 12/11/18 AT 11:00 A.M.**

Party Information

Debtor(s):

M. A. Tabor

Represented By
Judith Runyon

Defendant(s):

Robin Sherrie Trotochau

Pro Se

Pacific Mortgage Exchange, Inc.

Represented By
Leib M Lerner

Movant(s):

Todd A. Frealy

Represented By
Anthony A Friedman
Lindsey L Smith

Plaintiff(s):

Todd A. Frealy

Represented By
Anthony A Friedman
Lindsey L Smith

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman
Lindsey L Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:17-17749 Joshua Cord Richardson

Chapter 7

#5.00 Motion of Chapter 7 Trustee to Approve Compromise of Controversy

EH__

Docket 60

***** VACATED *** REASON: CONTINUED TO 12/11/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Movant(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:18-10074 Charlie W Parker

Chapter 7

#6.00 Motion (1) For Sale of Real Property, Subject To Overbid; (2) Authorizing Sale Free And Clear Of Liens And Interests; (3) Authorizing Release Of Funds From Escrow; And (4) Approving Payment Of Real Estate Commissions

EH__

Docket 53

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Charlie W Parker

Represented By
David J Workman

Movant(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung
Roquemoire Pringle & Moore Inc

Trustee(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung
Roquemoire Pringle & Moore Inc

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:18-17177 Julie Lynn Salazar

Chapter 7

#7.00 Motion by Chapter 7 Trustee for Order Approving Equity Buy Back Agreement

EH__

Docket 24

***** VACATED *** REASON: CONTINUED TO 1/30/19 AT 2:00 P.M.**

Party Information

Debtor(s):

Julie Lynn Salazar

Represented By
Jenny L Doling

Movant(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:18-17887 Rob Johannes Devocht

Chapter 7

#8.00 Motion to Reconsider Dismissal of Case/Motion From Relief From Judgment/Order Pursuant To Fed.R.Bankr.P. 9024 And Federal Rules Of Civil Procedure 60 And Extend Time To File Forms Required For Discharge

EH__

Docket 14

***** VACATED *** REASON: CONTINUED TO 12/11/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Rob Johannes Devocht

Represented By
Gilbert A Diaz

Movant(s):

Rob Johannes Devocht

Represented By
Gilbert A Diaz
Gilbert A Diaz

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

11:00 AM

6:18-18319 Timothy John Hill

Chapter 7

#9.00 Motion For Order Compelling Attorney To File Disclosure Of Compensation Pursuant To 11 U.S.C. § 329 And Federal Rule Of Bankruptcy Procedure 2016

CASE DISMISSED 10/29/18

EH__

Docket 16

***** VACATED *** REASON: CONTINUED TO 12/12/18 AT 11:00 A.M.**

Party Information

Debtor(s):

Timothy John Hill

Represented By
Marc E Grossman

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:09-01235 DIAMOND v. Empire Partners, Inc., a California Corporation et

#10.00 CONT Status Conference re complaint
HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18, 10/24/18

EH____

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/19/18 AT 2:00 P.M.**

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

David Loughnot

Jonathan A Loeb

Jeffrey Rosenfeld

DOES 1 through 100, inclusive

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Plaintiff(s):

RICHARD K. DIAMOND

Represented By

Richard S Berger - SUSPENDED -
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01319 DIAMOND v. Empire Partners, Inc., a California Corporation et

#11.00 CONT Status Conference re complaint
HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
01/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18, 10/24/18

EH____

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/19/18 AT 2:00 P.M.**

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

Jeffrey Rosenfeld

P Sabin Willett

James P Previti

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Larry Day

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Neil M Miller

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Paul Roman

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

O'Melveny & Myers, LLP

Represented By
Howard Steinberg
P Sabin Willett

Peter T. Healy

Represented By
Howard Steinberg
P Sabin Willett

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger - SUSPENDED -
Peter M Bransten
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01329 DIAMOND v. Empire Partners, Inc., a California Corporation et

#12.00 CONT Status Conference re complaint
(Defendant - Empire Partners, Inc) HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18, 10/24/18

EH____

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/19/18 AT 2:00 P.M.**

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

Jeffrey Rosenfeld

James P Previti

Represented By

Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

	Jeffrey Rosenfeld
Previti Realty Fund, L.P.	Represented By Jonathan A Loeb Jeffrey Rosenfeld
The James Previti Family Trust	Represented By Jonathan A Loeb Jeffrey Rosenfeld

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger - SUSPENDED -
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By
Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Thomas J Eastmond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:17-20025 Robert Lee Thompson, Jr.

Chapter 7

Adv#: 6:18-01052 Gutierrez v. Thompson, Jr et al

#13.00 CONT Status Conference RE: Counterclaim [19] Answer to Complaint and Affirmative Defenses to Complaint to Determine Dischargeability Pursuant to 11 U.S.C. §523(a)(6) and COUNTERCLAIM of Shatara Adrienne Thompson for Defamation, Counterclaim by Robert Lee Thompson Jr, Shatara Adrienne Thompson against Beatriz M Gutierrez

From: 8/2/18, 8/29/18

Also #14

EH__

Docket 19

*** VACATED *** REASON: CONTINUED TO 1/9/19 AT 2:00 P.M.

Party Information

Debtor(s):

Robert Lee Thompson Jr.

Represented By
Nicholas M Wajda

Defendant(s):

Robert Lee Thompson Jr

Represented By
Robert S Lampl

Shatara Adrienne Thompson

Represented By
Robert S Lampl

Joint Debtor(s):

Shatara Adrienne Thompson

Represented By
Nicholas M Wajda

Plaintiff(s):

Beatriz M Gutierrez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

CONT... Robert Lee Thompson, Jr.

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:17-20025 Robert Lee Thompson, Jr.

Chapter 7

Adv#: 6:18-01052 Gutierrez v. Thompson, Jr et al

#14.00 CONT Status Conference on Complaint filed on 3/1/18 to Determine Dischargeability of Debt Pursuant to 11 USC 523(a)(6)

From: 5/3/18, 8/2/18, 8/29/18

Also #13

EH__

Docket 1

*** VACATED *** REASON: CONTINUED TO 1/9/19 AT 2:00 P.M.

Party Information

Debtor(s):

Robert Lee Thompson Jr.

Represented By
Nicholas M Wajda

Defendant(s):

Robert Lee Thompson Jr

Represented By
Robert S Lampl

Shatara Adrienne Thompson

Represented By
Robert S Lampl

Joint Debtor(s):

Shatara Adrienne Thompson

Represented By
Nicholas M Wajda

Plaintiff(s):

Beatriz M Gutierrez

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:18-12440 Paul Pound

Chapter 7

Adv#: 6:18-01147 Lloyd v. Pound

#15.00 CONT Motion For Summary Judgment

From: 11/14/18

Also #16

EH__

Docket 6

***** VACATED *** REASON: CONTINUED TO 1/16/19 AT 2:00 P.M.**

Party Information

Debtor(s):

Paul Pound

Represented By
Todd L Turoci

Defendant(s):

Paul M Pound

Represented By
Todd L Turoci

Movant(s):

April Lloyd

Represented By
Chane Buck

Plaintiff(s):

April Lloyd

Represented By
Chane Buck

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 5, 2018

Hearing Room 303

2:00 PM

6:18-12440 Paul Pound

Chapter 7

Adv#: 6:18-01147 Lloyd v. Pound

#16.00 CONT Status Conference RE: Complaint by April Lloyd against Paul M Pound. false pretenses, false representation, actual fraud, 67 - Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny, 68 - Dischargeability - 523(a)(6), willful and malicious injury

From: 9/5/18, 11/14/18

Also #15

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/16/19 AT 2:00 P.M.**

Party Information

Debtor(s):

Paul Pound

Represented By
Todd L Turoci

Defendant(s):

Paul M Pound

Represented By
Todd L Turoci

Plaintiff(s):

April Lloyd

Represented By
Chane Buck

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:14-12982 Sandra Maria Escalante

Chapter 13

#1.00 Motion to Avoid JUNIOR LIEN with HSBC MORTGAGE SERVICES

EH__

Docket 58

Tentative Ruling:

The Court having reviewed the motion, good cause appearing, and noting the absence of any opposition, the Court is inclined to GRANT the motion, AVOIDING the lien of HSBC Mortgage Services upon receipt of a Chapter 13 discharge.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Sandra Maria Escalante

Represented By
Leon D Bayer

Movant(s):

Sandra Maria Escalante

Represented By
Leon D Bayer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:15-16710 Sean Kirkpatrick

Chapter 13

#2.00 Motion For Sanctions for Violation of the Automatic Stay

EH__

Docket 65

***** VACATED *** REASON: CONTINUED TO 12/20/18 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Kirkpatrick

Represented By
Javier H Castillo

Movant(s):

Sean Kirkpatrick

Represented By
Javier H Castillo
Javier H Castillo
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:18-18504 Elmer Arnold Tompkins

Chapter 13

#3.00 CONT Confirmation of Chapter 13 Plan

From: 11/29/18

EH __

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elmer Arnold Tompkins

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:18-17700 Nick Caropino

Chapter 13

#4.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18, 11/29/18

EH __

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nick Caropino

Represented By
Julie J Villalobos

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:18-17681 Cameron Hudson

Chapter 13

#5.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cameron Hudson

Represented By
Stuart R Simone

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:18-18451 Marcus Edward Kanavalov

Chapter 13

#6.00 Motion By United States Trustee To Dismiss Chapter 13 Case With A Re-Filing Bar

CASE DISMISSED 10/23/18

EH__

Docket 12

Tentative Ruling:

12/6/18

BACKGROUND

On October 5, 2018, Marcus Kanavalov ("Debtor") filed a skeletal Chapter 13 voluntary petition. Debtor had previously filed three bankruptcies. The first, a Chapter 7 in February 2002, resulted in Debtor received a discharge. The second, a Chapter 7 in June 2017, resulted in the discharge being withheld for failure to file the certificate of completion for the required course in personal finance management. The third, a Chapter 13 filed in November 2017, was dismissed at the confirmation hearing, with a 180-day bar to refiling. In the instant case, Debtor failed to disclose any of his prior cases.

On October 23, 2018, Debtor's case was dismissed for failure to file case commencement documents. Later that day, UST filed a motion to dismiss the case for abuse, requesting a refiling bar of one year. The Court's form dismissal order explicitly provides for the retention of jurisdiction relating to "any bar against being a debtor in bankruptcy."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

CONT... Marcus Edward Kanavalov

Chapter 13

DISCUSSION

The court is empowered to impose a refiling bar under 11 U.S.C. § 349(a). As COLLIER notes, courts' analysis of this section is somewhat confused due to confounding "dismissal with prejudice" with "dismissal with injunction against future filings." COLLIER ON BANKRUPTCY ¶ 349.02[3]; compare *In re Garcia*, 479 B.R. 488 (Bankr. N.D. Ind. 2012) (denying motion for dismissal with prejudice, but imposing three-year refiling bar) with *In re Craighead*, 377 B.R. 648 (Bankr. N.D. Cal. 2007) (appearing to equate dismissal with prejudice with an injunction against refiling).

There is also a circuit split concerning whether an injunction on refiling for more than 180 days is allowed under the Bankruptcy Code. Compare *In re Frieouf*, 938 F.2d 1099 (10th Cir. 1991) (180 days is maximum allowed length of refiling injunction) with *Casse v. Key Bank Nat. Ass'n*, 198 F.3d 327 (2nd Cir. 1999) (injunction against filing for more than 180 days permissible). 11 U.S.C. § 349(a) reads:

Unless, the court, for cause, orders otherwise, the dismissal of a case under this title does not bar the discharge, in a later case under this title, of debts that were dischargeable in the case dismissed; nor does the dismissal of a case under this title prejudice the debtor with regard to the filing of a subsequent petition under this title, except as provided in section 109(g) of this title.

The disagreement revolves around whether the qualifier "Unless, the court, for cause, orders otherwise" modifies the content after the semi-colon. *In re Leavitt* noted this disagreement, but since the court was dealing with a dismissal with prejudice, rather than an injunction against refiling, it did not resolve the issue. 209 B.R. 935, 942 (9th Cir. B.A.P. 1997). Within the Ninth Circuit, it appears the trend is to adopt the reasoning of the Second Circuit and allow injunctions for more than 180 days, and the Court agrees with that reading of the statute. See e.g. *In re Velasques*, 2012 WL 825582 at *3 (Bankr. E.D. Cal. 2012).

Here, the instant bankruptcy is Debtor's third filing in the previous eighteen months in which Debtor failed to comply with the basic duties imposed upon an individual filing bankruptcy. Furthermore, Debtor failed to disclose his previous filings in the voluntary petition, which is signed under penalty of perjury. For this reasons, the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

CONT... Marcus Edward Kanavalov

Chapter 13

Court is inclined to find the requested one-year refiling bar to be appropriate in the circumstances presented.

Moreover, Debtor's failure to oppose is deemed consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

The Court is inclined to GRANT the motion, imposing a re-filing bar of one year.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Marcus Edward Kanavalov Sr	Pro Se
----------------------------	--------

Movant(s):

United States Trustee (RS)	Represented By Abram Feuerstein esq
----------------------------	--

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:18-18113 Michelle Delahanty

Chapter 13

#7.00 Motion For Order Compelling Attorney to File Disclosure Of Compensation Pursuant to 11 U.S.C. 329 and Federal Rule of Bankruptcy Procedure 2016

CASE DISMISSED 10/15/18

EH__

Docket 18

Tentative Ruling:

12/6/18

BACKGROUND

On September 26, 2018, Michelle Delahanty ("Debtor") filed a Chapter 13 voluntary petition. On October 15, 2018, the case was dismissed for failure to file case commencement documents.

On October 31, 2018, UST filed a motion for an order compelling attorney to file disclosure of compensation pursuant to 11 U.S.C. § 329. On November 13, 2018, Debtor's attorney, Patricia Rodriguez ("Counsel"), filed her disclosure of compensation. Counsel also filed an opposition to UST's motion, stating that the filing of her disclosure of compensation rendered the motion moot.

DISCUSSION

11 U.S.C. § 329(a) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Delahanty

Chapter 13

Any attorney representing a debtor in a case under this title, or in connection with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney, and the source of such compensation.

FED. R. BANKR. P. Rule 2016(b) provides further details regarding the requirements imposed by § 329. Here, Debtor's counsel has failed to file the required disclosure of compensation. The Court has authority to enter an order directing the disclosure of such compensation, and will routinely direct Debtor's counsel to file the required disclosure. *See, e.g., In re Shuma*, 124 B.R. 668, 677 (Bankr. W.D. Pa. 1991).

Here, Counsel has filed the required disclosure of compensation. The Court will retain jurisdiction over any matter relating to § 329 to allow UST to review the filed disclosure of compensation.

TENTATIVE RULING

The Court is inclined to DENY the motion as MOOT and retain jurisdiction over any matter related to § 329.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michelle Delahanty

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Delahanty

Chapter 13

Patricia Rodriguez

Movant(s):

United States Trustee (RS)

Represented By

Abram Feuerstein esq

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

#8.00 CONT Motion to (1) Vacate Dismissal and Set Aside Trustee Rod Danielson's Motion to Dismiss Chapter 13 Order and Dismissal for no Jurisdiction; (2) Trustee Rod Danielson has No Standing to Bring Motion to Dismiss Chapter 13 as he was sued in the Adversary Proceeding Case No. 6:17-ap-01187 MH, which is a Conflict of Interest; (3) Request for an Accounting and Claim Numbers on any Unsecured Debts Rule 71 in Adversary Proceeding Case No 6:17-ap-01187 MH and Chapter 13 Case No 6:16-bk-16720 MH; (4) Memorandum of Points and Authorities; (5) Declaration of Luevina Henry

CASE DISMISSED 7/25/18

From: 10/25/18

Also #

EH ____

Docket 187

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry Pro Se

Movant(s):

Luevina Henry Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#9.00 CONT Motion to vacate (1) Vacate Dismissal and Set Aside Trustee Rod Danielson's Motion to Dismiss Chapter 13 Order and Dismissal for no Jurisdiction; (2) Trustee Rod Danielson has No Standing to Bring Motion to Dismiss Chapter 13 as he was sued in the Adversary Proceeding Case No. 6:17-ap-01187 MH, which is a Conflict of Interest; (3) Request for an Accounting and Claim Numbers on any Unsecured Debts Rule 71 in Adversary Proceeding Case No 6:17-ap-01187 MH and Chapter 13 Case No 6:16-bk-16720 MH; (4) Memorandum of Points and Authorities; (5) Declaration of Luevina Henry

From: 10/25/18

Also #10

EH ____

Docket 110

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry Pro Se

Defendant(s):

Real Time Resolutions Inc Represented By
Renee M Parker

THE BANK OF NEW YORK Represented By
Renee M Parker

Riverside County Sheriff Represented By
Ronak N Patel

Tavares Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

CONT... Luevina Henry

Chapter 13

Movant(s):

Luevina Henry Pro Se

Plaintiff(s):

Luevina Henry Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#10.00 CONT Status Conference on Complaint fld 8-25-17 - Dischargeability, willful and malicious injury, validity, priority or extent of lien or other interest in property, injunctive relief

From: 11/16/17, 11/1/18

Also #9

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Pro Se

Defendant(s):

Real Time Resolutions Inc

Represented By
Renee M Parker

THE BANK OF NEW YORK

Represented By
Renee M Parker

Riverside County Sheriff

Represented By
Ronak N Patel

Tavares

Pro Se

Plaintiff(s):

Luevina Henry

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:00 AM

CONT... Luevina Henry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:14-10795 Agnes Smith

Chapter 13

#11.00 Trustee's Motion to Dismiss Case re Delinquency

EH__

Docket 109

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agnes Smith

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:16-17536 Gracey Hunter

Chapter 13

#12.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18, 11/15/18

EH __

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gracey Hunter

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:16-18182 Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH ____

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Joint Debtor(s):

Anne Louise Goodman

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:17-20240 Natona Smith and Tameiko Smith

Chapter 13

#14.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 11/8/18, 11/29/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natona Smith

Represented By
Natalie A Alvarado

Joint Debtor(s):

Tameiko Smith

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:18-10852 Gilberto Linares

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilberto Linares

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:18-15541 Alejandro Guillen and Karla Guillen

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Guillen

Represented By
Neil R Hedtke

Joint Debtor(s):

Karla Guillen

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 6, 2018

Hearing Room 303

11:01 AM

6:18-15617 Juan Vargas and Anabely E Vargas

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Joint Debtor(s):

Anabely E Vargas

Represented By
Todd L Turoci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Monday, December 10, 2018

Hearing Room 303

9:30 AM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#1.00 Trial RE: [1] Adversary case 6:16-ap-01211. Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason. willful and malicious injury)) (Fernandez, Lazaro)

EH__

Docket 1

*** VACATED *** REASON: CONTINUE FOR PRETRIAL ON 1/16/19
AT 2:00 P.M.

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

9:30 AM

6:16-11635 Sam Daniel Dason

Chapter 7

Adv#: 6:16-01211 Olivares v. Dason et al

#1.00 CONT Trial RE: [1] Adversary case 6:16-ap-01211. Complaint by Juddy Olivares, Eric A Panitz against Sam Daniel Dason. willful and malicious injury)) (Fernandez, Lazaro)

From: 12/10/18

EH__

Docket 1

***** VACATED *** REASON: CONTINUE FOR PRETRIAL ON 1/16/19
AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Defendant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Plaintiff(s):

Juddy Olivares

Represented By
Lazaro E Fernandez
Robert P Goe
Charity J Manee

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

9:30 AM

CONT... Sam Daniel Dason

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brett Ramsaur

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

6:10-11814 Scott Leon Bosco and Karen Lee Bosco

Chapter 7

#2.00 CONT Notice of Trustee's Final Report and Applications for Compensation

From: 12/5/18

EH__

Docket 41

Tentative Ruling:

12/11/2018

No opposition has been filed.
Service was Proper.

11 U.S.C. § 326(a) states:

In a case under chapter 7 or 11, the court may allow reasonable compensation under section 330 of this title of the trustee for the trustee's services, payable after the trustee renders such services, not to exceed 25 percent on the first \$5,000 or less, 10 percent on any amount in excess of \$5,000 but not in excess of \$50,000, 5 percent on any amount in excess of \$50,000 but not in excess of \$1,000,000, and reasonable compensation not to exceed 3 percent of any moneys in excess of \$1,000,000, upon all *moneys disbursed or turned over in the case by the trustee* to parties in interest, excluding the debtor, but including holders of secured claims.

(emphasis added).

Trustee is basing his requested compensation in this case on \$185,000 in "receipts," but that amount includes \$72,908.11 paid to Aylstock, Witkin, Kreis & Overholtz, PLLC which does not appear properly categorized as a receipt because these moneys were not, at any time, held or administered by Trustee, let alone received by Trustee, or disbursed by Trustee. Specifically, paragraph 8 of the motion to approve settlement [Dkt. No. 2] indicates that the costs and expenses of certain status litigation were to be paid directly by the settlement fund trustee, and only the remaining funds would

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Scott Leon Bosco and Karen Lee Bosco

Chapter 7

actually be received by the Chapter 7 Trustee. To wit:

Subject to the terms of the settlement being satisfied, the balance of the remaining settlement proceeds, after the Settlement Fund Trustee pays and/or withholds the necessary expenses, fees, costs, holdbacks, and deductions from the Gross Settlement Amount, anticipated to be in the amount of \$97,897.75 (the "Remaining Proceeds") shall be disbursed from the Settlement Fund Trustee to the Trustee.

Not only are the requested fees simply incompatible with the plain language of the statute, which calculates fees based on moneys disbursed or turned over by the trustee, the fees cannot be reasonably justified on policy grounds. In this case, the state court counsel incurred significant legal fees litigating a state court matter while the instant bankruptcy was closed. The state court counsel's work on this matter was, in no matter whatsoever, related to the administration of the bankruptcy estate, and Trustee did not participate in, direct, or even have an awareness of the fees incurred. Case law notes that important distinction:

The reported decisions construing section 326(a) have recognized a distinction between funds that are constructively received and funds that are actually received. These cases stand for the proposition that a commission can only be calculated upon the funds actually received by the trustee. In this particular case, the trustee never received any settlement proceeds that were paid directly to the debtor's personal injury counsel in fees and expenses or to the worker's compensation carrier.

In re Guido, 237 B.R. 562, 564-65 (Bankr. E.D.N.Y. 1999) (citations omitted); *see also Kandel v. Alexander Leasing Corp.*, 107 B.R. 548 (N.D. Ohio 1988) (proceeds of settlement were not "money disbursed" where the trustee cannot point to any time at which the moneys actually passed through his hands); *In re New England Fish Co.*, 34 B.R. 899, 902 (Bankr. W.D. Wash. 1983) ("[I]n view of the majority of the cases under prior law and the plain and unambiguous wording of section 326(a), this Court concludes that the trustee's compensation must be based on actual monies disbursed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Scott Leon Bosco and Karen Lee Bosco

Chapter 7

to parties in interest, and not on assets or settlements which can be construed as a constructive disbursement.").

In light of the foregoing, the Court is inclined to reduce the basis upon which Trustee's statutory fee is calculated, eliminating those amounts which were at no time administered, held, received, or disbursed by Trustee. The remaining cognizable disbursements appear to be a bank service fee of \$117.34, Trustee's expenses in the amount of \$778.22, and payments to creditors in the amount of \$4,027.61, for an aggregate amount of \$4,923.17. Therefore, the Court is inclined to approve Trustee's fees in the reduced amount of \$1,230.79. The Court has reviewed the itemized expenses filed by Trustee, and finding them reasonable, the Court is inclined to approve the expenses in the amount of \$778.22

APPEARANCES REQUIRED. If Applicant submits on the tentative, Applicant's appearance is waived.

Party Information

Debtor(s):

Scott Leon Bosco

Represented By
Richard H Travis
Dana Travis

Joint Debtor(s):

Karen Lee Bosco

Represented By
Richard H Travis
Dana Travis

Trustee(s):

Robert Whitmore (TR)

Represented By
Justin Witkin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

6:14-16813 M. A. Tabor

Chapter 7

Adv#: 6:16-01128 Frealy v. Trotochau et al

#3.00 CONT Application and Order for Appearance and Examination

From: 12/5/18

EH ____

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M. A. Tabor

Represented By
Judith Runyon

Defendant(s):

Robin Sherrie Trotochau

Pro Se

Pacific Mortgage Exchange, Inc.

Represented By
Leib M Lerner

Movant(s):

Todd A. Frealy

Represented By
Anthony A Friedman
Lindsey L Smith

Plaintiff(s):

Todd A. Frealy

Represented By
Anthony A Friedman
Lindsey L Smith

Trustee(s):

Todd A. Frealy (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... M. A. Tabor

Anthony A Friedman
Lindsey L Smith

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

6:17-17749 Joshua Cord Richardson

Chapter 7

#4.00 CONT Motion of Chapter 7 Trustee to Approve Compromise of Controversy

From: 12/5/18

EH__

Docket 60

Tentative Ruling:

12/11/18

BACKGROUND

On September 15, 2017, Cleon Sonnenfeld ("Creditor") filed a Chapter 7 involuntary petition against Joshua Richardson ("Debtor"). On November 8, 2017, an order for relief was entered pursuant to stipulation between Creditor and Debtor. That same day, the Court entered an order approving a stipulation which avoided a deed of trust recorded on June 20, 2017, against Debtor's residence, in favor of HLE Law Group.

On February 6, 2018, Creditor removed certain state court litigation to bankruptcy court. The state court litigation contained causes of action for: (1) breach of contract; (2) fraud; (3) unjust enrichment; (4) constructive trust; and (5) declaratory relief. On June 29, 2018, Creditor filed a complaint to determine dischargeability and to deny Debtor a discharge.

On November 8, 2018, Trustee filed a motion to approve compromise. No opposition to the motion has been filed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Joshua Cord Richardson

Chapter 7

The dispute between Creditor and Debtor relates to a loan made by Creditor to Debtor in 2012 for the total amount of \$225,000. According to the instant motion, the purpose of the loan was for Debtor to purchase certain real property located in Moreno Valley, California (the "Property"). Creditor asserts that Debtor breached the loan agreement by failing to provide Creditor with a deed of trust, and that, as a result, the Property is subject to a constructive trust in favor of Creditor. The compromise motion also deals with potential avoidance actions against Gabriela Diaz.

The compromise under consideration contains the following components. First, Creditor shall obtain a stipulated judgment in the removed action, adjudicating that the Property is subject to a constructive trust and that Creditor is entitled to a judgment in the amount of \$318,778.12. Second, Trustee shall sell the Property. The first \$303,000 of the sale proceeds would be payable to Creditor¹, while any amount exceeding \$303,000 would be divided so that the bankruptcy estate receives 30% and Creditor receives 70%.² Third, Trustee would assign the potential avoidance actions against Gabriela Diaz to Creditor, with any net recoveries to be distributed 30% to the bankruptcy estate and 70% to Creditor. The compromise motion also contemplates that Creditor will object to Debtor's homestead exemption.

DISCUSSION

FED. R. BANKR. P. Rule 9019 provides that:

On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct.

The Ninth Circuit Court of Appeals have previously outlined the factors to be considered in approving a compromise pursuant to Rule 9019: (1) the probability of success in the litigation; (2) the difficulties to be encountered in the matter of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Joshua Cord Richardson

Chapter 7

collection; (3) the complexity, expense, inconvenience and delay of litigation; and (4) the interest of creditors with deference to their reasonable. *See In re A&C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). The listed factors assist the Court in determining "the fairness, reasonableness and adequacy of a proposed settlement agreement." *Id.*

There are a variety of material details which are not adequately addressed in the compromise motion under consideration, hindering the Court's review of the fairness and reasonableness of the compromise. These issues are enumerated below:

- 1) While the motion does not provide the relevant information, the Court takes judicial notice of Schedule A [Dkt. No. 19] and Schedule C [Dkt. No. 21]; these schedules indicate that Debtor identified the Property as having a fair market value of \$303,000 and claimed an exemption in the amount of \$100,000. If these figures are correct, and subject to the issue listed below, it would appear any recovery by the estate from the sale of the Property would be contingent on a successful objection to Debtor's homestead exemption, which has not yet been filed nor been detailed in the instant motion.
- 2) It is unclear from the motion, but to the extent that the motion attempts to pay unsecured creditors prior to satisfying Debtor's homestead exemption, such approach is impermissible. While the settlement agreement frames the approach as paying the HLE lien, there is, quite simply, no HLE lien and, to the extent that Creditor is offering a carve-out of \$25,000, the compromise does not articulate a legal basis by which the such amounts could be used to pay unsecured creditors prior to satisfying the homestead exemption.
- 3) It appears that Creditor may be receiving a small windfall from the proposed compromise, which is not adequately explained or detailed. The Court takes judicial notice of the removed state court complaint and notes that Creditor requested a judgment of \$252,516.94. The Court also takes judicial notice of the claims register, and notes that Creditor filed an unsecured claim on April 13, 2018, in the amount of \$301,167.85 ("Claim 2"). Based on the record before the Court, it appears that the proposed compromise transforms Claim 2 into a secured claim and increases the claim amount by approximately \$17,000. Additionally, the proposed compromise would further increase Creditor's recovery depending upon the sale price of the Property or success in the potential avoidance actions.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Joshua Cord Richardson

Chapter 7

- 4) The consideration the estate is receiving from this compromise, on the other hand, is unclear and speculative, given that any recovery by the estate appears to be conditioned on a successful objection to Debtor's homestead exemption, depends upon the sale price of the Property, which has not been detailed in the motion, and also depends upon the recovery in the potential avoidance actions, which has not been described at all.

On the record before the Court, the Court is simply unable to ascertain the fairness or reasonableness of the proposed compromise.

TENTATIVE RULING

Parties to address the issues above, and the Court may CONTINUE the matter for supplemental briefing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Movant(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

6:18-17887 Rob Johannes Devocht

Chapter 7

#5.00 CONT Motion to Reconsider Dismissal of Case/Motion From Relief From Judgment/Order Pursuant To Fed.R.Bankr.P. 9024 And Federal Rules Of Civil Procedure 60 And Extend Time To File Forms Required For Discharge

From: 12/5/18

EH__

Docket 14

Tentative Ruling:

12/11/18

BACKGROUND

On September 18, 2018, Rob Devocht ("Debtor") filed a Chapter 7 voluntary petition. That same day, the Court automatically generated two deficiency notices. Docket Number 3 is the "Case Commencement Deficiency Notice" which informs Debtor that he is required to file the declaration as to whether income was received from an employer within sixty days of the petition date. Docket Number 4 is the "Notice of Dismissal of Case if Required Documents Are Not Filed or Signed" which informs Debtor that he is required to file the statement about your social security numbers.

On September 20, 2018, Debtor filed the statement about your social security number. Debtor failed to file the income declaration, however, and, on November 5, 2018, the case was dismissed.

On November 7, 2018, Debtor filed a motion to reconsider dismissal.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Rob Johannes Devocht

Chapter 7

DISCUSSION

While Debtor's motion to vacate dismissal cites FED. R. CIV. P. Rule 60(b)(1) and (6), the motion fails to articulate the appropriate legal standard or apply that standard to the facts of the case. Nevertheless, the Court notes that Local Rule 1017-2(c)(1) states:

Any motion requesting that the dismissal of a case for failure to file a required document or for failure to appear at the meeting of creditors be vacated must include as exhibits to the motion all of the documents that were not timely filed and must be supported by a declaration under penalty of perjury establishing a sufficient explanation why the documents were not timely filed. The motion may be ruled on without further notice or hearing pursuant to LBR 9013-1(q).

Therefore, the Court will construe the instant motion as a motion pursuant to Local Rule 1017-2(c)(1). The Court notes that the deficient document is attached to the motion, although not authenticated and somewhat incomplete, and that the declaration submitted contains a reasonably sufficient explanation why the document was not timely filed.

TENTATIVE RULING

The Court is inclined to GRANT the motion, VACATING dismissal. Debtor is instructed to file the outstanding income declaration within thirty days of the entry of the order vacating dismissal, or the case may be dismissed without further notice.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 11, 2018

Hearing Room 303

11:00 AM

CONT... Rob Johannes Devocht

Chapter 7

Party Information

Debtor(s):

Rob Johannes Devocht

Represented By
Gilbert A Diaz

Movant(s):

Rob Johannes Devocht

Represented By
Gilbert A Diaz
Gilbert A Diaz

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

10:00 AM

6:18-16798 Renard Louis Hamilton and Regina Elizabeth Hamilton

Chapter 7

#1.00 CONT Pro se Reaffirmation Agreement Between Debtor and United Auto Credit Corporation re: 2015 Hyundai Sonata

From: 11/14/18

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Renard Louis Hamilton	Pro Se
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Joint Debtor(s):

Regina Elizabeth Hamilton	Pro Se
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Trustee(s):

Steven M Speier (TR)	Pro Se
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

10:00 AM

6:18-16713 Danny Arthur Goodro and Marina Hernandez Goodro

Chapter 7

#2.00 CONT Pro se Reaffirmation Agreement Between Debtor and Alaska USA
Federal Credit Union re 2014 Chevrolet Cruze

From: 11/14/18

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Danny Arthur Goodro

Represented By
Dina Farhat

Joint Debtor(s):

Marina Hernandez Goodro

Represented By
Dina Farhat

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:18-18319 Timothy John Hill

Chapter 7

#3.00 CONT Motion For Order Compelling Attorney To File Disclosure Of Compensation Pursuant To 11 U.S.C. § 329 And Federal Rule Of Bankruptcy Procedure 2016

From: 12/5/18

CASE DISMISSED 10/29/18

EH__

Docket 16

Tentative Ruling:

12/12/18

BACKGROUND

On October 1, 2018, Timothy Hill ("Debtor") filed a Chapter 7 voluntary petition. On October 29, 2018, the case was dismissed for failure to file case commencement documents.

On November 7, 2018, UST filed a motion for an order compelling attorney to file disclosure of compensation pursuant to 11 U.S.C. § 329.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Timothy John Hill

Chapter 7

11 U.S.C. § 329(a) states:

Any attorney representing a debtor in a case under this title, or in connection with such a case, whether or not such attorney applies for compensation under this title, shall file with the court a statement of the compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition, for services rendered or to be rendered in contemplation of or in connection with the case by such attorney, and the source of such compensation.

FED. R. BANKR. P. Rule 2016(b) provides further details regarding the requirements imposed by § 329. Here, Debtor's counsel has failed to file the required disclosure of compensation. The Court has authority to enter an order directing the disclosure of such compensation, and will routinely direct Debtor's counsel to file the required disclosure. *See, e.g., In re Shuma*, 124 B.R. 668, 677 (Bankr. W.D. Pa. 1991).

TENTATIVE RULING

The Court is inclined to GRANT the motion, ordering Debtor's counsel, Marc Grossman, to file the required statement of attorney compensation. Pending UST's review of the disclosure of compensation, the Court will retain jurisdiction over matters related to 11 U.S.C. § 329.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Timothy John Hill

Represented By
Marc E Grossman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Timothy John Hill

Chapter 7

Movant(s):

United States Trustee (RS)

Represented By
Abram Feuerstein esq

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:18-15107 Jesus Davila Romero

Chapter 7

#4.00 CONT Motion to Convert Case From Chapter 7 to 13

From: 11/28/18

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Davila Romero

Represented By
Neil R Hedtke

Movant(s):

Jesus Davila Romero

Represented By
Neil R Hedtke

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#5.00 CONT Motion to Dismiss Bankruptcy Case

From: 10/17/18, 10/24/18, 11/28/18

Also #6

EH__

Docket 47

Tentative Ruling:

10/17/2018

BACKGROUND

On April 13, 2018, Desert Ice Castle, LLC ("Debtor") filed its petition for chapter 7 relief. Steven Speier is the duly appointed chapter 7 trustee ("Trustee"). The Debtor's Managing Member and alleged sole owner is Anthony Liu ("Liu"). The petition indicated that the Debtor owned assets totaling \$1,864.61 and had liabilities totaling \$860,500. The Debtor listed two claimants in Schedule F, one claim of Andrzej Luczynski ("Luczynski") in the amount of \$800,000 (as disputed) and a claim of Lui Bin in the amount of \$60,500. On September 12, 2018, Luczynski filed Claim No 1-1 in the amount of \$3,200,000 based on a State Court Action for "unlawful termination [of] joint venture; conversion; unlawful eviction". Luczynski has further indicated that a trial date for the State Court Action is set for November 2, 2018. The Docket reflects that a Motion to Disallow Claim No. 1 has been set for hearing on October 24, 2018.

On September 10, 2018, the Debtor filed a motion to dismiss the bankruptcy ("Motion"). A notice of Non-opposition was filed by Lui Bin on the same date. Opposition to the Motion was filed by Luczynski and the Trustee on October 3, 2018 (the "Oppositions"). The Debtor filed an Omnibus Reply to the Oppositions on October 10, 2018 ("Reply").

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

The Debtor seeks dismissal pursuant to § 305(a)(1). Section 305(a)(1) provides as follows:

The court, after notice and a hearing, may dismiss a case under this title, or may suspend all proceedings in a case under this title, at any time if—

(1) the interests of creditors and the debtor would be better served by such dismissal or suspension;

11 U.S.C. § 305(a)(1); *In re Eastman*, 188 B.R. 621, 625 (9th Cir. BAP 1995). The courts that have construed § 305(a)(1) are in general agreement that abstention in a properly filed bankruptcy case is an extraordinary remedy, and that dismissal is appropriate under § 305(a)(1) **only** in the situation where the court finds that both "creditors and the debtor" would be "better served" by a dismissal. *Id.* (internal citations omitted). The legislative history uses the following example of such a situation:

an arrangement is being worked out by creditors and the debtor out of court, there is no prejudice to the rights of creditors in that arrangement, and an involuntary case has been commenced by a few recalcitrant creditors to provide a basis for future threats to extract full payment.

H.R.Rep. No. 95–595, 95th Cong., 1st Sess. 325 (1977); 1978 U.S.C.C.A.N. 5963, 6281.

As the statutory language and legislative history demonstrate, the test under § 305(a) is not whether dismissal would give rise to a substantial prejudice to the debtor. Nor is the test whether a balancing process favors dismissal. Rather, the test is whether both the debtor and the creditors would be "better served" by a dismissal.

In support of the Motion, the Debtor argues that (1) Luczynski will suffer no prejudice from dismissal of the case because the amended complaint filed in the State Action dismissed the Debtor from the complaint; (2) Creditor Lui Bin will be paid in full; (3) the only parties benefitting from continuation of the case are the Trustee and his professionals. Although the Debtor has seemingly been dismissed from the underlying State Court litigation, the State Action retains allegations that the Debtor is an alter ego of the named defendant, Liu. (Roman Decl. ¶ 2).

The Oppositions essentially assert that (1) Luczynski has filed a proof of claim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

that constitutes prima facie evidence of a claim; and (2) avoidable insider payments have been discovered that will benefit the Debtor's creditors.

On the current record, the Court is inclined to DENY the Motion. Here, assuming (as the Court must at this juncture) that Luczynski may have an enforceable claim against the Debtor's estate, dismissal is likely to result in plain legal prejudice to Luczynski because the Debtor and its principal/sole shareholder seek to payoff the only other unsecured creditor in full in order to force a dismissal. The Debtor's strategy is a transparent violation of the bankruptcy code's command that similarly situated creditors must be treated similarly. Additionally, the Court is unconvinced that the dismissal of the Debtor from the underlying State Court Action is a sufficient basis to find that the Debtor has no remaining liability to Luczynski. In fact, the Debtor's evidence confirms that Luczynski's complaint continues to argue that the Debtor and Liu are alter egos. For now, the Court agrees with the Trustee and Luczynski that dismissal would be premature at this point.

TENTATIVE RULING

Based on the foregoing, the Court finds that Debtor has not met its burden of demonstrating that both the Debtor and creditors will be "better served" by dismissal.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Thomas J Eastmond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

#6.00 CONT Motion to Disallow Claims Disallowing Claim No. 1 of Andrzej Luczynski Pursuant to 11 U.S.C. 502

From: 10/24/18, 11/28/18

Also #5

EH__

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Movant(s):

Desert Ice Castle, LLC

Represented By
Paul M Stoddard

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:18-12625 Harold Roy Williams and Alice Gwendolyn Williams

Chapter 7

#7.00 Motion to Disallow Claims #1 re County of San Bernardino, Office of the Tax Collector

EH__

Docket 26

Tentative Ruling:

12/12/2018

BACKGROUND:

On March 30, 2018, Harold and Alice Williams (collectively, "Debtors") filed their petition for chapter 7 relief. Robert Whitmore is the duly appointed chapter 7 trustee ("Trustee"). On November 9, 2018, the Trustee filed objection to Claim No. 1 of the County of San Bernardino (the "County"). The Trustee requests that absent amendment by the County to their claim to specify any portion of the claim that is unsecured, that the Court enter an order allowing the claim as fully secured only, and disallowed to the extent no unsecured portion is claimed. Service was proper and no opposition has been filed.

TENTATIVE RULING

The Court is inclined to SUSTAIN the Trustee's Objection in its entirety.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Harold Roy Williams

Represented By
Jacqueline D Serrao

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Harold Roy Williams and Alice Gwendolyn Williams

Chapter 7

Joint Debtor(s):

Alice Gwendolyn Williams

Represented By
Jacqueline D Serrao

Movant(s):

Robert Whitmore (TR)

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:18-10074 Charlie W Parker

Chapter 7

#8.00 CONT Motion (1) For Sale of Real Property, Subject To Overbid; (2) Authorizing Sale Free And Clear Of Liens And Interests; (3) Authorizing Release Of Funds From Escrow; And (4) Approving Payment Of Real Estate Commissions

From: 12/5/18

EH__

Docket 53

Tentative Ruling:

12/5/18

BACKGROUND

On January 5, 2018, Charlie Parker ("Debtor") filed a Chapter 7 voluntary petition. Schedule A identified certain real property located at 26076 Cohoe Loop Rd., Kasiloff, AK 99610 (the "Property"). Schedule A identified the value of the Property as \$70,100, and appears to identify Debtor as the 50% owner of the Property. Schedule C purported to exempt the Property in full. On February 14, 2018, Debtor filed amended schedules indicating that he owned co-owned the Property with Andrea Parker; Debtor also appears to have removed his claimed exemption in the Property. On March 7, 2018, Debtor amended his schedules again, although it is unclear whether this amendment purported to exempt the Property in full or remove any exemption in the Property. On April 16, 2018, Debtor received a discharge. On July 18, 2018, Debtor amended his schedules again, this time increasing the value of the Property to \$75,000 and indicating that his interest was as a tenant in common; the Schedule C filed on this date does not contain any mention of any real property exemption.

On November 12, 2018, Trustee filed a motion for an order: (1) approving sale of real

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... **Charlie W Parker**

Chapter 7

property, subject to overbids; (2) authorizing sale free and clear of liens and interests; (3) authorizing release of funds from escrow; and (4) approving payment of real estate commissions. Trustee proposes to sell the property to Matthew Hall & Donna Kerrigan (the "Purchasers") for \$60,000. Proposed payments from the proceeds include: (1) \$3,600 for real estate commission; (2) \$1,200 for escrow charges and fees; (3) \$1,244.42 for property taxes; and (4) \$26,977.79 to co-owner (Debtor's ex-wife), leaving \$26,977.79 for the bankruptcy estate.

DISCUSSION

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

The motion contains some evidence of the Property's marketing and also indicates that Trustee has received multiple offers for the Property, the latter offer representing a 20% increase over the original offer. Given the fact that the sale appears to be a good faith, arms-length transaction, and the fact that the estate would receive approximately \$27,000 for distribution to unsecured creditors, the Court concludes that Trustee has articulated an adequate business reason for the sale.

II. Sale Free & Clear of Liens

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Charlie W Parker

Chapter 7

11 U.S.C. § 363(f) (2010) states:

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if-

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Here, the only liens on the Property relate to property taxes in the amount of \$1,244.42. This amount is far less than the sale price of the Property and, therefore, § 363(f)(3) permits Trustee to sell the Property free and clear of liens.

III. 14-Day Stay

FED. R. BANKR. P. Rule 6004(h) states: "An order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." The Court deems the absence of objections to be consent to the relief requested, pursuant to Local Rule 9013-(1)(h), and, therefore, will waive the stay of Rule 6004(h).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Charlie W Parker

Chapter 7

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Trustee's miscellaneous requests. The Court has reviewed the proposed overbidding procedures and finds such procedures to be reasonable. The Court has reviewed the requested Broker compensation of 6% of the sale price (totaling \$3,600) and finds such compensation to be reasonable and customary. The Court has reviewed Trustee's proposed distribution of sale proceeds, and the Court finds that such distribution is reasonable and proper.

Finally, the Court has reviewed the declarations of the Purchasers, and finds the declarations sufficient for a determination that the Purchasers are good faith purchasers pursuant to 11 U.S.C. § 363 (m).

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety. Specifically, the Court is inclined to authorize the sale of the Property free and clear of liens, approve the overbid procedures, approve the Broker's compensation, determine that the Purchasers are good faith purchasers, waive the 14-day stay under Rule 6004(h), and authorize the proposed payments from the sale proceeds.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Charlie W Parker

Chapter 7

Party Information

Debtor(s):

Charlie W Parker

Represented By
David J Workman

Movant(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung
Roquemoire Pringle & Moore Inc

Trustee(s):

Todd A. Frealy (TR)

Represented By
Toan B Chung
Roquemoire Pringle & Moore Inc

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:17-20440 Daniel Ramon Reyes and Evelyn Reyes

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 28

Tentative Ruling:

TENTATIVE RULING

12/12/2018

No opposition has been filed.

Service was Proper.

The Trustee's Final Report has been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report, the following administrative claims will be allowed:

Trustee Fees: \$ 1,102.25

Trustee Expenses: \$ 30

The Trustee may submit on the tentative.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Daniel Ramon Reyes

Represented By
Rex Tran

Joint Debtor(s):

Evelyn Reyes

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Daniel Ramon Reyes and Evelyn Reyes

Chapter 7

Rex Tran

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#10.00 CONT Motion to Disallow Claims No. 8 filed by Sake Consulting Engineers, Inc. as Not Allowable Against the Estate

From: 8/22/18, 9/26/18, 10/24/18

Also #11 & #12

EH__

Docket 104

Tentative Ruling:

09/26/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 8 ("Claim") of Sake Consulting Engineers, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, an entity that is not the Debtor and therefore not entitled to allowance as a claim.

On August 6, 2018, the Claimant filed its response to the Objection ("Response"). On September 19, 2018, the Trustee filed his reply ("Reply")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc.*, (*In re Medina*), 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort.* (*In re Consol. Pioneer Mort.*), 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, Trustee has pointed to the fact that the evidence attached to the Claim are addressed to Paul Minnick as a representative of MCG Development. In response, Claimant has provided the same documents referenced by the Trustee and has failed to provide any admissible evidence indicating that liability on the contract can be collected against the Debtor's estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

TENTATIVE RULING

Based on the foregoing, the Court is inclined to SUSTAIN the Objection disallowing Claim No. 8 of the Claimant.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta - INACTIVE -

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#11.00 CONT Motion to Disallow Claims No. 10 filed by Gouvis Engineering Consulting Group, Inc. as Not Allowable Against Estate

From: 8/22/18, 9/26/18, 10/24/18

Also #10 & #12

EH__

Docket 108

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 10 ("Claim") of Gouvis Engineering Consulting Group, Inc. (the "Claimant"). The Trustee's Objection asserts that the Claim is supported by documentation showing that it is for services rendered to MCG Development, which is an entity that is not the Debtor and therefore is not entitled to allowance as a claim. The Objection was properly served and no opposition or response has been filed.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

ANALYSIS:

Here, the Trustee has pointed to facts tending to defeat the claim by virtue of the fact that Claimant's own supporting documentation evinces a contractual relationship with Paul Minnick as representative of MCG Development Company, Inc., not on behalf of the Debtor. Absent evidence of a relationship between the Debtor and Claimant, the Claimant has failed to establish the existence of a claim against the Debtor's estate.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

The Court is inclined to SUSTAIN the Objection and DISALLOW Claim No. 10 in its entirety.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta - INACTIVE -

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:15-18887 Manors San Bernardino Ave LLC

Chapter 7

#12.00 CONT Motion to Allow Claim 7 filed by Norman A. Musselman as Fully Secured, Not Entitled to a Dividend

From: 8/22/18, 9/26/18, 10/24/18

Also #10 & #11

EH__

Docket 102

Tentative Ruling:

08/22/2018

BACKGROUND:

On September 8, 2015, the Manors San Bernardino Ave LLC ("Debtor") case was filed as an involuntary case. The Order for Relief was entered on November 13, 2015. John P. Pringle is the duly appointed chapter 7 trustee ("Trustee").

On July 13, 2018, the Trustee filed his objection to Claim No. 7 ("Claim") of Norman Musselman (the "Claimant"). The Trustee's Objection asserts that the Claim is fully secured and not entitled to a dividend from the Estate.

APPLICABLE LAW:

Pursuant to 11 U.S.C. § 502(a), a proof of claim is deemed allowed unless a party in interest objects. Absent an objection, a proof of claim constitutes *prima facie* evidence of the validity and amount of the claim under Federal Rule of Bankruptcy Procedure ("FRBP") 3001(f). *Lundell v. Anchor Constr. Specialists, Inc.*, 223 F.3d 1035, 1039 (9th Cir. 2000). When a party files an objection to a proof of claim, that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... **Manors San Bernardino Ave LLC**

Chapter 7

filing "creates a dispute which is a contested matter" within the meaning of FRBP 9014 and the Court must resolve the matter after notice and opportunity for hearing upon a motion for relief. *Id.*

When a creditor has filed a proof of claim that complies with the rules (thereby giving rise to the presumption of validity), the burden shifts to the objecting party who must "present evidence to overcome the *prima facie* case." *United States v. Offord Fin., Inc., (In re Medina)*, 205 B.R. 216,222 (9th Cir. BAP 1996). To defeat the claim, the objecting party must provide sufficient evidence and "show facts tending to defeat the claim by probative force equal to that of the allegations of the proofs of claim themselves." *Lundell*, 223 F.3d at 1039 (*quoting In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). "The objector must produce evidence, which, if believed, would refute at least one of the allegations that is essential to the claim's legal sufficiency." *Lundell*, 223 F.3d at 1040 (*quoting In re Allegheny Int'l, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992)). If the objecting party produces sufficient evidence to negate one or more of the sworn facts in the proof of claim, the burden reverts back to the claimant to prove the validity of the claim by a preponderance of the evidence. *Ashford v. Consol. Pioneer Mort. (In re Consol. Pioneer Mort.)*, 178 B.R. 222, 226 (9th Cir. BAP 1995), *aff'd*, 91 F.3d 151 (9th Cir. 1996) (*quoting Allegheny Int'l*, 954 F.2d at 173-74). The ultimate burden of persuasion remains at all times on the claimant. *Lundell*, 223 F.3d at 1039; *Holm*, 931 F.2d at 623.

TENTATIVE RULING

The Claim indicates that it is secured by a Recorded Deed of Trust and Note and that the fair market value of the Property at issue exceeds the amount of the Claim such that it is fully secured. The Trustee requests that the Claim be allowed as fully secured but not entitled to a dividend from the estate. Based on the lack of prejudice to the Claimant and the Claimant's failure to file response or opposition which this Court deems as consent pursuant to LBR 9013-1(h), the Court is inclined to SUSTAIN the objection and ALLOW the Claim as a fully secured claim not entitled to a dividend.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Manors San Bernardino Ave LLC

Chapter 7

Debtor(s):

Manors San Bernardino Ave LLC

Represented By
Gaurav Datta - INACTIVE -

Movant(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

Trustee(s):

John P Pringle (TR)

Represented By
Larry D Simons
Scott Talkov
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#13.00 CONT Motion Objecting To Debtors Claims Of Exemption In Proceeds From Personal Injury Case Pursuant To CCP § 704.140(b)

From: 10/24/18, 12/5/18

Also #14

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

#14.00 CONT Motion To Reconsider Order Allowing Debtors To File Amended Schedules

From: 10/24/18, 12/5/18

Also #13

EH__

Docket 45

Tentative Ruling:

12/19/18

BACKGROUND

On March 22, 2011, Rene Ferrer & Lucia Lopez ("Debtors") filed a Chapter 7 voluntary petition. On July 27, 2011, Debtors received a discharge and, one week later, the case was closed.

On August 11, 2017, Debtors filed a motion to reopen the case. It does not appear that Debtors promptly and properly uploaded an order on the motion, and the case was not actually reopened until the entry of an order (the "Order") June 8, 2018, which also allowed Debtors to amend their schedules, setting a deadline of September 6, 2018 for such amendment to be completed. On June 29, 2018, Debtors amended their schedules. On Schedule B, Debtors listed certain pelvic repair system products liability litigation, of an unknown value, and, on Schedule C, Debtors claimed an exemption in the litigation of, again, unknown value.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

On July 25, 2018, Debtors filed a motion objecting to Debtors' claim of exemptions. Debtors filed their response on August 15, 2018. In their response, Debtors conceded that they improperly claimed exemptions pursuant to both § 703 and § 704. On August 28, 2018, Debtors amended their schedules to correct the improperly claimed exemptions.

In its objection, Trustee also argued that it was improper for Debtors to amend their schedules without notice and a hearing. The Court's tentative ruling issued prior to the hearing on August 29, 2018, noted that there was conflicting case law on the issue, and noted that the Court had already entered the Order permitting Debtors to amend their schedules.

On September 27, 2018, Trustee filed a motion to reconsider the Order, and set a hearing for October 24, 2018. On October 22, 2018, two days before the hearing, Debtors filed their opposition. The opposition, however, appears to have simply been an identical copy of their opposition in the last motion.

At the hearing on October 24, 2018, the Court noted that Debtors' opposition was filed twelve days late, and, because it was simply a copy of a response filed prior to the filing of the motion to reconsider, did not actually address the contents of the motion to reconsider. The Court set a new briefing schedule, and sanctioned Debtors' counsel in the amount of \$1,580 to reimburse the costs of Trustee's attorney. On November 14, 2018, Debtors filed their amended opposition. On November 28, 2018, Trustee filed its reply.

DISCUSSION

Trustee moves under FED. R. CIV. P. Rule 60(b)(1)-(6),¹ incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024. Rule 60(b)(1)-(6) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT...

Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

(b) On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (6) any other reason that justifies relief

As noted by Trustee, "errors of law are cognizable under Rule 60(b)." *Liberty Mut. Ins. Co. v. EEOC*, 691 F.2d 438, 441 (9th Cir. 1982).

To determine whether an error of law, or a mistake, was made in the present case, the Court turns to the underlying legal question: whether Debtor retains the right to amend the schedules, as a matter of course, in a reopened case. The two operative rules are FED. R. BANKR. P. Rule 1009(a) and Rule 9006(b)(1). FED. R. BANKR. P. Rule 1009(a) states, in relevant part: "A voluntary petition, list, schedule, or statement may be amended by the debtor as a matter of course at any time before the case is closed." FED. R. BANKR. P. Rule 9006(b)(1) states:

Except as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules or by a notice given thereunder or by order of court, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order or (2) on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect.

As noted in the Court's tentative ruling of August 29, 2018, there is a split in caselaw as to whether Rule 1009(a) operates to require a motion pursuant to Rule 9006(b)(1) in order for a debtor to amend their schedules in a reopened case. *See, e.g., In re Dollman*, 583 B.R. 268, 271-73 (Bankr. D.N.M. 2017) (summarizing different approaches); 9 COLLIER'S ON BANKRUPTCY ¶ 1009.02[3] (16th ed. 2015) ("Once the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... **Rene Antonio Ferrer and Lucia Margarita Lopez**

Chapter 7

case has been closed, a debtor may have to show excusable neglect in order to amend the schedule of exemptions."). *But see In re Goswani*, 304 B.R. 386, 392 (B.A.P. 9th Cir. 2003) ("If the drafters had intended to require court permission before the filing of amended schedules in reopened cases, they would have explicitly said so.").

As a preliminary matter, Debtors primary argument in opposition to the motion to reconsider appears to be that *In re Goswani* is binding law. The Bankruptcy Appellate Panel is not, however, binding. *See In re Zimmer*, 313 F.3d 1220, 1225 n.3 (9th Cir. 2002) ("Although the binding nature of Bankruptcy Appellate Panel decisions – an open question in this circuit – is not squarely before us in this case, we join Judge O’Scannlain’s call for the Judicial Council to consider an order clarifying whether the bankruptcy courts must follow the BAP."); *see also Bank of Maui v. Estate Analysis, Inc.*, 904 F.2d 470 (9th Cir. 1990) (noting that the BAP has declared itself binding but stating that its "binding effect is so uncertain"). A review of the case law indicates that bankruptcy judges in this district are split on the issue. *See, e.g., In re Arnold*, 471 B.R. 578 (Bankr. C.D. Cal. 2012). This Court agrees with *In re Arnold* that in the absence of definitive guidance, in whatever form, declaring that the BAP is binding, BAP decisions do not have binding effect.

Nevertheless, BAP opinions certainly can be persuasive, although this Court has a duty to consider the reasoning detailed in the decision. The Court does not consider the decision relied upon by Debtors, *In re Goswani*, to be persuasive. As noted by *In re Dollman*, 583 B.R. 268, 271-273 (Bankr. D.N.M. 2017), three different approaches to this issue have been developed.

First, the broad approach, as articulated in *In re Goswani*, essentially concludes that there is no difference between an open (never closed) case and a re-opened case. However, "[r]eading Rule 1009(a) to permit a debtor to amend schedules in a reopened case anytime as a matter of course before the case is re-closed would make the limiting clause, "at any time before the case is closed," inoperative and superfluous because schedules can be amended only in an open case." *Dollman*, at 272. Based on the reasoning in *Dollman*, the Court concludes that Rule 1009(a) does impose a deadline – the closing of the case – and rejects the broad approach’s attempt to reverse time and undo the passing of that deadline.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

Second, the Court rejects the narrow approach, which prohibits any amendment to schedules after a case is closed, then reopened, for the simple reason that this approach does not explain why Rule 9006(b)(1) is inapplicable to the instant situation. *Id.* ("The Court finds the narrow approach too restrictive. It fails to recognize or apply Rule 9006(b)(1) allowing enlargement of time under certain circumstances if the period has expired before the motion to enlarge time is filed.").

Consequently, the Court finds the middle approach to be the appropriate approach. Rule 1009(a) imposed a deadline for amendment of the schedules – the closing of the case – and that deadline passed in the instant case. Rule 9006(b)(1), however, affords Debtors an opportunity to file a motion to amend their schedules, which, however, did not occur in the instant case.

Returning to FED. R. CIV. P. Rule 60(b), the Court first concludes it is inappropriate to vacate judgment pursuant to Rule 60(b)(1) on the basis of a mistake or error in law. When different courts have taken different approaches on the legal issue, and there is no binding guidance on the issue, it would appear inappropriate to classify one of those approaches as an "error in law" as that phrase is used in the context of a Rule 60(b) motion. *See generally Liberty Mut. Ins. Co.*, 691 F.2d at 440-441 (collecting cases).

Nevertheless, the Court believes relief pursuant to Rule 60(b)(6) is appropriate in the instant case. Rule 60(b)(6) "gives the [] court power to vacate judgments 'whenever such action is appropriate to accomplish justice.'" *U.S. v. Sparks*, 685 F.2d 1128, 1130 (9th Cir. 1982) (*quoting Klapprott v. U.S.*, 335 U.S. 601, 615 (1949)). "In order to obtain such relief from a judgment, however, 'extraordinary circumstances' must exist." *Id.* (*quoting Ackerman v. U.S.*, 340 U.S. 193, 199 (1950)).

Here, the extraordinary circumstances in the present case are that the Local Rules, specifically Local Rule 5010-1, provide that a motion to reopen the case may be ruled on without a hearing or opportunity to object. Therefore, Trustee was essentially

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT... Rene Antonio Ferrer and Lucia Margarita Lopez Chapter 7

precluded from presenting his argument that caselaw is split regarding the propriety of allowing a debtor to amend their schedules in a reopened case without a noticed motion. The only route Trustee had to present its argument was in the form of a Rule 60(b)(6) motion. Given that the Court agrees with Trustee's argument, and given that Trustee was effectively precluded from introducing its argument in any other manner, the Court concludes that Rule 60(b)(6) relief is appropriate in the instance case.

The Court declines to address the parties' arguments regarding the "neglect" of Debtors, and whether such neglect was excusable, at the current time. Debtors are free to bring a motion under Rule 9006(b)(1), and present their argument that the failure to properly schedule and exempt the litigation was the result of "excusable neglect," as that term is interpreted in the context of the rule.

TENTATIVE RULING

The Court is inclined to GRANT the motion, AMENDING the order of June 8, 2018 [Dkt. No. 24], striking ¶¶ 3 and 4 of the order. As such, the amended schedules filed by Debtors are void and of no effect. Debtors may move to amend their schedules pursuant to the applicable rules outlined above.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rene Antonio Ferrer

Represented By
Christopher J Lauria

Joint Debtor(s):

Lucia Margarita Lopez

Represented By
Christopher J Lauria

Movant(s):

Steven M Speier (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

11:00 AM

CONT...

Rene Antonio Ferrer and Lucia Margarita Lopez

Robert P Goe
Stephen Reider

Chapter 7

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Stephen Reider

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#15.00 Motion with Notice to Expunge Lis Pendens and for Award of Attorney's Fees and Costs

EH__

Docket 5

Tentative Ruling:

BACKGROUND

On August 13, 2018, Young Jin Yoon ("Debtor") filed a petition for chapter 7 relief. On November 27, 2018, Vivian Kim ("Plaintiff") filed her complaint to determine dischargeability of a debt pursuant to §§ 523(a)(2) and (a)(6) (the "Complaint"). Plaintiff asserts in her Complaint that she loaned money to Debtor and his wife. Plaintiff further asserts that Debtor and his wife employed the funds loaned by Plaintiff to purchase certain real property located at 32229 Cedar Crest in Temecula, CA 92592 (the "Property"). Plaintiff further alleges that Debtor and his wife transferred the Property for no consideration to their son Joshua Park ("Park"), but then themselves made maintenance and mortgage payments on the Property. The Plaintiff's primary assertion is that the Defendant and his family used her loan to purchase the Property and have since sought to hinder her in her ability to recover against the Property's value.

On November 12, 2018, Defendant Park filed a Motion to Expunge Lis Pendens and For Award of Attorney's Fees and Costs ("Motion") which Plaintiff opposed on 11/27/2018 ("Opposition"). No reply has been filed.

DISCUSSION

The grounds for expungement of an improperly recorded lis pendens are:

1. Invalid service of the notice;
2. Failure to plead a real property claim;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT...

Young Jin Yoon

Chapter 7

3. Failure to establish the probable validity of the real property claim; and
4. A showing that adequate relief can be secured to the claimant by the giving of an undertaking.

43 Cal. Jur. 3d Lis Pendens § 7.

Park challenges the lis pendens filed by Plaintiff on the grounds that (1) the Plaintiff must establish by a preponderance of the evidence the probable validity of a real property claim on which the notice of lis pendens is based; and (2) the lis pendens does not contain a real property claim.

In her response, the Plaintiff submitted evidence in the form of her own declaration and from a portion of a transcript from a 2004 examination of the Defendants. The evidence supports the Plaintiff's allegations that Park paid no consideration to his parents for title to the Property and that Park's parents made payments towards the mortgage and possibly other expenses of the Property while their son was away in the Navy. The Plaintiff's evidence is sufficient to overcome the first argument of Park.

Second, the Court finds persuasive Plaintiff's legal authority from the Supreme Court of California indicating that a fraudulent transfer claim which seeks to void a transfer of real property affects the title to or possession of real property such that it constitutes a real property claim for purposes of the California lis pendens statutes. *Kirkeby v. Superior Court*, 33 Cal. 4th 642, 649, 93 P.3d 395, 400 (2004). Here, the Complaint does not specifically allege a cause of action under California Civil Code § 3439.07 which was the operative claim in the *Kirkeby* case. Nonetheless, the Complaint does seek to void the transfer of the Property to Park as a remedy for the Fourth Claim of Relief. Based on the relief sought, given that Park has not sought to dismiss this claim, and has failed to file any reply to the Opposition, the *Kirkeby* holding is controlling on this issue.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon

Chapter 7

Party Information

Debtor(s):

Young Jin Yoon

Represented By
Ji Yoon Kim

Defendant(s):

Young Jin Yoon

Represented By
Ji Yoon Kim

Hyun Myung Park

Represented By
Ji Yoon Kim

Joshua Park

Represented By
Ji Yoon Kim

Movant(s):

Joshua Park

Represented By
Ji Yoon Kim
Ji Yoon Kim
Ji Yoon Kim

Joshua Park

Pro Se

Plaintiff(s):

Vivian Kim

Represented By
Jiyoung Kym

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:18-15107 Jesus Davila Romero

Chapter 7

Adv#: 6:18-01203 Frealy v. Davila et al

#16.00 Status Conference RE: [1] Adversary case 6:18-ap-01203. Complaint by Todd Frealy against Lorena Davila, Jesse L. Davila, Jesus Davila Romero. (Charge To Estate \$350.00). (Attachments: # 1 Adversary Coversheet) Nature of Suit: 91- Declaratory judgment, 11- Recovery of money/property - 542 turnover of property, 31- Approval of sale of property of estate and of a co-owner - 363(h)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Davila Romero

Represented By
Neil R Hedtke

Defendant(s):

Lorena Davila

Pro Se

Jesse L. Davila

Pro Se

Jesus Davila Romero

Pro Se

Plaintiff(s):

Todd Frealy

Represented By
Carmela Pagay

Trustee(s):

Todd A. Frealy (TR)

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:18-12027 Richard M. Thomas

Chapter 7

Adv#: 6:18-01156 Anderson, Chapter 7 Trustee v. Williams et al

#17.00 CONT Motion for Default Judgment Against Defendants Amy Williams and Richard M. Thomas, Jr

From: 11/7/18

Also #18

EH__

Docket 13

***** VACATED *** REASON: CONTINUED TO 1/30/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard M. Thomas

Represented By
Keith Q Nguyen

Defendant(s):

Amy Williams

Represented By
Anerio V Altman

Richard M Thomas Jr.

Pro Se

Joint Debtor(s):

Raquel Young

Represented By
Keith Q Nguyen

Movant(s):

Karl T. Anderson, Chapter 7 Trustee

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Richard M. Thomas

Chapter 7

Plaintiff(s):

Karl T. Anderson, Chapter 7 Trustee

Represented By
Frank X Ruggier

Trustee(s):

Karl T Anderson (TR)

Represented By
Larry D Simons
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:18-12027 Richard M. Thomas

Chapter 7

Adv#: 6:18-01156 Anderson, Chapter 7 Trustee v. Williams et al

#18.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01156. Complaint by Karl T. Anderson, Chapter 7 Trustee against Amy Williams, Richard M Thomas Jr.. (Charge To Estate) (\$350.00). Complaint to: (1) Avoid and Recover Fraudulent Transfer; (2) Obtain Declaratory Relief as to Ownership of Real Property; and (3) Authorize Sale of Property Owned in Part by Non-Debtor Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer))

From: 9/26/18, 11/7/18

Also #17

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 1/30/19 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard M. Thomas

Represented By
Keith Q Nguyen

Defendant(s):

Amy Williams

Represented By
Anerio V Altman

Richard M Thomas Jr.

Pro Se

Joint Debtor(s):

Raquel Young

Represented By
Keith Q Nguyen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Richard M. Thomas

Chapter 7

Plaintiff(s):

Karl T. Anderson, Chapter 7 Trustee

Represented By
Frank X Ruggier

Trustee(s):

Karl T Anderson (TR)

Represented By
Larry D Simons
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#19.00 Motion to Dismiss Adversary Proceeding for Failure to State A Claim

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#20.00 Motion to Dismiss Adversary Proceeding for Failure to State A Claim

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Anis Khalil

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:18-01123 First Home Bank v. Karadas

#21.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01123. Complaint by First Home Bank against Sean Karadas. false pretenses, false representation, actual fraud)),(67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)),(65 (Dischargeability - other)),(41 (Objection / revocation of discharge - 727(c),(d),(e))),72 (Injunctive relief - other))(Kastan, Joshua)

From: 7/25/18, 10/24/18, 11/14/18

EH__

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 12/06/2018**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

First Home Bank

Represented By
Joshua N Kastan

Trustee(s):

Charles W Daff (TR)

Represented By
Robert P Goe
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#22.00 CONT Motion by Revere Financial Corporation and Receiver Jerry Wang to Strike Affirmative Defenses in Answer by Douglas J. Roger to First Amended Complaint by Revere Financial Corporation and Receiver Jerry Wang

From: 11/28/18

EH__

Docket 133

*** VACATED *** REASON: CONTINUED TO 1/16/19 AT 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw
Thomas J Eastmond
Marc C Forsythe

Movant(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

A. Cisneros

Anthony J Napolitano

Represented By
Chad V Haes
D Edward Hays

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#23.00 CONT Motion for Protective Order Interested Parties Douglas J. Roger And Nicole L. Ebarbs Notice Of Motion And Motion For Protective Order Pursuant To Federal Rules Of Civil Procedure Rules 26(c) and 45

From: 11/28/18

Also #24

EH__

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Douglas J. Roger and Nicole L.

Represented By
Marc C Forsythe

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#24.00 CONT Motion to Quash Modify and/or for a Protective Order re Subpoenas served on Citizens Business Bank, MUFG Union Bank, and Bank of Southern California by Plaintiff

From: 11/28/18

Also #23

EH__

Docket 95

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Movant(s):

Liberty Orthopedic Corporation

Represented By
Misty A Perry Isaacson

Universal Orthopaedic Group

Represented By
Misty A Perry Isaacson

OIC Medical Corporation

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#25.00 CONT Motion to Dismiss Adversary Proceeding for Failure to State a Claim upon which Relief can be Granted or in the Alternative for a more Definite Statement filed by **Liberty Orthopedic Corporation**

From: 11/14/18

Also #26 - #28

EH__

Docket 98

***** VACATED *** REASON: ORDER ENTERED 12/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Movant(s):

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#26.00 CONT Motion to Dismiss Adversary Proceeding for Failure to State a Claim upon which Relief can be Granted filed by **OIC Medical Corporation**

From: 11/14/18

Also #25 - #28

EH__

Docket 99

***** VACATED *** REASON: ORDER ENTERED 12/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Movant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#27.00 CONT Motion to Dismiss Adversary Proceeding for Failure to State a Claim upon which Relief can be Granted or in the Alternative for a more Definite Statement **Universal Orthopaedic Group**

From: 11/14/18

Also #25 - #28

EH__

Docket 97

***** VACATED *** REASON: ORDER ENTERED 12/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Movant(s):

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#28.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18, 8/22/18, 10/31/18, 11/14/18

Also #25 - #27

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/19/18 AT 2:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 12, 2018

Hearing Room 303

2:00 PM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
LIBERTY ORTHOPEDIC**

Chapter 7

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays
Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Mark Houle, Presiding
Courtroom 1645 Calendar**

Friday, December 14, 2018

Hearing Room 1645

11:00 AM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#1.00 Motion for Protective Order

EH__

Docket 117

***** VACATED *** REASON: FINAL STIPULATION TO BE FILED**

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:13-20227 James Robert Kinney and Stephanie Mae Kinney

Chapter 13

#1.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14954 GLASGOW COURT, Victorville, CA, 92394 Under 11 U.S.C. § 362
(HOLDING DATE)

MOVANT: NATIONSTAR MORTGAGE LLC dba MR. COOPER

From: 11/13/18

EH__

Docket 133

Tentative Ruling:

11/13/18

Service: Proper

Opposition: YES

Debtors dispute that they are behind 9 payments and request a 30-day continuance to establish the payment history.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Robert Kinney

Represented By
John F Brady
Lisa H Robinson

Joint Debtor(s):

Stephanie Mae Kinney

Represented By
John F Brady
Lisa H Robinson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... James Robert Kinney and Stephanie Mae Kinney

Chapter 13

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:14-23079 Anita M. Williams

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 34150 Harrow Hill Rd, Wildomar, CA 92595

MOVANT: NAVY FEDERAL CREDIT UNION

EH__

Docket 86

Tentative Ruling:

12/18/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Anita M. Williams

Represented By
Patricia M Ashcraft

Movant(s):

Navy Federal Credit Union

Represented By
Katelyn R Knapp
Brandye N Foreman
Christina J O

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:14-24553 Brooks L Sternberg and Angela Caldero

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 10866 Deer Canyon Dr, Rancho Cucamonga, CA, 91737

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 68

Tentative Ruling:

12/18/2018
Service: Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Brooks L Sternberg

Represented By
Julie J Villalobos

Joint Debtor(s):

Angela Caldero

Represented By
Julie J Villalobos

Movant(s):

Wells Fargo Bank, N.A.

Represented By
Dane W Exnowski

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Brooks L Sternberg and Angela Caldero

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:15-13830 Ramon Urrutia

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15305 Mesquite Drive Lake Elsinore, CA 92530

MOVANT: DEUTSCHE BANK NATIONAL TRUST

EH__

Docket 56

Tentative Ruling:

12/18/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Ramon Urrutia

Represented By
C Scott Rudibaugh

Movant(s):

Deutsche Bank National Trust

Represented By
Bonni S Mantovani
Diana Torres-Brito

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:15-20006 Carl J Charlot and Jacinta S Charlot

Chapter 13

#5.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 483 Grapevine Dr, Corona CA 92882

MOVANT: DEUTSCHE BANK TRUST COMPANY AMERICAS

From: 4/24/18, 5/29/18, 7/31/18, 10/30/18

EH__

Docket 55

Tentative Ruling:

Hearing Date: 4/24/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

GRANT Movant leave to offer/provide/enter into a potential forbearance, loan modification, refinance agreement or other loan workout. Request for APO is DENIED as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Carl J Charlot

Represented By
Michael A Younge

Joint Debtor(s):

Jacinta S Charlot

Represented By
Michael A Younge

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Carl J Charlot and Jacinta S Charlot

Chapter 13

Movant(s):

Deutsche Bank Trust Company

Represented By
April Harriott
Seth Greenhill
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-14908 Joan Eleanor Demiany

Chapter 13

#6.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 1055 East Via Colusa, Palm Springs, CA 92262

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

From: 9/11/18, 10/30/18

EH__

Docket 35

***** VACATED *** REASON: CONTINUED TO 2/5/19 AT 10:00 A.M.**

Tentative Ruling:

10/30/2018

The Movant submitted evidence that the Debtor is delinquent in the amount of \$30,303.59, having missed 10 postconfirmation payments. The parties stipulated to a continuance of the hearing from September 11, 2018 to this date. The primary basis of opposition appears to be regarding the status of a loan modification application. Parties to update the Court.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joan Eleanor Demiany

Represented By
Jenny L Doling
Summer M Shaw

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-15740 Mark Gehrig

Chapter 13

#7.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: 22424 Tanager Street, Grand Terrace, CA 92313

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

CASE DISMISSED 11/8/18

From: 6/6/18, 9/11/18, 10/30/18

EH__

Docket 59

Tentative Ruling:

TENTATIVE RULING:

09/11/18

Service: Proper

Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
GRANT request for relief from the co-debtor stay. GRANT request under ¶ 3
permitting Movant to offer Debtor loan workout options; and GRANT order
designating Debtor as "borrower" under Cal. Civil Code § 2920.5. DENY request
pursuant to § 362(d)(2) for lack of cause shown and DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Mark Gehrig

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Mark Gehrig

Chapter 13

Movant(s):

DEUTSCHE BANK NATIONAL

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-17402 Thomas Lee Abercrombie and Rebecca Anne Abercrombie Chapter 13

#8.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Ford Escape; VIN: 1FMCU0H93DUD72995

MOVANT: ALTA VISTA CREDIT UNION

From: 9/11/18, 11/13/18

EH__

Docket 44

***** VACATED *** REASON: ORDER ENTERED 12/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Lee Abercrombie

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Rebecca Anne Abercrombie

Represented By
Rabin J Pournazarian

Movant(s):

Alta Vista Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-18720 Patricia Morales

Chapter 13

#9.00 Motion for relief from the automatic stay with supporting declarations REAL
PROPERTY RE: 916 Sperry Dr, Colton, CA 92324

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 44

***** VACATED *** REASON: ORDER ENTERED 12/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia Morales

Represented By
Dana Travis

Movant(s):

Specialized Loan Servicing LLC

Represented By
Erin M McCartney

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#10.00 CONT Motion for relief from the automatic stay with supporting declarations
REAL PROPERTY RE: for property located at 370 Claremont St Hemet, CA
92545

MOVANT: US BANK NATIONAL ASSOCIATION

From: 10/16/18, 11/6/18, 11/27/18

EH__

Docket 30

***** VACATED *** REASON: ORDER ENTERED 12/17/18**

Tentative Ruling:

10/16/2018

Service is Proper
Opposition: Yes

Parties to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Carolyn Maxine Bodden

Represented By
Edward G Topolski

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-10079 Cheryl Linda Fernandez

Chapter 13

#11.00 CONT Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 425 Grant Street, Redlands, California 92373

MOVANT: WILMINGTON SAVINGS FUND SOCIETY, FSB

From: 11/27/18

EH__

Docket 67

Tentative Ruling:

11/27/2018

Service is Proper
Opposition: None

The Court is inclined to GRANT relief from the automatic stay pursuant to § 362(d) (1). GRANT waiver of Rule 4001(a)(3) stay. DENY request for relief from § 1301(a) stay because Movant has failed to serve the co-debtor at the address identified in Schedule H. GRANT requests under ¶¶ 2 and 3. DENY alternative request under ¶ 13 as moot.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Cheryl Linda Fernandez

Represented By
Matthew D. Resnik

Movant(s):

Wilmington Savings Fund Society,

Represented By
Kelsey X Luu

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Cheryl Linda Fernandez

Chapter 13

Jamie D Hanawalt
Gilbert R Yabes

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-11128 Gilbert D Olivares

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 34112 Silk Tassel Road, Lake Elsinore, CA 92532

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 41

***** VACATED *** REASON: ORDER ENTERED 12/11/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilbert D Olivares

Represented By
Scott Kosner

Movant(s):

Freedom Mortgage Corporation

Represented By
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-15766 Deborah A Neville and Ronnie L Neville

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Nissan Altima, VIN: 1N4AL3AP0GC233657

MOVANT: SANTANDER CONSUMER USA INC

EH__

Docket 57

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Deborah A Neville

Represented By
Hayk Grigoryan

Joint Debtor(s):

Ronnie L Neville

Represented By
Hayk Grigoryan

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Deborah A Neville and Ronnie L Neville

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-15977 John Arquillano and Janet Arquillano

Chapter 13

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 HONDA ACCORD, VIN: 1HGC V1F1 3JA0 74451

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 28

Tentative Ruling:

12/18/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

John Arquillano

Represented By
Andrew Nguyen

Joint Debtor(s):

Janet Arquillano

Represented By
Andrew Nguyen

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... John Arquillano and Janet Arquillano

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17158 Dean Gregory Haidl

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Ford F250, VIN 1FT7W2BT9EEA48218

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 12

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Dean Gregory Haidl

Represented By
Brian J Soo-Hoo

Movant(s):

Ford Motor Credit Company LLC

Represented By
Sheryl K Ith

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17498 Christopher T. Seelig and Jamie H. Seelig

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Dodge Durango, VIN 1C4SDJCT4FC906779

MOVANT: WELLS FARGO BANK, N.A.

EH__

Docket 11

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Christopher T. Seelig

Represented By
Keith Q Nguyen

Joint Debtor(s):

Jamie H. Seelig

Represented By
Keith Q Nguyen

Movant(s):

Wells Fargo Bank, N.A. dba Wells

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Christopher T. Seelig and Jamie H. Seelig

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17605 Joseph N Duguay, II

Chapter 13

#17.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2012 Jeep Wrangler-VIN:
1C4BJWDG0CL117046

MOVANT: ONTARIO-MONTCLAIR SCHOOL EMPLOYEES FEDERAL CREDIT
UNION

EH__

Docket 26

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph N Duguay II

Represented By
Andy C Warshaw

Movant(s):

Ontario-Montclair School

Represented By
Bruce P. Needleman

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-17663 Stephen Richard Morales and Diane Forniss Morales

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 NISSAN ALTIMA, VIN # 1N4AL3AP1HC489503

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

Docket 13

Tentative Ruling:

12/18/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Stephen Richard Morales

Represented By
Todd L Turoci

Joint Debtor(s):

Diane Forniss Morales

Represented By
Todd L Turoci

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Michael D Vanlochem

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Stephen Richard Morales and Diane Forniss Morales

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-18344 Adrien Liets and Marine Lazaro Liets

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford F150, VIN: 1FTEW1CP0GKF85034

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

Docket 15

Tentative Ruling:

12/18/18
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Adrien Liets

Represented By
Melissa A Raskey

Joint Debtor(s):

Marine Lazaro Liets

Represented By
Melissa A Raskey

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Adrien Liets and Marine Lazaro Liets

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-18563 Rosa Esmeralda Macias

Chapter 7

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 49188 Pluma Gris Place, Coachella, California 92236

MOVANT: WILMINGTON TRUST, NATIONAL ASSOCIATION

EH__

Docket 19

Tentative Ruling:

12/18/2018
Service: Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT as to ¶3 of prayer for relief. GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Rosa Esmeralda Macias

Represented By
Stephen L Burton

Movant(s):

Wilmington Trust, National

Represented By
Sean C Ferry

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-18815 Steven Michel McCann

Chapter 13

#21.00 Motion in Individual Case for Order Confirming Termination of Stay under 11 U.S.C. 362(j) or That No Stay is in Effect under 11 U.S.C. 362(c)(4)(A)(ii)

MOVANT: ORANGE COUNTYS CREDIT UNION

EH __

Docket 18

Tentative Ruling:

12/18/2018

Service was proper and no opposition has been filed.

The Movant has correctly indicated that the Debtor has had a prior case pending and dismissed within one year of the instant filing. Pursuant to § 362(c)(3), having failed to seek to extend the stay during the 30-day period following the petition date of October 17, 2018, the automatic stay has terminated by operation of law. The Motion is GRANTED.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Steven Michel McCann

Represented By
Brian J Soo-Hoo

Movant(s):

Orange Countys Credit Union

Represented By
Mirco J Haag

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19075 Dan Henley Galey and Buenaflor Sabino Galey

Chapter 7

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Toyota Corolla, VIN 5YFBURHE6HP588411

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 11

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Dan Henley Galey

Represented By
Carey C Pickford

Joint Debtor(s):

Buenaflor Sabino Galey

Represented By
Carey C Pickford

Movant(s):

Santander Consumer USA Inc.

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Dan Henley Galey and Buenaflor Sabino Galey

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19168 Jasmine Keshawn Jennings

Chapter 7

#23.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 14084 Catalina Ct., Fontana CA 92336

MOVANT: CHUN CHUN WEN

EH ____

Docket 10

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for order confirming that no stay is in effect for lack of cause shown. GRANT request for annulment of the stay to validate Movant's postpetition acts.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jasmine Keshawn Jennings Pro Se

Movant(s):

Chun Wen Represented By
Luke P Daniels

Trustee(s):

John P Pringle (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19177 Paula Jean Campbell

Chapter 7

#24.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford Escape, VIN: 1FMCU0GX8GUB24231

MOVANT: CAB WEST LLC

EH__

Docket 8

Tentative Ruling:

12/18/18
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.
DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Paula Jean Campbell

Represented By
Diane M Singleton-Smith

Movant(s):

Cab West, LLC

Represented By
Jennifer H Wang

Trustee(s):

John P Pringle (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19183 Carmen Lynn Chilson

Chapter 13

#25.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 755 Casey Cir Banning, CA 92220

MOVANT: GENOVEVA CAMPA

EH__

Docket 22

***** VACATED *** REASON: ORDER ENTERED 12/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carmen Lynn Chilson

Represented By
Steven A Alpert

Movant(s):

Genoveva U Campa

Represented By
Barry L O'Connor

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19276 Efrain Cortez

Chapter 7

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Dodge Ram 1500, VIN: 1C6RR7TT2GS321040

MOVANT: TD AUTO FINANCE LLC

EH__

Docket 7

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of 4001(a)(3) stay. DENY request for APO as moot.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Efrain Cortez

Represented By
Kevin M Cortright

Movant(s):

TD Auto Finance LLC

Represented By
Jennifer H Wang

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19465 Joseph F. Mark

Chapter 13

#27.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 BMW 750Li, VIN: WBAH N835 17DT 75132

MOVANT: MECHANICS BANK

EH__

Docket 15

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Joseph F. Mark

Represented By
Keith Q Nguyen

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19486 Jacqueline Williams

Chapter 13

#28.00 Motion for relief from the automatic stay with supporting declarations
UNLAWFUL DETAINER RE: 12878 Merry Meadows Drive, Eastvale aka Corona
CA

MOVANT: WILLIAM SMITH AND MONICA SMITH

EH__

Docket 13

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under § 362(d)(1). GRANT waiver of 4001(a)(3) stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jacqueline Williams

Represented By
Marjan Alitalaei

Movant(s):

William & Monica Smith

Represented By
Helen G Long

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19532 Jose F Mejia

Chapter 13

#29.00 Motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 26458 Twin Pines Street, Menifee, California 92584-4927

MOVANT: WELLS FARGO BANK NA

CASE DISMISSED 11/27/18

EH ____

Docket 10

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(4). Court finds that bankruptcy case was part of a scheme to hinder, delay and defraud creditors based on multiple bankruptcy filings affecting this property. The Court finds bad faith as to the Debtor. GRANT waiver of 4001(a)(3) stay. GRANT pursuant to ¶ 3 and relief from co-debtor stay. DENY request for APO as moot.

APPEARANCES WAIVED. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Jose F Mejia

Pro Se

Movant(s):

WELLS FARGO BANK, N.A.

Represented By
Gilbert R Yabes

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19605 Demar Austin Browning and Nunia Naavavau Foaki Otuafi Chapter 7

#30.00 Motion for relief from the automatic stay with supporting declarations
PERSONAL PROPERTY RE: 2012 HONDA ODYSSEY, VIN: 5FNR L5H9 5CB1
03161

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH ____

Docket 9

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT waiver of
4001(a)(3) stay.

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing,
the hearing may be continued. Movant to lodge order within 7 days.

Party Information

Debtor(s):

Demar Austin Browning

Represented By
Fred Edwards

Joint Debtor(s):

Nunia Naavavau Foaki Otuafi

Represented By
Fred Edwards

Movant(s):

AMERICAN HONDA FINANCE

Represented By
Vincent V Frounjian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Demar Austin Browning and Nunia Naavavau Foaki Otuafi

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19792 Biani Berlenda Mora

Chapter 13

#31.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 12648 Casa Bonita Place Victorville, CA 92392

MOVANT: BIANI BERLEND A MORA

EH__

Docket 8

Tentative Ruling:

12/18/2018

The Debtor's prior case was dismissed for a failure to make plan payments. The Debtor explains that the shortfall was due to an unexpected dip in the payments from social security that Debtor was receiving. Debtor's new Schedule I shows substantially increased payments from social security. However, the Declaration of the Debtor provides insufficient detail to explain why the prior benefit payments stopped and why the current benefits have increased so significantly.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Movant(s):

Biani Berlenda Mora

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19841 Jorge Lino Madrigal

Chapter 13

#32.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: JORGE LINO MADRIGAL

CASE DISMISSED 12/17/18

EH ____

Docket 7

Tentative Ruling:

12/18/2018

The Debtor's prior case was dismissed on September 12, 2018, in the Southern District of California. The Southern District's docket indicates that the dismissal resulted from Debtor's failure to appear and testify at the 341 Meeting of Creditors. The case was filed by the Debtor in pro per. In his declaration, the Debtor asserts that he is a "lay person", was not able to attend his 341 Meeting and did not realize that the meeting could not be postponed.

As to this issue, the Court finds that by hiring counsel to assist him with understanding the duties of a debtor filing chapter 13, the Debtor has shown cause to extend the stay.

However, as to 'Mr. Cooper' (aka Nationstar), the Debtor has failed to properly serve Nationstar pursuant to FRBP 7004. Specifically, Rule 7004 requires that Nationstar be served to the attention of an officer. Although, the address served appears valid and the Court believes Nationstar likely accepts service using its new dba Mr. Cooper, the Motion was not served on an officer. Additionally, Nationstar/Mr. Cooper was not identified in ¶1 of the Notice of Motion as required by the form motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Jorge Lino Madrigal

Chapter 13

Debtor(s):

Jorge Lino Madrigal

Represented By
Gary S Saunders

Movant(s):

Jorge Lino Madrigal

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19883 Lucy D Aguilar

Chapter 13

#33.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 2198 Arden Circle, Corona, CA 92882

MOVANT: SAMI RUSTOM

EH__

Docket 9

Tentative Ruling:

12/18/2018
Service is Proper
Opposition: None

GRANT relief from the stay under §§ 362(d)(1) and (d)(2). GRANT requests under ¶¶ 7, 9 and 11. GRANT waiver of 4001(a)(3) stay. DENY request for order confirming no stay in effect for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lucy D Aguilar Pro Se

Movant(s):

SAMI RUSTOM Represented By
Shazad Z Omar

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19894 Noemi Meraz Espinoza

Chapter 13

#34.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 7569 Marilyn Dr., Corona, CA

MOVANT: NOEMI MERAZ ESPINOZA

EH__

Docket 15

Tentative Ruling:

12/18/2018

Debtor filed her prior case in pro per and had her case dismissed for failure to file information. The Debtor asserts the dismissal resulted from her taking 'bad advice' from a party that advised her to file a skeletal petition to save her house. The Debtor has now retained counsel to assist her in her efforts to propose a chapter 13 plan. Based on the Debtor's retention of counsel to assist her in understanding the duties of a chapter 13 debtor, the Court finds that the Debtor has overcome the presumption that the case was not filed in good faith. The Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Noemi Meraz Espinoza

Represented By
Ramiro Flores Munoz

Movant(s):

Noemi Meraz Espinoza

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

6:18-19965 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#35.00 Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 18057 Longhorn Ln, Chino Hills, CA 91709

MOVANT: JORGE M AZMITIA AND YOSHIKO AZMITIA

EH__

Docket 13

Tentative Ruling:

12/18/2018

The Debtors were at least one month delinquent when the case was dismissed on October 25, 2018. At the hearing on the Trustee's Motion to Dismiss the Debtors could not provide assurances they would cure the arrears.

The Debtors' declaration asserts that the Debtors fell behind on plan payments because they had to 'divert resources' to deal with a death in the family at around the same time that the Debtor Husband was involved in a car accident. The declaration is devoid of any detail as to the expenses they incurred or how specifically these events caused them to fall behind. Given the failure to perform the terms of their prior chapter 13 plan, the burden on the Debtors to overcome the presumption that the instant case was not filed in good faith require clear and convincing evidence. 11 USC § 362(c)(3). The declaration falls short. The Court is inclined to DENY the Motion.

Finally, based on the proof of service, it appears that SPS, the servicer of the Debtors' mortgage loan on their primary residence, was not served via Rule 7004 in that it was not served to the attention of an officer, to an address appropriate for service of process, or by certified mail.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jorge Manuel Azmitia

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

10:00 AM

CONT... Jorge Manuel Azmitia and Yoshiko Azmitia
Nicholas M Wajda

Chapter 13

Joint Debtor(s):

Yoshiko Azmitia

Represented By
Nicholas M Wajda

Movant(s):

Jorge Manuel Azmitia

Represented By
Nicholas M Wajda

Yoshiko Azmitia

Represented By
Nicholas M Wajda
Nicholas M Wajda

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:17-15717 AMJ Plumbing Specialists Corp.

Chapter 11

#36.00 Post Confirmation Status Conference

EH__

Docket 161

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

AMJ Plumbing Specialists Corp.

Represented By
David Lozano

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#37.00 CONT Application for Compensation and Notice of Hearing with Proof of Service for Todd L Turoci, Debtor's Attorney, Period: 12/2/2017 to 9/17/2018, Fee: \$164280.00, Expenses: \$7207.77. (Turoci, Todd)
(HOLDING DATE)

From: 10/16/18, 10/30/18, 12/4/18

Also #38

EH__

Docket 414

Tentative Ruling:

12/04/2018

Given the current stage of the chapter 11 proceeding, and finding that action by the Debtor to conclude the case remains outstanding, the Court is inclined to CONTINUE the instant fee application for a short time period to permit the Debtor an opportunity to file its request for dismissal and/or to otherwise outline a plan for concluding the case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

Movant(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:17-19936 Auto Strap Transport, LLC

Chapter 11

#38.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 1/9/18, 4/10/18, 7/10/18, 7/24/18, 8/14/18, 10/30/18, 12/4/18

Also #37

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Auto Strap Transport, LLC

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#39.00 Motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: JUAN CATANO v. G HURTADO CONSTRUCTION, INC.. filed by Creditor Juan Catano, Creditor Faustino Magana, Creditor Donahoo & Associates, PC

MOVANT: JUAN CATANO, FAUSTINO MAGANA, DONAHOO & ASSOCIATES

Also #40 & #41

EH ____

Docket 113

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

Donahoo & Associates, PC

Represented By
Richard E Donahoo

Faustino Magana

Represented By
Richard E Donahoo

Juan Catano

Represented By
Richard E Donahoo

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#40.00 CONT Motion for approval of chapter 11 disclosure statement

From: 9/11/18, 9/25/18, 10/30/18, 11/6/18

Also #39 & #41

EH__

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

Movant(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-12807 G Hurtado Construction, Inc.

Chapter 11

#41.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 5/8/18, 8/21/18, 9/11/18, 9/25/18, 10/30/18, 11/6/18

Also #39 & #40

EH__

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

G Hurtado Construction, Inc.

Represented By
Michael Jones
Sara Tidd

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#42.00 CONT Motion to Dismiss Chapter 11 Case

From: 9/25/18, 10/1/18, 12/4/18

Also #43 & #44

EH__

Docket 37

Tentative Ruling:

9/25/2018

BACKGROUND

On July 23, 2018, Richard Garavito ("Debtor") filed a Chapter 11 voluntary petition. Debtor previously filed a Chapter 13 case on April 17, 2018, which was dismissed on July 19, 2018.

On August 29, 2018, the Taylor Family Trust of June 16, 2004 ("Creditor"), the primary creditor in the instant case, filed a motion to confirm that the automatic stay terminated pursuant to 11 U.S.C. § 362(c)(3)(A). On September 7, 2018, Debtor filed a motion to continue/impose the automatic stay. Because Debtor has not offered a cognizable legal argument as to why the automatic stay has not terminated, or why Debtor can obtain a continuation of the automatic stay after the statutory deadline, the Court has posted tentative rulings indicating that it intends to grant Creditor's motion and deny Debtor's motion.

On September 11, 2018, Debtor filed a motion to dismiss the case and an application

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Garavito

Chapter 11

shortening time. On September 13, 2018, the Court approved the application shortening time, and set a hearing for September 25, 2018.

DISCUSSION

11 U.S.C. § 1112(b)(1) states:

Except as provided in paragraph (2) and subsection (c), on request of a party in interest, and after notice and a hearing, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, for cause unless the court determines that the appointment under section 1104(a) of a trustee or an examiner is in the best interests of creditors and the estate.

11 U.S.C. § 1112(b)(4) provides a non-exclusive list of sixteen examples of cause – most of which are more appropriately considered when the moving party is an entity other than the debtor.

Here, Debtor’s motion is unclear, at best. The entire argument why the case should be dismissed is reproduced, verbatim, as follows:

In the present case, since the motion to impose and/or continue the stay was not timely filed, the stay will no longer be in effect with the pending motion to terminate the stay filed by secured creditor Taylor Family Trust.

The Debtor should not be penalized due to counsel’s inadvertent calendaring

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT...

Richard Garavito

Chapter 11

error of the 30 days rule of filing a motion to impose and/or continue the stay. However, an argument can be made that under the majority approach a motion to impose or continue the stay shall be filed as to the Debtor individually and not as to the property of the estate. Here, the Subject Property is property of the estate and the automatic stay should be in effect as to the Subject Property.

However, due to circumstances surrounding the possible termination of the stay, the Debtor requests dismissal of this case as there is no purpose if the stay is not in effect as to the Subject Property.

[Dkt. No. 37, pg. 5]. In summary, Debtor acknowledges that the stay has statutorily terminated and the deadline to continue the automatic stay has lapsed, but then argues that such stay termination is with regards to the Debtor only, not property of the estate. Despite the argument, the Debtor then asserts that due to "circumstances" the Debtor requests dismissal because there is "no purpose" if the stay has also terminated as to property of the estate.

There are multiple issues with the above line of argument. First, Debtor does not appear to have raised any coherent cause for dismissal – the only argument made in favor of dismissal, that the "Subject Property" is not protected by the automatic stay, (and thus this Chapter 11 case cannot be successful) is also explicitly rejected by Debtor. Second, § 1112(b) requires the Court to consider whether dismissal or conversion to Chapter 7 is in the best interests of creditors and the estate. Here, Debtor's schedules filed in the instant case indicate that all creditors would likely be paid in full if this case was converted to Chapter 7. Therefore, pursuant to the analysis required by § 1112(b), it is unclear why this case would be dismissed rather than converted to Chapter 7.

Finally, the Court acknowledges that, in a reply relating to its motion to confirm that the automatic stay has terminated, Creditor has requested that, if the case is dismissed, Debtor be restricted from re-filing by a bar. While raising this argument in a reply relating to a different motion is procedurally improper, the Court need not address the request at the current time given the issues above.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Richard Garavito

Chapter 11

TENTATIVE RULING

Debtor and Creditor to argue: (1) whether there is cause for dismissal; (2) whether the automatic stay is in effect as to the Subject Property; and (3) whether dismissal or conversion to Chapter 7 would be in the best interests of creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#43.00 CONT Amended Motion (related document(s): 30 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 5065 Brooks Street, Montclair, Ca 91763 Notice of Motion and Motion in Individual Case for Order Imposing a Stay

MOVANT: RICHARD GARAVITO

From: 12/4/18

Also #42 & #44

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

Movant(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16149 Richard Garavito

Chapter 11

#44.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 8/21/18, 10/16/18, 12/4/18

Also #42 & #43

EH ____

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Garavito

Represented By
Tamar Terzian

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#45.00 CONT Motion To Compel Payment Of Administrative Rent Or Immediate Rejection Of Lease And Related Relief

From: 11/27/18

Also #46

EH__

Docket 194

Tentative Ruling:

12/18/2018

BACKGROUND

On August 15, 2018, Visiting Nurse Association of the Inland Counties ("Debtor") filed a Chapter 11 voluntary petition. On November 2, 2018, The H.N. and Frances C. Berger Foundation ("Berger Foundation") filed its motion to compel payment of administrative rent or immediate rejection of lease and related relief. On November 13, 2018, Debtor filed its opposition.

The subject of the motion is a lease dated August 15, 2008, for certain nonresidential real property located in Palm Desert, California. According to Berger Foundation, "[p]ursuant to the terms of lease, should the Debtor continue to occupy the premises after August 14, 2018, the lease obligation increases to approximately \$91,216.50 per month," [Dkt. No. 194, pg. 2] a doubling of the contractual monthly rental obligation. Berger Foundation requests: (1) that Debtor be compelled to cure the default on the lease or surrender the premises; and (2) allowance of an administrative expense claim in the amount of \$3,040.55 per day.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Debtor's opposition argues that: (1) the lease cannot be assumed or rejected because the lease expired the day before the petition date; and (2) because the lease expired prepetition, the legal basis for the requested administrative expense claim is invalid.

On November 27, 2018, the Court held a hearing on the matter, and ultimately continued the hearing for supplemental briefing. On December 4, 2018, Debtor filed its supplemental opposition. On December 11, 2018, Berger Foundation filed its supplemental reply.

DISCUSSION

The critical legal question at issue is whether the operative lease expired prepetition. Berger Foundation relies on 11 U.S.C. § 365(d)(3) as the basis for both its requests, and that provision states:

The trustee shall timely perform all the obligations of the debtor, except those specified in section 365(b)(2), arising from and after the order for relief under any *unexpired* lease of nonresidential real property, until such lease is assumed or rejected, notwithstanding section 503(b)(1) of this title. The court may extend, for cause, the time for performance of any such obligation that arises within 60 days after the date of the order for relief, but the time for performance shall not be extended beyond such 60-day period. This subsection shall not be deemed to affect the trustee's obligations under the provisions of subsection (b) or (f) of the section. Acceptance of any such performance does not constitute waiver or relinquishment of the lessor's rights under such lease or under this title.

(emphasis added).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

As a general rule, an expired lease is no longer executory, and, therefore, is no longer assumable, if the lease expired prepetition. *See, e.g., In re Acorn Invs.*, 8 B.R. 506, 509-10 (Bankr. S.D. Cal. 1981). Therefore, the Court must determine whether the lease at issue expired prepetition. *See Robinson v. Chicago Hous. Auth.*, 54 F.3d 316, 320 (7th Cir. 1995) ("the federal law allowing 'unexpired' leases to be assumed calls for a determination whether a lease has ended under state law."). Here, Debtor argues that the lease expired pre-petition, resulting in a holdover tenancy, in which no privity of contract exists, while Berger Foundation argues that the lease became a month to month tenancy and, therefore, was not expired. While the parties appear to be agree on the operative legal standard, the parties disagree regarding how that standard applies to the facts here

Both parties refer to CAL. CIV. CODE § 1945, which states:

If a lessee of real property remains in possession thereof after the expiration of the hiring, and the lessor accepts rent from him, the parties are presumed to have renewed the hiring on the same terms and for the same time, not exceeding one month when the rent is payable monthly, nor in any case one year.

As a preliminary matter, the Court notes that it appears the above legal provision should not actually be applicable to the instant situation. Specifically, CAL. CIV. CODE § 1940(a), (c) states the following:

- (a) Except as provided in subdivision (b), this chapter shall apply to all persons who hire dwelling units located within this state included tenants, boarders, lodgers, and others, however denominated.
- (c) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Here, the lease at issue was a commercial lease which would remove the lease from the purview of § 1945 based upon the plain language of § 1940. Nevertheless, the Court notes that there is ample caselaw, some of which is cited by the parties, in which California courts have applied § 1945 to commercial property. Although it is not clear to this Court why that section is inapplicable to the instant situation, the Court will defer to the state law courts on this issue of state law.

Ultimately, the argument of Berger Foundation boils down to the following:

In this case, after the expiration of the Lease terms (August 14, 2018), Debtor continued to occupy the Premises. Berger continued to accept the Debtor as a tenant and took no action to terminate the Debtor's leasehold interest in the Premises. To the contrary, as this Court's record reflects, from the outset, Berger has been focusing on receiving rent payments and, in fact, received post-petition payments of not less than \$15,000 as of the date of this Reply. Clearly, pursuant to Civil Code § 1945 and applicable California authority, the Lease converted to a month-to-month tenancy after August 14, 2018.

[Dkt. No. 278, pg. 3]. Debtor's argument, on the other hand, appears to be that Berger Foundation's actions in this case simply do not reflect clear consent to Debtor's continued possession of the premises.

First, there appears to be a timing issue which has not been identified by the parties. The operative lease expired, by its own terms, on August 14, 2018. The instant bankruptcy was filed on August 15, 2018. Therefore, assuming, *arguendo*, that rent was paid and accepted in a matter which would trigger the statutory presumption in CAL. CIV. CODE § 1945, such event would have occurred *after* the petition date. *City v. Hart*, 175 Cal. App. 3d 92, 94 (Cal. Ct. App. 1985) ("The statute provides the landlord's consent to the holding over is implied if he accepts rent from the tenant after the expiration of the lease. This consent to the holding over must be established before the statutory presumption of the same terms becomes effective."). Therefore,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

the lease at issue would have been, as of the petition date, expired and not assumable. Quite simply, on the record before the Court, it is implausible that Berger Foundation could have undertaken any action in the fraction of the day before the instant bankruptcy filing which would have indicated consent to the creation of a month-to-month tenancy.

Furthermore, outside of the bankruptcy law issues raised above, Berger Foundation's position does not seem to be compatible with state law. Quite simply, the presumptions outlined in CAL. CIV. CODE § 1945 are analogous to contractual principles in common law. By remaining in possession of the property, and tendering a rental payment, a holdover tenant is making an offer; by accepting such tender, the landlord manifests his assent to such offer. Berger Foundation seems to be positing that the payment of any rent whatsoever, even a single dollar, subsequently accepted by the landlord, results in the extension of the lease terms on the original contractual terms.

Berger Foundation's argument, however, is inconsistent with fundamental contractual principles, for in the case of a minimal rental payment, it cannot be said that either party has made an offer, accepted by the other party, to renew the original lease terms. At best, the landlord's implied acquiescence may be construed as an offer, yet the tenant's tender of a minimal rental payment can only be interpreted as a counter-offer, since such a tender would be materially inconsistent with the terms of the offer. If the landlord accepts this reduced tender, the terms agreed upon must be construed as those set forth in the counter-offer, a principle codified in CAL. CIV. PRO. § 2076:

The person to whom a tender is made must, at the time, specify any objection he may have to the money, instrument, or property, or he must be deemed to have waived it; and if the objection be to the amount of money, the terms of the instrument, or the amount or kind of property, he must specify the amount, terms, or kind which he requires, or be precluded from objecting afterwards.

See also Taylor v. Taylor, 39 Cal. App. 2d 518, 521 (Cal. Ct. App. 1940) ("It is now settled by these cases that where the tenant tenders, and the landlord accepts, as full payment of the rent, a less monthly rental than that reserved in the lease, he cannot later recover the unpaid balance of the rent reserved.")

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

While the above principle, a principle of estoppel, is properly subject to the Court's consideration of equities, such consideration would simply not change the fact that a reduced monthly rental payment cannot be considered acquiescence to a renewal of the original contractual terms. In the absence of such mutual agreement to be bound to the original terms, there simply cannot be contractual privity.

Finally, the Court notes that the operation of CAL. CIV. CODE § 1945 is to create a rebuttable presumption that the lease has been extended. Assuming, *arguendo*, that the bankruptcy and contract law issues noted above were not present, it appears probable that such a presumption would be rebutted in the instant case. The Court is not aware of any action taken by Debtor that would support a conclusion that Debtor intended to renew the lease on the original terms, and Berger Foundation has made repeated statements which would be incompatible with the presumption in § 1945. For instance, in the instant motion Berger Foundation made the following statements, which are implicitly and explicitly more compatible with a holdover tenancy than a month-to-month tenancy:

- "Since the filing of this case, the Debtor has continued, and continues, to occupy the Premises, yet has failed to pay the rental obligation due and owing." [Dkt. No. 194, pg. 2 and 4]

- "Based on the fact that the Debtor remained *as a holdover tenant*, and pursuant to the terms of the Lease, the rental obligation increases to approximately \$91,216.50 per month." [Dkt. No. 194, pg. 4 and 10] (emphasis added).

- "Here, the Debtor has made no payments while continuing to occupy the Premises." [Dkt. No. 194, pg. 6].

For the reasons outlined above, the Court concludes that the lease in question was expired as of the petition date because nothing in the record indicates that Berger Foundation provided consent to continued possession of the premises in the less than one-day period between the expiration of the lease and the instant bankruptcy filing. To the extent that Berger Foundation argues that postpetition acts retroactively

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... **Visiting Nurse Association of the Inland Counties**

Chapter 11

revived the original lease terms, such retroactive revival would seem to be incompatible with *City v. Hart*, 175 Cal. App. 3d 92, 94 (Cal. Ct. App. 1985). Furthermore, because Debtor did not remotely act in accordance with the original lease terms, it cannot be said that Debtor actions constituted a renewal of those terms; if any lease was entered into postpetition, it must have been on substantially different terms, which would require notice and a hearing. Additionally, even if the statutory presumption of CAL. CIV. CODE § 1945 were applicable in the instant situation, the Court concludes that such presumption would likely be rebutted based on the fact that Debtor did not act in accordance with the original terms, and based on Berger Foundation's explicit characterization of Debtor as a holdover tenant.

The Court will not reach Berger Foundation's contingent request for an administrative claim because the record before the Court would not permit the Court to engage in the analysis required by 11 U.S.C. § 503(b).

TENTATIVE RULING

The Court is inclined to DENY the motion in its entirety.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Movant(s):

The H. N. and Frances C. Berger

Represented By
David B Golubchik

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#46.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 8/28/18, 9/25/18, 10/30/18, 11/13/18

Also #45

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#47.00 Disclosure Statement for Chapter 11 Liquidating Plan Proposed by the Debtor

Also #48 - #50

EH__

Docket 124

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#48.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee and Subject to Overbids and a Break-Up Fee, Combined With Notice of Bidding Procedures and Request for Approval of the Bidding Procedures Utilized; and Granting Related Relief

Also #47- #50

EH ____

Docket 154

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

2:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#49.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 11/6/18

Also #47- #50

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

3:00 PM

6:18-18339 Technology Solutions & Services, Inc., a Californi

Chapter 11

#50.00 CONT Application to Employ Shulman Hodges & Bastian LLP as General
Bankruptcy Counsel

From: 11/27/18

Also #47- #49

EH__

Docket 45

Tentative Ruling:

11/27/2018

DISCUSSION

"[I]t is clear that the bankruptcy court has broad discretion over the appointment of professionals." *In re Seeburg Prods. Corp.*, 215 B.R. 175, 178 (Bankr. N.D. Ill. 1997). A violation of the rules of professional responsibility can be sufficient reason to disqualify a proposed counsel from being employed in a case. *See, e.g., In re Universal Bldg. Prods.*, 486 B.R. 650, 661 (Bankr. D. Del. 2010) (collecting cases).

"An attorney retained by the trustee, or debtor in possession, who assists with the collection of the assets of the estate, must abide by the highest professional standards." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 840 (Bankr. C.D. Cal. 1991) "Not honesty alone, but the punctilio of an honor the most sensitive, is the standard of behavior." *Meinhard v. Salmon*, 164 N.E. 545, 546 (N.Y. 1928).

"[A] debtor who proposes a sale of all of its assets . . . must fully disclose to the court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

3:00 PM

CONT... **Technology Solutions & Services, Inc., a Californi**

Chapter 11

and creditors the relationship between the buyer and seller, as well as the circumstances under which the negotiations have taken place, any marketing efforts, and the factual basis upon which the debtor determined that the price was reasonable." *In re Wilde Horse Enters., Inc.*, 136 B.R. at 842. *In re Wilde Horse Enters., Inc.*, continued on to state:

The Court finds from the evidence before it that Ms. Bernstein either (1) knew of the collusive and undisclosed relationships in this case and knowingly participated in misleading the Court and creditors; or (2) didn't know of the collusive and undisclosed relationships in this case, and is therefore wholly incompetent because she insisted on remaining ignorant of the facts and law applicable to her case notwithstanding the numerous indicia of questionable conduct along the way. Whether Ms. Bernstein's acts were wrongful, willfully incompetent or grossly negligent is not important to the determination here. Under either case, the Court concludes her fees must be denied in their entirety [sic], she should not be permitted to represent debtors in possession before any bankruptcy court, and her conduct in this case must be referred to the State Bar of California for disciplinary proceedings.

Id. at 847.

In the instant case, it appears Applicant failed to act with honesty and candor in relation to the sale of substantially all of the estate's assets. Specifically, notwithstanding Applicant's duty to the Court, Applicant failed to disclose a material side deal which was pertinent to the terms of the sale under review, and Applicant even stated at the hearing it was not Applicant's job to make such disclosure. Applicant's conduct in this case has fallen short of complying with the rules of professional conduct and has obstructed the Court's review of the primary matter in this case, the sale of substantially all of Debtor's assets. Given that such conduct is clearly adequate to disallow Applicant's fees in their entirety, the Court is inclined to find that authorizing the employment of Applicant would be a frivolous exercise.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Tuesday, December 18, 2018

Hearing Room 303

3:00 PM

CONT... Technology Solutions & Services, Inc., a Californi

Chapter 11

The Court is inclined to DISALLOW the application.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

Movant(s):

Technology Solutions & Services,

Represented By
Leonard M Shulman
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

6:13-30477 Master Design Inc

Chapter 7

#1.00 Trustee's Final Report and Applications for Compensation

EH ____

Docket 155

Tentative Ruling:

12/19/2018

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Accountant for the Trustee have been set for hearing on the notice required by LBR 2016-1. Pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 40,000.00
Trustee Expenses: \$ 36.00

Accountant Fees: \$ 5,740.00
Accountant Costs: \$ 78.46

Court Costs: \$350.00

Franchise Tax Board: \$1,724.79

APPEARANCES WAIVED. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

Party Information

Debtor(s):

Master Design Inc

Represented By
Eric M Sasahara

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Master Design Inc

Chapter 7

John Y Kim

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Marc C Forsythe
Donald Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

6:13-27611 Douglas Jay Roger

Chapter 7

**#2.00 CONT Objection to Claim #17 by Revere Financial Corporation
(Holding date)**

From: 10/1/14, 11/5/14, 12/3/14, 12/15/14, 1/28/15, 4/15/15, 7/22/15, 9/23/15,
10/21/15, 11/18/15, 12/16/15, 1/13/16, 3/2/16, 5/4/16, 6/1/16, 9/28/16, 11/16/16,
2/1/17, 2/16/17, 5/3/17, 6/14/17, 6/28/17, 9/20/17, 3/21/18, 6/27/18

EH___

Docket 333

Tentative Ruling:

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Trustee(s):

Helen R. Frazer (TR)

Represented By
Laurel R Zaeske
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

6:10-42721 Nancy Caroline Billow

Chapter 7

#3.00 United States Trustees Notice Of Motion And Motion For An Order Appointing Chapter 7 Trustee

EH____

Docket 36

Tentative Ruling:

12/19/18

BACKGROUND

On October 8, 2010, Nancy Billow ("Debtor") filed a Chapter 7 voluntary petition. On January 20, 2010, the case was closed without a discharge for failure to file a financial management course certificate. On March 9, 2011, the case was reopened, and, the next day, Debtor received a discharge. On March 22, 2011, the case was closed again.

On February 27, 2016, Debtor filed a motion to reopen the case to allow Debtor to amend her schedules. On March 22, 2016, the case was reopened. Shortly thereafter, Debtor filed amended schedules to schedule, and exempt, a personal injury claim in the amount of \$10,000. On May 31, 2016, the case was closed again.

On October 26, 2018, Debtor filed another motion to reopen the case, which was denied for failure to comply with the local rules. Debtor re-filed a new version of the motion on November 1, 2018, and, five days later, the case was reopened. On November 19, 2018, UST filed a motion for the appointment of a Chapter 7 trustee.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Nancy Caroline Billow

Chapter 7

DISCUSSION

FED. R. BANKR. P. Rule 5010 states:

A case may be reopened on motion of the debtor or other party in interest pursuant to § 350(b) of the Code. In a chapter 7, 12, or 13 case a trustee shall not be appointed by the United States trustee unless the court determines that a trustee is necessary to protect the interests of creditors and the debtor or to insure efficient administration of the case.

Here, UST asserts that the personal injury claim is an asset potentially warranting administration by a Trustee. For that reason, and noting the lack of any opposition to the instant motion, the Court concludes that the appointment of a Chapter 7 trustee is warranted.

TENTATIVE RULING

The Court is inclined to GRANT the motion, APPOINTING a Chapter 7 trustee.

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or written opposition is presented at the hearing, the hearing may be continued.

Party Information

Debtor(s):

Nancy Caroline Billow

Represented By
Michael Shemtoub
Marjorie M Johnson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Nancy Caroline Billow

Chapter 7

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

6:15-18989 Yesenia Ferguson

Chapter 7

#4.00 Motion To Remedy Willful Violation of the Automatic Stay, Discharge Injunction by the Department of Veteran's Affairs and for Damages, Actual Damages, Punitive Damages (Should the Court Deem Appropriate), And Attorney's Fees

EH__

Docket 14

***** VACATED *** REASON: CONTINUED TO 1/9/19 AT 11:00 AM**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yesenia Ferguson

Represented By
David L Nelson

Movant(s):

Yesenia Ferguson

Represented By
David L Nelson

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

6:17-14228 Michelle Meredith

Chapter 7

#5.00 Motion For Entry Of An Order: (1) Authorizing The Sale Of Real Property Located At 102 Tesori Drive, Palm Desert California Free And Clear Of Liens And Interests; (2) Approving Overbidding Procedure; (3) Authorizing Payment Of Real Estate Brokers Commission And Ordinary Costs Of Sale; (4) Finding Purchaser Is A Good Faith Purchaser; And (5) Waiving The 14 Day Stay Prescribed By Rule 6004

EH ____

Docket 131

Tentative Ruling:

12/19/18

BACKGROUND

On May 19, 2017, Michelle Meredith ("Debtor") filed a Chapter 7 voluntary petition. Three days later, Debtor filed an amended Schedule A which identified certain real property located at 102 Tesori Dr., Palm Desert, CA 92211 (the "Property"). Schedule A identified the value of the Property as \$450,500. Schedule C claimed an exemption in the Property in the amount of \$175,000. Schedule D identified Ocwen Loan Servicing, LLC ("Creditor") as holding a secured claim against the Property in the amount of \$312,456. On April 24, 2018, Debtor received a discharge.

On April 26, 2018, Trustee filed a motion to approve compromise. The subject of the compromise motion was the Debtor's interest in certain family trusts. Pursuant to the compromise, Debtor was to purchase her interest in the family trusts for \$140,000, \$104,429.14 of which was received prior to execution of the compromise. The compromise required Debtor to pay the balance within two weeks after entry of the order approving the compromise. In the event that the Trustee did not timely receive the balance of the compromise payment, the compromise provided that Trustee was to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Meredith

Chapter 7

liquidate the Property, and that Debtor's homestead exemption would be subordinated to allow for full payment of the compromise amount. The compromise also provided for a weekly penalty in the amount of \$300 if Debtor failed to timely tender the balance of the payment. The Court approved the compromise motion on May 21, 2018; Debtor did not timely tender the balance of the payments. On August 3, 2018, the Court approved a stipulation between the parties provided for turnover of the Property.¹

On November 28, 2018, Trustee filed a motion for an order: (1) authorizing sale of real property free and clear of liens and interests; (2) approving overbid procedures; (3) authorizing payment of real estate commissions and costs of sale; (4) finding purchaser is a good faith purchaser; and (5) waiving the Rule 6004 stay.. Trustee proposes to sell the property to Thomas & Brenda Abdelnour for \$468,000. Proposed payments from the proceeds include: (1) \$2,657.37 for real property taxes; (2) \$359,000 to Creditor to satisfy the first deed of trust; (3) \$1,295 for a HOA lien; (4) \$32,760 for costs of sale; (5) \$38,570.86 for the estate; and (6) \$33,716.78 for Debtor's homestead exemption.

On December 7, 2018, Creditor filed a limited opposition to the sale motion, asserting that the payoff balance for its claim was \$367,782.83.

DISCUSSION

I. Sale of Estate Property

11 U.S.C. § 363(b)(1) allows a trustee to sell property of the estate outside of the ordinary course, after notice and a hearing. A sale pursuant to § 363(b) requires a demonstration that the sale has a valid business justification. *In re 240 North Brand Partners, Ltd.*, 200 B.R. 653, 659 (B.A.P. 9th Cir. 1996). "In approving any sale outside the ordinary course of business, the court must not only articulate a sufficient business reason for the sale, it must further find it is in the best interest of the estate, i.e. it is fair and reasonable, that it has been given adequate marketing, that it has been

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Meredith

Chapter 7

negotiated and proposed in good faith, that the purchaser is proceeding in good faith, and that it is an "arms-length" transaction." *In re Wilde Horse Enters., Inc.*, 136 B.R. 830, 841 (Bankr. C.D. Cal.).

The motion contains minimal evidence of the Property's marketing. Nevertheless, given the fact that the sale appears to be a good faith, arms-length transaction, that the sale price is approximately equal to the scheduled value of the Property, and that Trustee has proposed reasonable overbid procedures, the Court concludes that Trustee has articulated an adequate business reason for the sale.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) (2010) states:

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if-

- (1) applicable nonbankruptcy law permits sale of such property free and clear of such interest;
- (2) such entity consents;
- (3) such interest is a lien and the price at which such property is to be sold is greater than the aggregate value of all liens on such property;
- (4) such interest is in bona fide dispute; or
- (5) such entity could be compelled, in a legal or equitable proceeding, to accept a money satisfaction of such interest.

Here, the aggregate total value of the liens on the Property is materially less than the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Meredith

Chapter 7

purchase price. Therefore, Trustee has established that 11 U.S.C. § 363(f)(3) is applicable, and the Court concludes that it is appropriate to authorize the sale free and clear of the first deed trust, the real property taxes, and the HOA lien. Furthermore, pursuant to the compromise motion and the stipulation for turnover of the Property, Debtor has consented to a subordination of her homestead exemption in order to pay the balance of the compromise amount.

III. 14-Day Stay

FED. R. BANKR. P. Rule 6004(h) states: "An order authorizing the use, sale, or lease of property other than cash collateral is stayed until the expiration of 14 days after entry of the order, unless the court orders otherwise." The Court deems the absence of objections to be consent to the relief requested, pursuant to Local Rule 9013-(1)(h), and, therefore, will waive the stay of Rule 6004(h).

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Trustee's miscellaneous requests. The Court has reviewed the proposed overbidding procedures and finds such procedures to be reasonable. The Court has reviewed the requested Broker compensation of 5% of the sale price (totaling \$3,600) and finds such compensation to be reasonable and customary. The Court has reviewed Trustee's proposed distribution of sale proceeds, and the Court finds that such distribution is reasonable and proper.

Finally, the Court notes that Trustee has not provided any declarations of the purchasers. The Court will require further evidence or testimony from Thomas & Brenda Abdelnour if a good-faith finding pursuant to § 363(m) is sought.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

CONT... Michelle Meredith

Chapter 7

The Court is inclined to GRANT the motion in its entirety conditioned on adequate evidence being provided to support a good-faith finding pursuant to § 363(m). Otherwise, the Court is inclined to authorize the sale of the Property free and clear of liens, approve the overbid procedures, approve the Broker's compensation, determine that the Purchasers are good faith purchasers, waive the 14-day stay under Rule 6004(h), and authorize the proposed payments from the sale proceeds.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michelle Meredith

Pro Se

Movant(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan

Trustee(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

11:00 AM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#6.00 CONT Order (1) Setting Scheduling Hearing And Case Management
Conference And (2) Requiring Status Report

From: 8/28/18, 9/25/18, 11/27/18

EH__

Docket 5

Tentative Ruling:

12/19/2018

All parties have authorization to appear telephonically for the 12/19/2018 Status
Conference.

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:09-01235 DIAMOND v. Empire Partners, Inc., a California Corporation et

#7.00 CONT Status Conference re complaint
HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18, 10/24/18, 12/5/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

David Loughnot

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Jonathan A Loeb
Jeffrey Rosenfeld

DOES 1 through 100, inclusive

Pro Se

Plaintiff(s):

RICHARD K. DIAMOND

Represented By
Richard S Berger - SUSPENDED -
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
John P Reitman
Peter M Bransten
Cynthia M Cohen
Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By
Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01319 DIAMOND v. Empire Partners, Inc., a California Corporation et

#8.00 CONT Status Conference re complaint
HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
01/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18, 10/24/18, 12/5/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang

Robert M Saunders

Michael I Gottfried

----- O'melveny & Myers

Dean A Ziehl

Jonathan A Loeb

P Sabin Willett

Richard K Diamond (TR)

Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

James P Previti
Larry Day
Neil M Miller
Paul Roman
O'Melveny & Myers, LLP
Peter T. Healy

Jeffrey Rosenfeld
P Sabin Willett

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Represented By
Jonathan A Loeb
Jeffrey Rosenfeld
P Sabin Willett

Represented By
Howard Steinberg
P Sabin Willett

Represented By
Howard Steinberg
P Sabin Willett

Plaintiff(s):

RICHARD K DIAMOND

Represented By
Richard S Berger - SUSPENDED -
Peter M Bransten
Michael I Gottfried
Aleksandra Zimonjic
Monica Rieder
Cynthia M Cohen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Roye Zur

Trustee(s):

Richard K Diamond (TR)

Represented By

Michael I Gottfried
Richard S Berger - SUSPENDED -
Rodger M Landau
Richard K Diamond
Peter M Bransten
Aleksandra Zimonjic
Monica Rieder
Lisa N Nobles
Peter J Gurfein
Paul Hastings
Roye Zur
Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:08-14592 Empire Land, LLC

Chapter 7

Adv#: 6:10-01329 DIAMOND v. Empire Partners, Inc., a California Corporation et

#9.00 CONT Status Conference re complaint
(Defendant - Empire Partners, Inc) HOLDING DATE

From: 3/6/13, 6/5/13, 9/11/13, 11/13/13,12/18/13, 2/5/14, 3/12/14, 4/9/14,
4/16/14, 5/21/14, 8/27/14, 8/28/14, 9/10/14, 9/29/14, 11/10/14, 11/19/14,
1/21/15, 1/28/15, 2/19/15, 3/24/15, 5/28/15, 6/23/15, 8/12/15, 9/18/15, 10/6/15,
12/8/15, 1/20/16, 2/18/16, 3/23/16, 4/5/16, 4/13/16, 4/22/16, 6/6/16, 7/25/16,
10/3/16, 11/14/16, 1/23/17, 2/27/17, 4/24/17, 6/26/17, 8/2/17, 10/25/17,
11/27/17, 3/5/18, 6/11/18, 10/24/18, 12/5/18

EH____

Docket 1

Tentative Ruling:

Party Information

Debtor(s):

Empire Land, LLC

Represented By

James Stang
Robert M Saunders
Michael I Gottfried
----- O'melveny & Myers
Dean A Ziehl
Jonathan A Loeb
P Sabin Willett
Richard K Diamond (TR)
Jeffrey Rosenfeld

Defendant(s):

Empire Partners, Inc., a California

Represented By

Jonathan A Loeb

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

	Jeffrey Rosenfeld
James P Previti	Represented By Jonathan A Loeb Jeffrey Rosenfeld
Previti Realty Fund, L.P.	Represented By Jonathan A Loeb Jeffrey Rosenfeld
The James Previti Family Trust	Represented By Jonathan A Loeb Jeffrey Rosenfeld

Plaintiff(s):

RICHARD K DIAMOND	Represented By Richard S Berger - SUSPENDED - Michael I Gottfried Aleksandra Zimonjic Monica Rieder John P Reitman Peter M Bransten Cynthia M Cohen Roye Zur
-------------------	--

Trustee(s):

Richard K Diamond (TR)	Represented By Michael I Gottfried Richard S Berger - SUSPENDED - Rodger M Landau Richard K Diamond Peter M Bransten Aleksandra Zimonjic Monica Rieder Lisa N Nobles Peter J Gurfein Paul Hastings Roye Zur
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**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Empire Land, LLC

Chapter 7

Amy Evans
Best Best & Krieger
Franklin C Adams
Thomas J Eastmond

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

Adv#: 6:17-01286 ASR Constructors Inc a California Corporation et a v. Insurance Company

#10.00 CONT Status Conference RE: [1] Adversary case 6:17-ap-01286. Complaint by ASR Constructors Inc a California Corporation, Another Meridian Company, LLC, Inland Machinery, Inc. against Gotte Electric, Inc., Insurance Company Of The West, Employment Development Department, Trico-Savi Business Park, L.P., a California limited partnership, Angela Denise McKnight, Steven Schonder, Western Alliance Bank, an Arizona corporation, United states of america, Carlin Law Group APC, Ledcor Construction, Inc., a Washington corporation, DOES 1 through 10, inclusive. (Charge To Estate - \$350.00). Complaint in Interpleader Nature of Suit: (02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))) (Bastian, James)
Trico-Savi Business Park L.P. - Dismissed 12/28/17
Western Alliance Bank, dba Torrey Pines Bank - Dismissed 2/1/18
Gotte Electric, Inc - Dismissed 3/14/18
Ledcor Construction Inc - Dismissed 3/26/18

From: 2/27/18, 10/9/18, 10/16/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Defendant(s):

Insurance Company Of The West

Represented By
Jennifer Leland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... ASR Constructors Inc a California Corporation Chapter 11

David B Shemano
Howard J Weg

Employment Development

Represented By
Elisa B Wolfe-Donato

Angela Denise McKnight

Pro Se

Steven Schonder

Pro Se

United states of america

Represented By
Charles Parker
Najah J Shariff

Carlin Law Group APC

Represented By
Kevin R Carlin

DOES 1 through 10, inclusive

Pro Se

Plaintiff(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Another Meridian Company, LLC

Represented By
James C Bastian Jr
Melissa Davis Lowe

Inland Machinery, Inc.

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#11.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Another Meridian Company LLC**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18, 10/9/18, 10/16/18

Also #12 & #13

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#12.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **ASR Constructors Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18, 10/9/18, 10/16/18

Also #11 & #13

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-25794 ASR Constructors Inc a California Corporation

Chapter 11

#13.00 CONT Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report re **Inland Machinery, Inc**

From: 3/7/17, 7/11/17, 7/24/17, 9/26/17, 10/24/17, 1/30/18, 2/27/18, 10/9/18, 10/16/18

Also #11 & #12

EH__

Docket 630

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ASR Constructors Inc a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#14.00 Motion of **Liberty Orthopedic Corporation** to Dismiss Adversary Proceeding on First Amended Complaint for Failure to State a Claim upon which Relief can be Granted, to Strike Claims for Relief, or in the Alternative for a more Definite Statement

Also #15 - #17

EH ____

Docket 108

Tentative Ruling:

12/19/18

PROCEDURAL BACKGROUND

On October 20, 2013, Douglas J. Roger, MD, Inc. ("Debtor") filed a Chapter 7 voluntary petition. On October 20, 2015, the Chapter 7 trustee filed a complaint against OIC Medical Corporation ("OIC"), Liberty Orthopedic Corporation ("LOC") and Universal Ortopaedic Group ("UOG") (collectively, "Defendants") for avoidance, recovery, and preservation of preferential and fraudulent transfers.

On four occasions, the parties stipulated to a continuance of the initial status conference and an extension of the deadline to file a responsive pleading. On June 20, 2016, Trustee and Revere Financial Corporation ("Revere") filed a joint motion for a temporary stay of the adversary proceeding on the grounds that Trustee and Revere were negotiating a global settlement which would, *inter alia*, possibly provide for the assignment of the instant adversary proceeding to Revere. On July 12, 2016, the Court entered an order granting the motion, staying the adversary proceeding until August 31, 2016. After the temporary stay of the adversary proceeding expired, the parties

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** Chapter 7

stipulated to an additional twelve continuances of the initial status conference, each including an extension of the deadline to file a responsive pleading.

On May 14, 2018, Revere purchased the bankruptcy estate's interest in any claims that the estate owned against Defendants – including the instant adversary proceeding. On May 24, 2018, Revere filed, in federal district court, a motion for an order withdrawing the reference. On August 9, 2018, Judge Otero denied the motion, holding that there was no cause for a permissive withdrawal of the reference.

On October 24, 2018, Defendants filed motions to dismiss for failure to state a claim. In lieu of opposing the motions, Revere filed an amended complaint. The amended complaint included fourteen claims: (a) violation of the receiver order; (b) intentional fraudulent transfer (three claims); (c) conversion; (d) postpetition transfer; (e) preferential transfer; (f) subsequent transferee liability; (g) successor liability; (h) aiding and abetting; (i) agent liability; (j) alter ego; (k) unjust enrichment; (l) money had and received.¹ On November 28, 2018, Defendants again filed motions to dismiss for failure to state a claim. On December 5, 2018, Revere filed its opposition.

FACTUAL BACKGROUND

The complicated factual history of the instant case, while detailed extensively in the amended complaint, warrants brief summarization here. Debtor's bankruptcy, and the instant adversary proceeding, stem from a promissory note executed on August 21, 2007 by Douglas Roger ("Roger"), and in favor of 1st Centennial Bank. This loan was guaranteed by Debtor, and both Roger and Debtor additionally executed a related commercial security agreement, pledging all assets as collateral for the promissory note. Later, on December 7, 2007, Roger and Debtor guaranteed another promissory note, on behalf of Baleine LP ("Baleine"), and in favor of 1st Centennial Bank. Both of the aforementioned loans had maturity dates exactly one year from their execution dates. At the time of the maturity dates, 1st Centennial Bank had lent \$350,000 on the first loan and \$500,000 on the second loan. According to the complaint, neither Roger, Debtor, nor Baleine LP or its principal Nicole Ebarb (collectively, the "Roger Defendants") made a payment on the loans. In June 2009, Revere was assigned the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat**
loans by the Federal Deposit Insurance Corporation.

Chapter 7

On December 29, 2009, Revere commenced state court litigation to attempt to collect on the loans. Ultimately, on March 18, 2013, the state court entered a receivership order and appointed Jerry Wang as receiver. As detailed in the complaint, the Roger Defendants failed to comply with the receivership order. After holding a trial on contempt of court, the state court convicted these parties of contempt of court on October 16, 2013, incarcerating Roger and Nicole Ebarb. In the week after these convictions, the instant bankruptcy, as well as multiple related bankruptcies, were filed.

As detailed in pages twelve through twenty-two of the amended complaint, Revere now alleges an extensive scheme by the Roger Defendants to hinder, delay, and defraud Revere. Specifically, Revere alleges that the Roger Defendants utilized and controlled at least sixteen different business entities spread across California, Nevada, Colorado, and Arizona to hide and shield assets. Revere also details nine purported fraudulent transfers of real property in California and Missouri. Finally, Revere identifies a variety of transfers of property by the Roger Defendants for less than equivalent value.

DISCUSSION

I. MOTION TO DISMISS STANDARD

FED. R. CIV. P. Rule 12(b)(6), made applicable in adversary proceedings through FED. R. BANKR. P. Rule 7012, a bankruptcy court may dismiss a complaint if it fails to "state a claim upon which relief can be granted." In reviewing a FED. R. CIV. P. Rule 12(b)(6) motion, the trial court must accept as true all facts alleged in the complaint and draw all reasonable inferences in favor of the plaintiff. *Navarro v. Block*, 250 F.3d 729, 732 (9th Cir. 2001). The trial court need not, however, accept as true conclusory allegations in a complaint or legal characterizations cast in the form of factual allegations. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555–56, 127 S.Ct. 1955, 167

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

L.Ed.2d 929 (2007); *Hartman v. Gilead Scis., Inc. (In re Gilead Scis. Sec. Litig.)*, 536 F.3d 1049, 1055 (9th Cir. 2008).

To avoid dismissal under FED. R. CIV. P. Rule 12(b)(6), a plaintiff must aver in the complaint "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S.Ct. 1937, 173 L.Ed.2d 868 (2009) (quoting *Twombly*, 550 U.S. at 570, 127 S.Ct. 1955). It is axiomatic that a claim cannot be plausible when it has no legal basis. A dismissal under FED. R. CIV. P. Rule 12(b)(6) may be based either on the lack of a cognizable legal theory or on the absence of sufficient facts alleged under a cognizable legal theory. *Johnson v. Riverside Healthcare Sys.*, 534 F.3d 1116, 1121 (9th Cir.2008).

II. SUBJECT MATTER JURISDICTION

As noted earlier, shortly after Revere purchased the estate's interest in claims against Defendants, Revere moved to withdraw the reference. One of Revere's arguments was that this Court lacked subject matter jurisdiction over the claims. At the time Revere made this argument, the operative complaint only included causes of actions for preferential and fraudulent transfers. Now, Revere has amended the complaint to include state law causes of action.

As a result of the amendment of the complaint, the Court must consider whether it has subject matter jurisdiction over the purely state law causes of action. *See, e.g., In re Strawberry*, 464 B.R. 443, 447 (Bankr. N.D. Fla. 2012). The amended complaint would result in litigation over non-bankruptcy claims between non-debtor parties.

28 U.S.C. § 157 provides for four categories of cases which the district court may refer to the bankruptcy court: (1) cases under title 11; (2) proceedings arising under title 11; (3) proceedings arising in a case under title 11; and (4) proceedings related to a case under title 11. *See, e.g., In re S&M Constructors, Inc.*, 144 B.R. 855, 858 (Bankr. W.D. Mo. 1992). Additionally, 28 U.S.C. § 157(b) divides matters into core and non-core proceedings.

The first category, cases under title 11, refers to the bankruptcy case commenced by

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

the filing of the petition. *See, e.g., In re Wood*, 825 F.2d 90, 92 (5th Cir. 1987). This category is inapplicable here, as the matter at issue is an adversary complaint.

The second category, proceedings arising under title 11, refers to those actions that are expressly created by title 11. *See, e.g., In re Wolverine Radio Co., Inc.*, 930 F.2d 1132, 1141, n.14 (6th Cir. 1991). This category is inapplicable to the state law causes of action, which would, axiomatically, not be created by title 11.

The third category², proceedings arising in a case under title 11, refers to claims that, although not created by title 11, would have no existence absent the bankruptcy, such as administrative matters. *See, e.g., In re Repository Techs., Inc.*, 601 F.3d 710, 719 (7th Cir. 2010). This category is inapplicable to the state law causes of action.

The fourth category, proceedings related to a case under title 11, contains two different subsets: (1) causes of action owned by the debtor that become property of the estate under § 541; and (2) suits between third parties which in one way or another affect the administration of the bankruptcy case. *Id.* The former subset is no longer applicable to the state law causes of action because Revere purchases the claims and, as a result, those claims are no longer property of the estate.

The latter subset, sometimes referred to as related-to jurisdiction, is governed by the *Pacor* test. To wit:

The usual articulation of the test for determining whether a civil proceeding is related to bankruptcy is whether *the outcome of that proceeding could conceivably have any effect on the estate being administered in bankruptcy*. Thus, the proceeding need not necessarily be against the debtor or against the debtor's property. An action is related to bankruptcy if the outcome could alter the debtor's rights, liabilities, options, or freedom of action . . . and which in any way impacts upon the handling and administration of the bankrupt estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Pacor, Inc. v. Higgins, 743 F.2d 984, 994 (3rd Cir. 1984). The Supreme Court previously acknowledged the prevalence of the *Pacor* test:

In attempting to strike an appropriate balance, the Third Circuit in *Pacor, Inc. v. Higgins*, 743 F.2d 984 (1984), devised the following test for determining the existence of "related to" jurisdiction:

[Excerpt quoted above] . . .

The First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Eleventh Circuits have adopted the *Pacor* test with little or no variation. The Second and Seventh Circuits, on the other hand, seem to have adopted a slightly different test. But whatever test is used, these cases make clear that bankruptcy courts have no jurisdiction over proceedings that have no effect on the estate of the debtor.

Celotex Corp. v. Edwards, 514 U.S. 300, 308 n.6 (1995) (citations omitted).

It is unclear how the state law claims in the amended complaint could have any conceivable effect on the estate being administered in bankruptcy. These claims were purchased by Revere, a creditor of Debtor, for a fixed sum, and the bankruptcy estate does not appear to have any remaining interest or concern with this adversary proceeding.

While the Court does not appear to have subject matter jurisdiction over the state law claims pursuant to any of the categories of original jurisdiction enumerated above, the Court may have supplemental jurisdiction over the state law claims. 28 U.S.C. § 1367(a) states:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.

The applicability of the above statute to bankruptcy proceedings is not a settled issue: "There is a split of authority on the issue of whether bankruptcy courts have supplemental jurisdiction under § 1367(a). The majority of the cases conclude that bankruptcy courts do not have supplemental jurisdiction. A small minority of cases holds otherwise." GINSBERG & MARTIN ON BANKRUPTCY § 1.03 (5th ed. 2018). The Ninth Circuit Court of Appeals is among that "small minority" which has concluded that bankruptcy courts have supplemental jurisdiction. *See In re Sasson*, 424 F.3d 864 (9th Cir. 2005) ("Thus, at present, the bankruptcy court's 'related to' jurisdiction also includes the district court's supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over all other claims that are so related to claims in the action within the court's original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.").

Here, the Court clearly has original subject matter jurisdiction over the bankruptcy law fraudulent transfer claim, the preferential transfer claim, and the postpetition transfer claim. While neither party has argued the issue, it does not appear to be in dispute that the factual nexus of the state law claims sufficiently overlaps with the federal claims such that all claims form part of the same case or controversy. Therefore, pursuant to the Ninth Circuit's interpretation of 28 U.S.C. § 1367(a), the Court possesses subject matter jurisdiction over the complaint.

III. *PREFERENTIAL TRANSFER CLAIM*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

The seventh claim for relief in the amended complaint is a preferential transfer claim pursuant to 11 U.S.C. § 547. A claim pursuant to § 547 has six elements: (1) transfer of an interest in property; (2) to or for the benefit of a creditor; (3) on account of an antecedent debt; (4) while the debtor is insolvent; (5) within 90 days of the petition, or within one year of the petition if the recipient of the transfer is an insider; and (6) such transfer enables the creditor to receive more than it would under a hypothetical liquidation. Defendants argue that Revere has failed to adequately plead two of the required elements: (1) that the subject transfer(s) were to or for the benefit of Defendants; and (2) that the transfer was made on account of an antecedent debt. Defendants cite caselaw which stands for the proposition that a claim for a preferential transfer "must assert the nature and amount of the antecedent debt in order to allege a plausible claim for relief." [Dkt. No. 108, pg. 12]. Revere argues that the amended complaint adequately identifies the subject transfers that were made for the benefit of Defendants. Revere also argues that Defendants' caselaw, which requires specificity when pleading an antecedent debt, is not the appropriate legal standard.

The Court agrees with Revere that it has adequately alleged that Debtor made preferential transfers to Defendants. Specifically, as noted by Revere in its opposition, paragraph 77 of the amended complaint contains an extensive list of categories of transfers that Revere believes constitute preferential transfers. To require more at the pleading stage would essentially require Revere to provide a roadmap and/or prove its case prior to discovery.

Regarding Defendants' argument that Revere has not adequately alleged an antecedent debt, the Court notes that if Defendants' legal standard is appropriate, then it appears Revere has not met that standard. Specifically, the Court notes the amended complaint appears to only refer to Debtor's "substantial debts" generally, without alleging any specific debt owed to Defendants. Furthermore, paragraph 117 of the amended complaint simply states that "to the extent that [Debtor] . . . owed an antecedent debt to [Defendants]" the transfers at issue were on account of such antecedent debt.

Revere argues that the legal standard identified in *In re Caremerica, Inc.*, 415 B.R. 200 (Bankr. E.D.N.C. 2009) and *In re Valley Media, Inc.*, 288 B.R. 189 (Bankr. D. Del. 2003) is not the appropriate legal standard. The latter case stated the following:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

the following information must be included in a complaint to avoid preferential transfers in order to survive a motion to dismiss: (a) an identification of the nature and amount of each antecedent debt and (b) an identification of each alleged preference transfer by (i) date, (ii) name of debtor/transferor, (iii) name of transferee and (iv) the amount of the transfer.

In re Valley Media, Inc., 288 B.R. at 192.³ It does appear, however, that a majority of the courts that have thoroughly considered the *In re Valley Media, Inc.* decision have rejected its standard. *See, e.g., In re TOUSA, Inc.*, 442 B.R. 852, 854 (Bankr. S.D. Fla. 2010) ("Valley Media was decided in 2003 and many courts, including a court within its district, declined to follow its pleading requirements as too harsh in light of the *Conley v. Gibson* regiment. But the Court in *Caremerica* opined "that the decisions by the Supreme Court in *Twombly* and *Iqbal* breathe new life into the pleading requirements implemented in *Valley Media* for § 547 preference claims. Many courts continue to disagree with *Valley Media* and *Caremerica*." (footnotes omitted); *In re NM Holdings Co., LLC*, 376 B.R. 194, 204 (Bankr. E.D. Mich. 2007) ("The heightened pleading requirements imposed by the *Valley Media* case are inconsistent with the liberal notice-pleading principles under the civil rules."); *In re Randall's Island Family Golf Ctrs., Inc.*, 290 B.R. 55, 65 (Bankr. S.D.N.Y. 2003) ("[W]hile the information identified by *Valley Media* might ultimately be necessary to adjudicate the preference claims, it does not follow that it must be pleaded on pain of dismissal."). *But see In re Caremerica, Inc.*, 409 B.R. 737 (Bankr. E.D.N.C. 2009) (noting that "the majority of courts which have addressed the pleading requirements for § 547 claims have required something less than the standard implemented in *Valley Media* to survive a 12(b)(6) motion to dismiss" but also noting that the Supreme Court implemented "more stringent pleading requirements" when deciding *Twombly* and *Iqbal*).

While the Court is not convinced that *In re Valley Media, Inc.* represents the appropriate pleading standard for a preference action, the Court concludes that the amended complaint does not adequately plead an antecedent debt. Revere has not pointed to a single section of the amended complaint which even contains an unsupported legal conclusion that Debtor owed Defendants an antecedent debt, let alone a section which provides any factual assertions to support such a conclusion. Revere's general allegation that Debtor owed debt, and the implication in paragraph

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** Chapter 7

117 that Debtor likely owed a debt to Defendants is, quite simply, inadequate. Again, this conclusion does not amount to a holding that Revere is required to allege an antecedent debt with the level of specificity required in, for example, *In re Tweeter Opco*, 452 B.R. 150 (Bankr. D. Del. 2011). Revere is, however, required to allege that some sort of antecedent debt exists, and the amended complaint does not contain any such allegation. Therefore, the Court is inclined to dismiss the seventh claim for relief, with leave to amend.

IV. *INTENTIONAL FRAUDULENT TRANSFER CLAIMS*

The second, third, and fourth claims for relief in the amended complaint are intentional fraudulent transfer claims. Specifically, the second claim for relief is a § 548(a) fraudulent transfer claim, the third claim for relief is a CAL. CIV. CODE § 3439.07 fraudulent transfer claim, and the fourth claim for relief is a California common law fraudulent transfer claim. As noted by Defendants in the motion to dismiss, it also appears that the eighth through twelfth claims for relief (namely subsequent transferee liability, successor liability, aiding and abetting, agent liability, and alter ego) are additional theories of liability upon which Revere alleges that it can recover the fraudulent transfers identified in the second through fourth claims for relief. As such, it would appear that the eighth through twelfth claims for relief do not have viability independent from the second through fourth claims for relief.

Defendants argue that the amended complaint fails to satisfy the heightened pleading requirements of FED. R. CIV. P. Rule 9 because it fails to plead fraud with particularity. Revere asserts that the amended complaint adequately pleads fraud, and argues that bankruptcy courts relax FED. R. CIV. P. Rule 9 requirements, especially when the material facts are within the defendants' knowledge.

As noted by Defendants, allegations regarding fraud are generally subject to a heightened pleading standard. FED. R. CIV. P. Rule 9(b), made applicable to adversary proceedings by FED. R. BANKR. P. Rule 7009, requires that a plaintiff must state "with particularity the circumstances constituting fraud...." The Ninth Circuit has provided guidance for the "with particularity" requirement by stating that to comport with Civil Rule 9(b) the complaint must (1) specify the averred fraudulent representations; (2)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** **Chapter 7**

aver the representations were false when made; (3) identify the speaker; (4) state when and where the statements were made; and (5) state the manner in which the representations were false and misleading. *Lancaster Cmty. Hosp. v. Antelope Valley Hosp. Dist.*, 940 F.2d 397, 405 (9th Cir.1991).

Because fraud encompasses a wide variety of circumstances, the requirements of FED. R. CIV. P. Rule 9(b)—like FED. R. CIV. P. Rule 8(a)(2)—require that a plaintiff should provide all defendants with sufficient information to formulate a response. In *Cooper v. Pickett*, 137 F.3d 616, 627 (9th Cir.1997), however, the Ninth Circuit acknowledged that "[e]very transaction alleged to be fraudulent does not have to be detailed in the complaint." Instead, the Rule 9(b) requirement is satisfied where the complaint sets forth an explanation as to why the transactions were false or misleading. *See Cooper v. Pickett*, 137 F.3d at 625.

Regarding Revere's argument that a more relaxed pleading standard applies to the instant situation, either as a general rule in bankruptcy courts, or in the more specific situation where the facts are within the defendants' knowledge, the Court disagree with the former, but agrees with the latter. While ample case law standards for the proposition that the heightened pleading requirements are relaxed by bankruptcy courts in the context of a fraudulent transfer claim, typically such a claim is brought by a trustee. Here, Revere's status as a creditor which purchased the estate's interest in the fraudulent transfer claim functionally brings this action outside the context of the underlying bankruptcy proceeding, placing Revere in the same situation as a creditor bringing a state law fraudulent transfer claim in state court. Therefore, the Court concludes that Revere does not appear to be entitled to the relaxing of the FED. R. CIV. P. Rule 9 pleading requirements which may be afforded a Chapter 7 Trustee.

The Court agrees with Revere, however, that the specific factual situation alleged here (i.e. fraudulent transfers made by Debtor to Defendants and a variety of non-parties) warrants a relaxing of the FED. R. CIV. P Rule 9 pleading requirement. *See, e.g., Concha v. London*, 62 F.3d 1493, 1503 ("Rule 9(b) thus requires that plaintiffs specifically plead those facts surrounding alleged acts of fraud to which they can reasonably be expected to have access."); *Neubronner v. Milken*, 6 F.3d 666, 672 (9th Cir. 1993) ("This court has held that the general rule that allegations of fraud based on information and belief do not satisfy Rule 9(b) may be relaxed with respect to matters within the opposing party's knowledge.").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat**

Chapter 7

As noted by Defendants in the motion to dismiss, the elements of an actual fraudulent transfers under § 548(a)(1)(A) are: (1) the debtor transferred an interest in property or incurred a debt; (2) on or within two years before the petition filing date; and (3) with actual intent to hinder, delay, or defraud a present or future creditors. Defendants assert that Revere has failed to plead particularized transfers of property. In light of the preceding paragraph, the Court concludes that the factual allegations set forth in ¶¶ 77 and 79 of the amended complaint do contain factual matter which is, taken as a whole, sufficiently detailed to put Defendants on notice of the claims assert against them.

Nevertheless, the Court notes that ¶¶ 77 and 79 are structured in a rather confusing matter. Specifically, paragraph 77 documents a long list of different categories of action which appear to be presented in that matter to demonstrate an elaborate fraudulent scheme carried out by Debtor and Roger Defendants. In reviewing ¶ 77, however, the Court notes that many of the allegations do not actually relate to Defendants at all. Specifically, six of the thirteen subsections of that paragraph do not mention Defendants at all, but instead refer to transfers purportedly made by Debtor or the Roger Defendants to non-parties. Six of the remaining subsections are phrased in a disjunctive, non-exhausting manner. For example, paragraph (77)(a) reads:

77. RFC alleges on information and belief that, while Roger, BLP, and DJRI wrongfully possessed the Collateral, Roger, BLP, and DJRI, with the help of, among others, the DJRI Agents, converted the collateral by:

- (a) Transferring hundreds of thousands of dollars from the proceeds of the Collateral to Ebarb, OIC, LOC, UOG, other limited partnerships/corporations in which Roger, BLP, and/or DJRI had an interest, and/or other insiders;

The manner in which this allegation is drafted renders it potentially wholly inapplicable to the instant adversary proceeding. Given the repeated use of disjunctive and non-exhaustive lists it is not remotely clear from ¶ 77(a) that the allegation represents a claim Revere has standing to bring in this case (because it is not clear that Debtor was the alleged transferor) or that Defendants are the proper defendants (because it is not clear Defendants are the alleged transferees).

Paragraph 79, on the other hand, contains recitations of alleged fraudulent transfers which are specific to Debtor and Defendants. These recitations, however, are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** Chapter 7

completely lacking in the specificity contained in paragraph 77. Nevertheless, given the relaxed pleading standard appropriate in this situation, and the extensive detail recited in the background section, the Court concludes that the amended complaint, when taken as a whole, adequately alleges fraudulent transfer claims.

V. *POSTPETITION TRANSFER CLAIM AND MISCELLANEOUS CALIFORNIA CLAIMS*

The sixth claim for relief in the amended complaint is a claim for postpetition transfer pursuant to 11 U.S.C. § 549(a). 11 U.S.C. § 549(d)(1) requires that a § 549 claim be brought within two years of the date of the transfer to be avoided. The California Claims Defendants argue that the sixth claim for relief does not relate back to the filing of the original complaint and, as a result, may be time-barred. Revere argues that: (a) the statute of limitations is an affirmative defense and Defendants have not demonstrated that the postpetition transfer claim is time barred; and (b) the postpetition transfer claim relates back to the original complaint.

The Court agrees with Revere that the fact that the claim *may* be time-barred is inadequate to support dismissal at the pleading stage. As has been stated by the Ninth Circuit:

A claim may be dismissed under Rule 12(b)(6) on the ground that it is barred by the applicable statute of limitations only when "the running of the statute is apparent on the face of the complaint." *Huyhn v. Chase Manhattan Bank*, 465 F.3d 992, 997 (9th Cir. 2006). "A complaint cannot be dismissed unless it appears beyond doubt that the plaintiff can prove no set of facts that would establish the timeliness of the claim." *Supermail Cargo, Inc., U.S.*, 68 F.3d 1204, 1206 (9th Cir. 1995).

Von Saher v. Norton Simon Museum of Art at Pasadena, 592 F.3d 954, 969 (9th Cir. 2010). Here, Defendants' argument amounts to reversing the burden of proof on the affirmative defense. Defendants' assertion that the sixth claim may be time-barred is not adequate to support dismissal.

The fifth, thirteenth, and fourteenth claims for relief are conversion, unjust enrichment, and money had and received, respectively. Regarding conversion, it appears that Defendants are arguing that the conversion claim does not relate back to the original complaint. Yet, for the reasons stated in the preceding paragraph, the mere

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** **Chapter 7**

fact that the conversion claim may be time-barred is inadequate to support dismissal at the pleading stage.

Defendants argue that unjust enrichment is not a valid cause of action. Revere argues that unjust enrichment is a valid cause of action. In California, there is a split of authority as to whether unjust enrichment can operate as a cause of action or is merely a theory of liability. *Compare Lectrodryer v. SeoulBank*, 77 Cal. App. 4th 723, 726 (Cal. Ct. App. 2000) and *Peterson v. Cellco*, 164 Cal. App. 4th 1583 (Cal. Ct. App. 2008) (unjust enrichment is a cause of action) with *Melchior v. New Line Prods., Inc.*, 106 Cal. App. 4th 779 (Cal. Ct. App. 2003) and *Durell v. Sharp Healthcare*, 183 Cal. App. 4th 1350 (Cal. Ct. App. 2010). While Revere argues that the California Supreme Court, in *Ghirardo v. Antonioli*, 14 Cal. 4th 39 (Cal. 1996), concluded unjust enrichment was a cause of action, the cited case does not stand for that proposition.

The Ninth Circuit recently weighed in on the caselaw split, stating that "in California, there is not a standalone cause of action for 'unjust enrichment,' which is synonymous with 'restitution.'" *Astiana v. Hain Celestial Group, Inc.*, 783 F.3d 753, 762 (9th Cir. 2015). The Ninth Circuit additionally stated that "[w]hen a plaintiff alleges unjust enrichment, a court may construe the cause of action as a quasi-contract claim seeking restitution." *Id.* Here, it does not appear that such a construction would be compatible with the facts as pled in the amended complaint. In accordance with the recent Ninth Circuit ruling, and the California trend to not recognize unjust enrichment as a standalone cause of action, the Court is inclined to dismiss the thirteenth claim for relief, with leave to amend.

Regarding money had and received, Defendants' argument is somewhat unclear, although it appears to amount to a contention that Revere has not adequately pled that Defendants were the recipients of any transfers of property or funds. For the reasons stated in the fraudulent transfer section, and given that this claim is not subject to the heightened pleading requirement of FED. R. CIV. P. Rule 9, the Court rejects Defendants' argument.

VI. VIOLATION OF RECEIVERSHIP ORDER CLAIM

The first claim for relief in the amended complaint is for violation of the receivership order. Defendants' argument appears to be that Revere lacks standing to bring this claim. Specifically, Defendants note that "Plaintiff brings its FAC as successor to, and

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

in the name of Arturo Cisneros, the Chapter 7 trustee." [Dkt. No. 108, pg. 18]. Revere argues that "Whether the claim for violation of the receivership order belongs to RFS personally or belonged to the DJRI Trustee is of no moment – RFS as both creditor and as successor-in-interest to all claims by the DJRI Trustee against the OIC Defendants has standing in one capacity or the other." [Dkt. No. 108, pg. 30].

The Court agrees with Revere – although the confusion seems to have been caused by Revere's drafting. Quite simply, it is legally incorrect for Revere to state that it is bringing these claims in the name of the Chapter 7 Trustee. While that may be the situation if the claims were assigned to a liquidating trust, with Revere as liquidating trustee, such situation did not occur. Instead Revere purchased the claims in its own name; neither the Chapter 7 Trustee nor the bankruptcy estate has any interest in these claims, nor would it have standing to prosecute them. Therefore, while it appears uncontested that Revere has standing to prosecute the first claim for relief as a creditor of Debtor, the Court notes that it does not appear Revere has properly and clearly identified the plaintiff in this case.

Finally, the Court notes that there appears to be confusion regarding the amended complaint's alter ego claim. That claim is identified as the twelfth claim for relief in the amended complaint's caption, but is inaccurately identified as the tenth claim for relief in the body of the amended complaint. In Defendants' motion to dismiss, Defendants characterize the alter ego claim as a theory of recovery related to the fraudulent transfer claims. Then, despite omitting the section from the table of contents, Defendants additionally present an argument that "alter ego" should be dismissed because it is not a stand-alone cause of action. Given that the recitations in the alter ego claim parallel the recitations in the eighth through eleventh causes for action (which are simply theories of recovery predicated on the fraudulent transfer claims) the Court will treat the alter ego claim in the same fashion and not evaluate it as a stand-alone cause of action.

TENTATIVE RULING

The Court is inclined to GRANT the motion to the extent of dismissing the seventh claim for relief (preferential transfer) and thirteenth claim for relief (unjust enrichment) without prejudice and DENY the remainder of the motion. The Court is inclined to DENY Defendants' alternative request for a more definite statement for

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat** **Chapter 7**

failure to comply with the procedural requirements of FED. R. CIV. P. Rule 12(e). Nevertheless, the Court notes that the following issues may need clarification (1) the proper plaintiff in this action; (2) the identity of the relevant actors in each component of the fraudulent scheme relevant in this adversary proceeding; and (3) which "claims" are causes of action and which are merely theories of liability or recovery related to the fraudulent transfer claims.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Movant(s):

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

**CONT... Douglas J Roger, MD, Inc., A Professional Corporat
Chad V Haes**

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Represented By
Chad V Haes
D Edward Hays
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#15.00 Motion of **OIC Medical Corporation** to Dismiss Adversary Proceeding on First Amended Complaint for Failure to State a Claim upon which Relief can be Granted, to Stike Claims for Relief, or in the Alternative for a more Definite Statement

Also #14 - #17

EH ____

Docket 109

Tentative Ruling:

See tentative ruling for #14.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas J Roger, MD, Inc., A Professional Corporat**

Chapter 7

Movant(s):

OIC MEDICAL CORPORATION, a

Represented By

Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By

D Edward Hays

Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#16.00 Motion of **Universal Orthopedic Corporation** to Dismiss Adversary Proceeding on First Amended Complaint for Failure to State a Claim upon which Relief can be Granted, to Strike Claims for Relief, or in the Alternative for a more Definite Statement

Also #14 - #17

EH ____

Docket 110

Tentative Ruling:

See tentative ruling for #14.

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

LIBERTY ORTHOPEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By
Misty Perry Isaacson
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Movant(s):

UNIVERSAL ORTHOPAEDIC

Represented By

Misty Perry Isaacson

Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By

D Edward Hays

Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01307 Cisneros v. OIC MEDICAL CORPORATION, a California corporation

#17.00 CONT Status Conference RE: [1] Adversary case 6:15-ap-01307. Complaint by A. Cisneros against OIC MEDICAL CORPORATION, a California corporation, LIBERTY ORTHOPEDIC CORPORATION, a California corporation, UNIVERSAL ORTHOPAEDIC GROUP, a California corporation. (Charge To Estate \$350). for Avoidance, Recovery, and Preservation of Preferential and Fraudulent Transfers (with Adversary Proceeding Cover Sheet) Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 12/30/15, 2/24/16, 4/13/16, 6/22/16, 8/24/16, 11/2/16, 2/1/17, 3/8/17, 7/12/17, 9/13/17, 11/15/17, 2/14/18, 5/16/18, 7/25/18, 8/22/18, 10/31/18, 11/14/18, 12/12/18

Also #14 - #16

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

Defendant(s):

OIC MEDICAL CORPORATION, a

Represented By
Misty A Perry Isaacson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

LIBERTY ORTHOPEDIC

Represented By

Misty Perry Isaacson

Misty A Perry Isaacson

UNIVERSAL ORTHOPAEDIC

Represented By

Misty Perry Isaacson

Misty A Perry Isaacson

Plaintiff(s):

A. Cisneros

Represented By

D Edward Hays

Chad V Haes

Trustee(s):

Arturo Cisneros (TR)

Represented By

Chad V Haes

D Edward Hays

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01199 Revere Financial Corporation v. Bank of Southern California, N.A.

#18.00 Motion by Revere Financial Corporation, as Liquidating Trustee for the Bankruptcy Estate of Douglas J. Roger, to Extend Discovery Cut-Off

EH__

Docket 118

Tentative Ruling:

12/19/2018

BACKGROUND

On July 29, 2016, Revere Financial Corporation ("Revere"), as liquidating trustee for the estate of Douglas Jay Roger, filed an adversary complaint against Bank of Southern California ("BSC") seeking recovery of various transfers alleged to be fraudulent transfers and/or preferences (the "BSC Action"). The BSC Action was dismissed with prejudice on September 7, 2017. However, following successful appeal by Revere, the dismissal was vacated and the case was reinstated on June 4, 2018. On August 28, 2018, the Court entered a scheduling order setting a discovery cut-off date of January 30, 2019.

On December 10, 2018, Revere filed a Motion to Extend the Discovery Cut-Off ("Motion"), which the Court permitted to be set on shortened time by order entered on December 11, 2018. BSC filed its Objection to the Motion on December 14, 2018. Revere replied to BSC on December 18, 2018.

DISCUSSION

Every court has the inherent power to "control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). As part of this inherent power, courts are "given broad discretion in supervising the pretrial phase of litigation, and its decisions regarding the preclusive effect of a pretrial order . . . will not be disturbed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT...

Douglas Jay Roger

Chapter 7

unless they evidence a clear abuse of discretion." *C.F. ex rel. Farnan v. Capistrano Unified Sch. Dist.*, 654 F.3d 975, 984 (9th Cir. 2011). A court may, therefore, modify a scheduling order, including continuing the discovery cut-off date, for good cause. Fed. R. Civ. Proc. 16(b)(4).

The Court is cognizant that Revere is managing litigation related to various related Roger adversaries on multiple fronts, has not delayed in seeking recovery, and otherwise presented sufficient rationale so as to justify a short extension of discovery under the circumstances. The Court finds that Revere's request for a 90-day extension to April 30, 2019, is reasonable under the circumstances.

TENTATIVE RULING

Based on the foregoing, the Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw

Defendant(s):

Bank of Southern California, N.A.

Represented By
Kathryn M.S. Catherwood

Movant(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

Plaintiff(s):

Revere Financial Corporation

Represented By
Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Represented By

Laurel R Zaeske

Arjun Sivakumar

Carmela Pagay

Franklin R Fraley Jr

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01035 Sonnenfeld v. Richardson

#19.00 CONT Status Conference re Notice of Removal RE: [1] Adversary case 6:18-ap-01035. Complaint by Cleo Sonnenfeld against Joshua C Richardson. Case No. RIC 1700456]; Attachments: # 1 Notice of Status Conference re Removal of Action Nature of Suit: 01 - Determination of removed claim or cause

From: 3/28/18, 6/13/18, 7/25/18, 10/24/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua C Richardson

Pro Se

Plaintiff(s):

Cleo Sonnenfeld

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01061 Farah v. Bastorous et al

#20.00 Status Conference RE: [34] Amended Complaint Second Amended Complaint for Nondischargeability based on 11 USC 523(a)(2)(A) by Wayne W Suojanen on behalf of Mina Farah against Bernadette Shenouda. (RE: related document(s)1 Adversary case 6:18-ap-01061. Complaint by Mina Farah, Mark Bastorous against Mark Bastorous, Bernadette Shenouda. false pretenses, false representation, actual fraud),(65 (Dischargeability - other)),(14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(01 (Determination of removed claim or cause)) filed by Plaintiff Mina Farah). (Suojanen, Wayne)

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mina Farah

Represented By
Wayne W Suojanen

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01062 Khalil v. Bastorous et al

#21.00 Status Conference RE: [32] Amended Complaint Second Amended Complaint for Nondischargeability based on 11 USC 523(a)(2)(A) by Wayne W Suojanen on behalf of Anis Khalil against Bernadette Shenouda. (RE: related document(s)1 Adversary case 6:18-ap-01062. Complaint by Anis Khalil against Mark Bastorous, Bernadette Shenouda. false pretenses, false representation, actual fraud)),(65 (Dischargeability - other)),(14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)) filed by Plaintiff Anis Khalil). (Suojanen, Wayne)

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mark Bastorous

Represented By
Thomas F Nowland

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Anis Khalil

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Wayne W Suojanen

Chapter 7

Trustee(s):

John P Pringle (TR)

Represented By
David M Goodrich
Reem J Bello

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman and Anne Louise Goodman

Chapter 13

#22.00 CONT Motion RE: Objection to Claim Number 11 by Claimant Natasha Reynoso and Mark Reynoso
HOLDING DATE

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18, 7/11/18, 10/24/18

EH__

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Joint Debtor(s):

Anne Louise Goodman

Represented By
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

**#23.00 CONT Motion to Dismiss Adversary Proceeding (Third Amended Complaint)
(Holding Date)**

From: 8/2/18, 10/24/18

Also #24

EH__

Docket 97

Tentative Ruling:

08/02/2018

BACKGROUND

On September 12, 2016, Douglas and Anne Goodman (collectively, "Debtors" or "Defendants") filed their petition for chapter 13 relief.

On November 11, 2016, Mark and Natasha Reynoso (collectively, "Plaintiffs") filed a complaint seeking determination of the dischargeability of a debt pursuant to 11 U.S.C. § 523(a)(2)(A) (the "Complaint"). Specifically, Plaintiffs allege that in 2015, they purchased real property located at 1656 West Lisbon Street in Upland, CA (the "Property") from the Debtors, and that a sale was consummated on the misrepresentations of the Debtors' agent, Theresa Mann, that the Property was 3,231 square feet while Plaintiffs assert that the Property is actually 2,713 square feet (or a difference of 518 square feet). Plaintiffs also assert that they were led to believe that a water leak in the upstairs bathroom had been repaired. Plaintiffs allege that the Debtors knew or should have known that their agent was making false and misleading representations to Plaintiffs.

On February 3, 2017, the Court entered an order granting Defendants first motion to dismiss the Complaint, with leave to amend. A First Amended Complaint (the "FAC") was filed on February 28, 2017. On April 19, 2017, the Plaintiffs filed a First Amended Complaint captioned "Corrected" which indicated it had been

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas Edward Goodman**

Chapter 13

corrected for typographical errors. (the "Corrected Complaint"). The Court denied Defendants' second motion to dismiss at a hearing on May 4, 2017. On June 5, 2017, the Defendants filed their Answer to the FAC ("Answer").

On March 9, 2018, the Defendants moved to dismiss the April 19, 2018, complaint. The Court granted the motion to dismiss the April 19, 2018, complaint with leave to amend. A second amended complaint was then filed on May 23, 2018 (the "SAC"). [Note: there is a dispute regarding whether the operative complaint is a second or third amended complaint due to the filing of the "corrected complaint" indicated above. For purposes of this hearing, the operative complaint is Docket No. 93]. Defendants now move to dismiss the SAC. No opposition has been filed by the Plaintiffs.

DISCUSSION

As a threshold matter, the Motion seeks relief pursuant to Rule 12(b)(6). However, given that the Defendants have filed an Answer to the FAC, the Court shall construe the Motion as a motion under Rule 12(c), a motion for judgment on the pleadings.

Civil Rule 12(c) standard

"After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings." Fed.R.Civ.P. 12(c). "Judgment on the pleadings is properly granted when, taking all allegations in the pleading as true, the moving party is entitled to judgment as a matter of law." *Knappenberger v. City of Phx.*, 566 F.3d 936, 939 (9th Cir.2009) (quoting *Merchants Home Delivery Serv., Inc. v. Frank B. Hall & Co.*, 50 F.3d 1486, 1488 (9th Cir.1995)).

On a Rule 12(c) motion, the court must accept as true all the material facts alleged in the complaint and must draw all reasonable inferences in favor of the non-moving party. *Fleming v. Pickard*, 581 F.3d 922, 925 (9th Cir.2009). In ruling on a Rule 12(c) motion, the court may not consider extrinsic evidence unless the motion is converted into a Rule 56 summary judgment. *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1550 (9th Cir.1989) (citing Fed.R.Civ.P. 12(c); *Bonilla v. Oakland Scavenger Co.*, 697 F.2d 1297, 1301 (9th Cir.1982)). However, a court may consider facts that are contained in materials of which the court may take judicial notice when considering a motion for judgment on the pleadings. *Heliotrope*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Douglas Edward Goodman**

Chapter 13

Gen., Inc. v. Ford Motor Co., 189 F.3d 971, 981 n. 18 (9th Cir.1999) (quoting *Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir.1994)).

The crux of Defendants' argument for dismissal of the FAC is that Plaintiffs have not set forth the basis for a money judgment under state law. In the Court's tentative ruling on the motion to dismiss the FAC, the Court stated the following:

The Ninth Circuit has held that a bankruptcy court may enter a monetary judgment on a disputed state law fraud claim in the course of determining that the debt is nondischargeable. *Cowen v. Kennedy (In re Kennedy)*, 108 F.3d 1015 (9th Cir.1997). *Shawn Deitz v. Wayne Ford, Patricia Ford (In re Wayne Ford, Patricia Ford)*, 469 B.R. 11, 21 (9th Cir. BAP 2012), *aff'd*, 760 F.3d 1038 (9th Cir. 2014). Here, although the Complaint is not explicit regarding the state law causes of action at issue, it appears implicit in the allegations that the Plaintiffs seek a monetary judgment as to a fraud or misrepresentation claim. Nonetheless, Plaintiffs should not have to guess at the state law basis of the debt for a money judgment.

Here, the SAC has added bases for calculation of damages under state law but has still not set forth the state law basis for the monetary judgment. Thus, the Plaintiffs have still not addressed the concerns raised by the Court and Defendants that they do not have sufficient notice of the basis for a monetary judgment such that the Defendants can adequately defend themselves in the action.

TENTATIVE RULING

Based on the foregoing, including the Plaintiffs failure to file opposition to the Motion to Dismiss which can be deemed as consent to the granting of the Motion pursuant to LBR 9013-1(h), the Court is inclined to GRANT the Motion dismissing the SAC with leave to amend, in order to provide the Plaintiffs with an opportunity to set forth the specific bases for monetary damages under state law such that the litigation can proceed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Edward T Weber

Movant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Pro Se

Anne Louise Goodman

Pro Se

Douglas Edward Goodman

Represented By
Edward T Weber

Douglas Edward Goodman

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Anne Louise Goodman

Pro Se

Anne Louise Goodman

Represented By
Edward T Weber

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:16-18182 Douglas Edward Goodman

Chapter 13

Adv#: 6:16-01277 Reynoso v. Goodman et al

#24.00 CONT Status Conference RE: [13] Amended Complaint by Michael J Hemming on behalf of Mark & Natasha Reynoso against Anne Louise Goodman, Douglas Edward Goodman. (RE: related document(s)1 Adversary case 6:16-ap-01277. Complaint by Mark & Natasha Reynoso against Douglas Edward Goodman, Anne Louise Goodman. false pretenses, false representation, actual fraud) filed by Plaintiff Mark & Natasha Reynoso)
(Holding Date)

From: 5/4/17, 8/24/17, 8/31/17, 9/14/17, 11/9/17, 12/20/17, 2/28/18, 7/11/18, 10/24/18

Also #23

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Defendant(s):

Douglas Edward Goodman

Represented By
Edward T Weber

Anne Louise Goodman

Represented By
Edward T Weber

Theresa Mann

Represented By
Andrew L Leff

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Douglas Edward Goodman

Chapter 13

Jose Pastora

Represented By
Andrew L Leff

Joint Debtor(s):

Anne Louise Goodman

Represented By
Edward T Weber

Plaintiff(s):

Mark & Natasha Reynoso

Represented By
Michael J Hemming

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:17-16064 Thomas Franklin Shea

Chapter 7

Adv#: 6:18-01161 Simons (TR) v. Thompson

#25.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01161. Complaint by Larry D Simons (TR) against Joseph Edward Thompson. (Charge To Estate - \$350.00). Nature of Suit: (31 (Approval of sale of property of estate and of a co-owner - 363(h))) (Simons (TR), Larry)

From: 10/17/18

EH__

Docket 1

*** VACATED *** REASON: CASE DISMISSED 11/28/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas Franklin Shea

Represented By
Richard J Hassen

Defendant(s):

Joseph Edward Thompson

Pro Se

Joint Debtor(s):

Marta Rose Shea

Represented By
Richard J Hassen

Plaintiff(s):

Larry D Simons (TR)

Pro Se

Trustee(s):

Larry D Simons (TR)

Represented By
Wesley H Avery

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#26.00 CONT Motion to Withdraw Alleged Admissions To Trustees Requests For Admission

From: 4/25/18, 5/16/18, 7/25/18

Also #27 & #28

EH__

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Frank X Ruggier

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez
Adv#: 6:16-01176 Simons v. Navarro

Chapter 7

#27.00 CONT Motion for Summary Judgment Against Defendant Carolina Villalobos Navarro

From: 4/25/18, 5/16/18, 7/25/18

Also #26 & #28

EH__

Docket 42

Tentative Ruling:

4/25/18

BACKGROUND

On April 12, 2016, Jose Hernandez ("Debtor") filed a Chapter 7 voluntary petition. On July 7, 2016, the Chapter 7 Trustee ("Plaintiff") filed a complaint against Carolina Navarro ("Defendant") seeking the avoidance and recovery of a fraudulent transfer. After default was entered against Defendant, on October 14, 2016, the parties stipulated to set aside default, and, that same day, Defendant filed her answer. On March 1, 2018, Plaintiff filed a motion for summary judgment. On April 4, 2018, Defendant filed her opposition.

Plaintiff alleges that on July 21, 2014, Debtor transferred certain real property located at 3510 Duffy St., San Bernardino, CA 92407 to Defendant for no consideration and that Debtor was insolvent at the time of the transfer or became insolvent as a result of the transfer. Defendant received a Chapter 7 discharge on January 26, 2018.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

DISCUSSION

I. Violation of Discharge Injunction

As a preliminary matter, Defendant argues that because she obtained her own discharge in January, the continuation of this proceeding violates her discharge injunction. Specifically, Defendant argues that her discharge extinguishes her personal liability and that Trustee's complaint seeks avoidance of the transfer and recovery of the property *or its value*. Defendant's opposition states:

Notwithstanding his heightened knowledge of the provisions of the Bankruptcy Code and bankruptcy jurisprudence, the Trustee has pursued the same claims and remedies against Defendant after her discharge was granted, relieving her of any personal liability on account of the Trustee's alleged claims and barring the Trustee from obtaining relief in this case. For example, the Trustee seeks judgment on his Fifth Claim, which as pled in the Complaint, alleges that "Plaintiff is entitled to recovery the Subject Property **or its value** from the Defendant Pursuant to § 550(a)."

[Dkt. No. 46, pg. 12-13].

Defendant's argument is misleading and lacks merit. Regardless of the relief requested in the complaint, which was filed before Defendant obtained a discharge, Plaintiff's motion for summary judgment has dropped the reference to "or its value" and only seeks recovery of the subject property. Nothing in the motion for summary judgment seeks to enforce a personal liability of the Defendant. Therefore, the Court rejects Defendant's argument.

II. Motion for Summary Judgment

Summary judgment should be granted if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. *See* FED. R. CIV. P. Rule 56(c) (incorporated by FED. R.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez
BANKR. P. 7056).

Chapter 7

The moving party has the burden of establishing the absence of a genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). If the moving party shows the absence of a genuine issue of material fact, the nonmoving party must go beyond the pleadings and identify facts that show a genuine issue for trial. *See id.* at 324; *see also* FED. R. CIV. P. Rule 56(e). The court must view the evidence in the light most favorable to the nonmoving party. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). All reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See id.*

If the moving party meets its initial burden, the non-moving party must set forth, by affidavit or as otherwise provided in Rule 56, specific facts showing that there is a genuine issue for trial. *See id.* The non-moving party, however, "must do more than simply show that there is some metaphysical doubt as to the material fact...." *Matsushita Electrical Industry Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586-587 (1986).

A fact is material if it "might affect the outcome of the suit under the governing law." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute about a material fact is genuine "if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." *Id.*

Plaintiff requests summary judgment on the second claim for relief (avoidance of constructively fraudulent transfer) and the fifth claim for relief (recovery of avoided transfer). 11 U.S.C. § 548(a)(1)(B) states, in pertinent part:

(a)(1) The trustee may avoid any transfer (including any transfer to or for the benefit of an insider under an employment contract) of an interest of the debtor in property, or any obligation (including any obligation to or for the benefit of an insider under an employment contract) incurred by the debtor, that was made or incurred on or within 2 years before the date of the filing of the petition, if the debtor voluntarily or involuntarily --

(B)(i) received less than a reasonably equivalent value in exchange for such transfer or obligation; and

(ii)(I) was insolvent on the date that such transfer was made or such obligation was incurred, or became insolvent as a result of such

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... **Jose Antonio Hernandez**
transfer or obligation

Chapter 7

Defendant does not dispute that there was a transfer of an interest of property within 2 years before the petition date. Defendant does, however, dispute the satisfaction of the other two elements, arguing that Defendant received reasonably equivalent value and was not rendered insolvent by the subject transfer. *See generally In re Fruehauf Trailer Corp.*, 444 F.3d 203, 210 (3rd Cir. 2006); *In re Southern Textile Knitters*, 65 Fed. Appx. 426, 436 (4th Cir. 2003) (outlining elements of § 548(a)(1)(B) action).

Regarding the requirement that reasonably equivalent value have been provided, Plaintiff asserts that the grant deed reflects that the transfer was a "bonafide gift and the grantor received nothing in return." In her opposition, Defendant argues that the language of the grant deed is inaccurate, and that she offered value in a variety of ways. Specifically, Defendant contends that she was a co-signer for the refinancing and "also provided consideration by contributing her wages to pay for household expenses and by providing domestic labor including cooking, cleaning, child-rearing, and running the parties' household." [Dkt. No. 46, pg. 17, lines 7-9]. With regard to the language on the grant deed, Defendant states that:

The Grant Deed was not prepared by Debtor or Defendant. Debtor and Defendant correctly advised the loan officer who handled the refinancing that Defendant was not paying cash to Debtor for her one-half interest. For this reason, Debtor and Defendant believe the loan officer or escrow agent who prepared the Grant Deed noted on the document that the Transfer was a gift.

[Dkt. No. 46, pg. 5, lines 1-5].

In the reply, Plaintiff contends that "[a]fter first stating that it was a gift and nothing was received, the Debtor and Defendant should be estopped from now claiming it was not a gift and reasonably equivalent value was provided for the Subject Transfer." [Dkt. No. 51, pg. 4, lines 13-15].

The Court concludes that the parol evidence rule applies here to preclude the consideration of evidence which contradicts the plain and unambiguous language of the deed. *See generally In re Khalil*, 2014 WL 1725811 at *6-11 (Bankr. C.D. Cal. 2014) (collecting cases providing comprehensive analysis of the parol evidence rule in the context of grant deeds deed). As was noted in *Khalil*:

If there is no ambiguity on the face of the document, and no reference to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

information or terms in the recorded document or from the circumstances of the conveyance that would lead a bona fide purchaser to inquire as to the intent and meaning of the instrument, then the bona fide purchaser is entitled to rely on the written record and is not charged with or bound by unstated meanings or by secret or collateral agreements that add to or alter the written record.

Id. at *10. While the above quotation is in the context of ownership interests in real property, rather than the nature of consideration, or lack thereof, in connection with a grant deed, the same underlying principle is applicable: "third parties, including the trustee and the estate's creditors, must be able to rely on the terms of recorded deed." *Id.* at *11. *See also id.* at *10 ("As a general rule, when any ambiguity is not evident from the face of the instrument (i.e., a "latent" ambiguity), the deed must be construed solely from an analysis of the plain meaning of the document itself, and extrinsic evidence is not admissible."); *Laux v. Freed*, 53 Cal. 2d. 512, 523 (Cal. 1960) ("[I]f the language of a deed is plain, certain and unambiguous, neither parol evidence nor surrounding facts and circumstances will be considered to add to, detract from, or vary its terms.").

Regarding the insolvency requirement, Plaintiff first argues that given the absence of reasonably equivalent value, Debtor's insolvency as a result of the transfer should be assumed; Plaintiff cites *United States v. Mazzeo*, 245 B.R. 435, 441 (E.D.N.Y. 1999). The Court declines to make such a presumption. The case cited by Plaintiff, and the related case law, deals with fraudulent transfer provisions under New York state law. *See, e.g., Kim v. Ji Sung Yoo*, 2017 WL 4382078 (S.D.N.Y. 2017) (noting presumption and collecting cases). No such burden shifting framework, however, exists under the Bankruptcy Code. *See* 5 COLLIER'S ON BANKRUPTCY ¶ 548.11[2] (16th ed. 2017) ("Under state law and the UFTA (and presumably the UVTA), a well-recognized exception permits the court to infer a proscribed financial state once the plaintiff has shown a lack of fair consideration or a lack of reasonably equivalent value. This shift should not apply to cases brought under section 548.") (footnotes omitted); *see also In re Galbreath*, 286 B.R. 185, 197 (Bankr. S.D. Ga. 2002) ("The burden for proving constructive fraud falls on the trustee who must show by a preponderance of the evidence that all requirements set out in § 548(a)(1)(B) have been met.")

Plaintiff next argues that Debtor's insolvency can be established through a review of the schedules. Essentially, Plaintiff argues that the schedules indicate that Debtor was insolvent as of the petition date, and that the Court can work backwards to conclude that Debtor was insolvent on the date of the transfer. As one bankruptcy court has stated:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

Since insolvency at a given point in time is often difficult to demonstrate by direct proof, courts permit the trustee to show that the debtor was insolvent at one point in time and then prove that the same condition existed at the time of the subject transfer. This method of proof has been labeled "retrojection," but it applies equally to situations in which the trustee starts at a point in time prior to the transfer. When the trustee chooses to use this method of proof it is essential that the trustee be able to show the absence of any substantial or radical changes in the assets or liabilities of the bankruptcy between the retrojection dates.

In re R. Purbeck & Assocs., Ltd., 27 B.R. 953, 955 (Bankr. D. Conn. 1983) (footnotes and quotation omitted). Plaintiff argues that the schedules reflect that Debtor had no meaningful unexempt assets as of the petition date while much of Debtor's unsecured debt was identified as having been incurred prior to the date of the transfer. Furthermore, Debtor's statement of financial affairs does not disclose any significant transfers of property between the date of the subject transfer and the petition date.

In Defendant's opposition, she appears to contend that Debtor's outstanding debt on the date of the subject transfer was \$210,282 and that Debtor's assets were valued at approximately \$224,000. The Court notes that these assertions do not demonstrate solvency – they demonstrate insolvency as that term is defined in the Code. 11 U.S.C. § 101(32)(A)(ii) exempts from the solvency requirement property which may be exempt under § 522. The assets listed in Debtor's schedules, and in Defendant's opposition, all appear to be assets capable of being exempted under § 522, thereby rendering Defendant statutorily insolvent. Even ignoring that fact, however, Defendant's opposition indicates that Debtor had \$53,186 in equity in the property; transferring a 50% interest in the property would have rendered Debtor insolvent even before removing property which can be exempted. As a result, the Court concludes that Plaintiff has demonstrated there is no genuine dispute regarding Debtor's insolvency on the date of the subject transfer.

III. Recovery

Plaintiff also seeks recovery of the subject property pursuant to 11 U.S.C. § 550. 11 U.S.C. § 550(a)(1) states:

- (a) Except as otherwise provided in this section, to the extent that a transfer is avoided under section 544, 545, 547, 548, 549, 553(b), or 724(a) of this title,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT...

Jose Antonio Hernandez

Chapter 7

- the trustee may recover, for the benefit of the estate, the property transferred, or, if the court so orders, the value of such property, from –
- (1) the initial transferee of such transfer or the entity for whose benefit such transfer was made

Defendant opposes the requested recovery, although the legal basis for the opposition is less than clear. Defendant argues that "annulment of the Transfer would have the effect of returning the Property to a single ownership since Debtor was the sole owner. Therefore, recovery of the Transfer is unnecessary and provides no benefit to the estate." [Dkt. No. 46, pg. 18, lines 15-17]. The Court's interpretation of the Plaintiff's request is that Plaintiff is requesting an order indicating that the Property has retained to single ownership (the bankruptcy estate). Therefore, it does not appear there is really any legal dispute here, semantical differences aside.

IV. Withdrawal of Admissions

In light of the foregoing, the Court is inclined to deny Defendant's motion to withdraw admissions as moot. The Court need not rely on admissions by default in resolving the instant motion for summary judgment.

TENTATIVE RULING

The Court is inclined to GRANT the motion for summary judgment, avoiding the transfer as constructively fraudulent and permitting Trustee's recovery of such transfer. Defendant's motion to withdraw admissions is DENIED as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By

Jessica De Anda Leon

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

CONT... Jose Antonio Hernandez

Chapter 7

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Movant(s):

Larry D Simons

Represented By
Frank X Ruggier

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, December 19, 2018

Hearing Room 303

2:00 PM

6:16-13311 Jose Antonio Hernandez

Chapter 7

Adv#: 6:16-01176 Simons v. Navarro

#28.00 CONT Status Conference RE: Complaint to Avoid and Recover Fraudulent Transfer

From: 9/7/16, 11/9/16, 1/11/17, 3/8/17, 4/12/17, 5/17/17, 6/7/17, 7/26/17, 9/27/17, 11/29/17, 1/10/18, 4/25/18, 5/16/18, 7/25/18

Also #26 & #27

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Hernandez

Represented By
Jessica De Anda Leon

Defendant(s):

Carolina Villalobos Navarro

Represented By
Christopher J Langley

Plaintiff(s):

Larry D Simons

Represented By
Frank X Ruggier

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-17351 Melanie Tarhuni

Chapter 13

Adv#: 6:18-01181 Tarhuni v. Lakeview Loan Servicing LLC et al

#1.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01181. Complaint by Melanie Tarhuni against Lakeview Loan Servicing LLC , Loancare LLC . (Fee Not Required). Nature of Suit: (21 (Validity, priority or extent of lien or other interest in property)) ,(71 (Injunctive relief - reinstatement of stay)) ,(91 (Declaratory judgment))

From: 11/29/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melanie Tarhuni Pro Se

Defendant(s):

Lakeview Loan Servicing LLC Represented By
Jonathan C Cahill

Loancare LLC Represented By
Jonathan C Cahill

Plaintiff(s):

Melanie Tarhuni Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

#2.00 CONT Motion to (1) Vacate Dismissal and Set Aside Trustee Rod Danielson's Motion to Dismiss Chapter 13 Order and Dismissal for no Jurisdiction; (2) Trustee Rod Danielson has No Standing to Bring Motion to Dismiss Chapter 13 as he was sued in the Adversary Proceeding Case No. 6:17-ap-01187 MH, which is a Conflict of Interest; (3) Request for an Accounting and Claim Numbers on any Unsecured Debts Rule 71 in Adversary Proceeding Case No 6:17-ap-01187 MH and Chapter 13 Case No 6:16-bk-16720 MH; (4) Memorandum of Points and Authorities; (5) Declaration of Luevina Henry

CASE DISMISSED 7/25/18

From: 10/25/18, 12/6/18

EH ____

Docket 187

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry Pro Se

Movant(s):

Luevina Henry Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#3.00 CONT Motion to vacate (1) Vacate Dismissal and Set Aside Trustee Rod Danielson's Motion to Dismiss Chapter 13 Order and Dismissal for no Jurisdiction; (2) Trustee Rod Danielson has No Standing to Bring Motion to Dismiss Chapter 13 as he was sued in the Adversary Proceeding Case No. 6:17-ap-01187 MH, which is a Conflict of Interest; (3) Request for an Accounting and Claim Numbers on any Unsecured Debts Rule 71 in Adversary Proceeding Case No 6:17-ap-01187 MH and Chapter 13 Case No 6:16-bk-16720 MH; (4) Memorandum of Points and Authorities; (5) Declaration of Luevina Henry

From: 10/25/18, 12/6/18

Also #4

EH ____

Docket 110

***** VACATED *** REASON: Reason: Duplicate Motion filed in Main Case**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Pro Se

Defendant(s):

Real Time Resolutions Inc

Represented By
Renee M Parker

THE BANK OF NEW YORK

Represented By
Renee M Parker

Riverside County Sheriff

Represented By
Ronak N Patel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... **Luevina Henry**
 Tavares

Pro Se

Chapter 13

Movant(s):

Luevina Henry

Pro Se

Plaintiff(s):

Luevina Henry

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry

Chapter 13

Adv#: 6:17-01187 Henry v. Real Time Resolutions Inc et al

#4.00 CONT Status Conference on Complaint fld 8-25-17 - Dischargeability, willful and malicious injury, validity, priority or extent of lien or other interest in property, injunctive relief

From: 11/16/17, 11/1/18, 12/20/18

Also #3

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Pro Se

Defendant(s):

Real Time Resolutions Inc

Represented By
Renee M Parker

THE BANK OF NEW YORK

Represented By
Renee M Parker

Riverside County Sheriff

Represented By
Ronak N Patel

Tavares

Pro Se

Plaintiff(s):

Luevina Henry

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... Luevina Henry

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:16-14440 Michael Douglas Guerino and Xochitl Rodriguez Guerino

Chapter 13

#5.00 Motion to Vacate Dismissal Based on Mistake, Inadvertance or Neglect and to Reinstate Case

EH __

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Douglas Guerino

Represented By
Joseph M Hoats

Joint Debtor(s):

Xochitl Rodriguez Guerino

Represented By
Joseph M Hoats

Movant(s):

Michael Douglas Guerino

Represented By
Joseph M Hoats
Joseph M Hoats
Joseph M Hoats

Xochitl Rodriguez Guerino

Represented By
Joseph M Hoats
Joseph M Hoats
Joseph M Hoats

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#6.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Declaration of Scott Patrick Williams

Also #7

EH__

Docket 126

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:17-10619 Scott Patrick Williams and Lisa Ann Williams

Chapter 13

#7.00 CONT Trustee's Motion to Dismiss Case

From: 11/15/18

Also #6

EH__

Docket 116

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Scott Patrick Williams

Represented By
Summer M Shaw
Jenny L Doling

Joint Debtor(s):

Lisa Ann Williams

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:17-14972 Jude Okwor

Chapter 13

#8.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 10/18/18, 11/8/18, 11/29/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jude Okwor

Represented By
Javier H Castillo

Movant(s):

Jude Okwor

Represented By
Javier H Castillo
Javier H Castillo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-12622 Karen Jannette Rimola

Chapter 13

#9.00 CONT Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 11/15/18

EH__

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karen Jannette Rimola

Represented By
Norma Duenas

Movant(s):

Karen Jannette Rimola

Represented By
Norma Duenas
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-13092 Mark Irwin Barule

Chapter 13

#10.00 Application for Compensation for Additional Fees and Related Expenses in a Pending Chapter 13 Case Subject to a Rights and Responsibilities Agreement (RARA) with attached Declaration, Exhibit A and Proof of Service for Summer M Shaw, Debtor's Attorney, Period: 5/7/2018 to 6/6/2018, Fee: \$1645.00, Expenses: \$0.

EH__

Docket 38

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Irwin Barule

Represented By
Summer M Shaw
Jenny L Doling

Movant(s):

Mark Irwin Barule

Represented By
Summer M Shaw
Jenny L Doling

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-16366 Jose Luis Tafoya

Chapter 13

#11.00 CONT Confirmation of Chapter 13 Plan

From: 10/18/18, 11/8/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Tafoya

Represented By
Clay E Presley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-16791 Alisha Shanea Reese

Chapter 7

#12.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
11/6/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alisha Shanea Reese

Represented By
Suzette Douglas

Trustee(s):

Robert Whitmore (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-16804 Adam Brian Britt and Kenya Lashawn Britt

Chapter 13

#13.00 CONT Motion for Authority to Incur Debt (Ch 13)

From: 11/15/18

EH__

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Brian Britt

Represented By
Scott Kosner

Joint Debtor(s):

Kenya Lashawn Britt

Represented By
Scott Kosner

Movant(s):

Adam Brian Britt

Represented By
Scott Kosner

Kenya Lashawn Britt

Represented By
Scott Kosner

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-17307 Rita Denise Pappalardo and Steven Joseph Pappalardo

Chapter 13

#14.00 Motion RE: Objection to Claim Number 17 by Claimant Citibank, N.A.

EH__

Docket 26

Tentative Ruling:

TENTATIVE RULING

The bar date for filing claims in the case of Rita and Steven Pappalardo (collectively, "Debtors") was November 6, 2018. On November 7, 2018, Claim No. 17 was filed by Citibank, N.A. The late filing of the claim prompted Debtors to file the instant Objection to Claim. The proof of service indicates that service on Citibank was consistent with FRBP 7004 and Citibank has failed to file opposition. Based on Citibank's failure to file opposition or to otherwise seek an order authorizing the late filing of the claim, the Court is inclined to SUSTAIN the Objection.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Rita Denise Pappalardo

Represented By
Aaron Lloyd

Joint Debtor(s):

Steven Joseph Pappalardo

Represented By
Aaron Lloyd

Movant(s):

Rita Denise Pappalardo

Represented By
Aaron Lloyd
Aaron Lloyd

Steven Joseph Pappalardo

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... Rita Denise Pappalardo and Steven Joseph Pappalardo
Aaron Lloyd
Aaron Lloyd

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:15-16710 Sean Kirkpatrick

Chapter 13

#15.00 CONT Motion For Sanctions for Violation of the Automatic Stay

From: 12/6/18

EH__

Docket 65

***** VACATED *** REASON: CONTINUED TO 1/17/19 AT 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Kirkpatrick

Represented By
Javier H Castillo

Movant(s):

Sean Kirkpatrick

Represented By
Javier H Castillo
Javier H Castillo
Javier H Castillo

Trustee(s):

Rod (MJ) Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-17624 Jose Antonio Velasco and Lilian Micaela Velasco

Chapter 13

#16.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Velasco

Represented By
Danny K Agai

Joint Debtor(s):

Lilian Micaela Velasco

Represented By
Danny K Agai

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18002 Jennifer Romero

Chapter 13

#17.00 CONT Confirmation of Chapter 13 Plan

From: 11/15/18

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Romero

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18660 Jeffrey Scott Weedon

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffrey Scott Weedon

Represented By
Ramiro Flores Munoz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18676 Jose Antonio Contreras and Mayra Lorena Contreras

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Antonio Contreras

Represented By
A Mina Tran

Joint Debtor(s):

Mayra Lorena Contreras

Represented By
A Mina Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18701 Arturo Valenzuela

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Valenzuela

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18702 Shahbaz Sarfraz

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shahbaz Sarfraz

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18708 Engracia Alcala

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/2/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Engracia Alcala

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18724 Marie Lynne Trejo

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marie Lynne Trejo

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18739 Heather Gibson

Chapter 13

#24.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heather Gibson

Represented By
Natalie A Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18763 Nicolas Canello and Nidia Y. Canello

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicolas Canello

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Nidia Y. Canello

Represented By
Terrence Fantauzzi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18764 Jose Manuel Gaxiola

Chapter 13

#26.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Manuel Gaxiola

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18765 Diana L Montoya

Chapter 13

#27.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Diana L Montoya

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18773 Jill Cathleen Watson

Chapter 13

#28.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jill Cathleen Watson

Represented By
Robert W Ripley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18794 Roy Morales and Lalani Dee Morales

Chapter 13

#29.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roy Morales

Represented By
Robert W Ripley

Joint Debtor(s):

Lalani Dee Morales

Represented By
Robert W Ripley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18801 Jon Patrick Park

Chapter 13

#30.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jon Patrick Park

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18809 Heinrich Franz Brinkmann

Chapter 13

#31.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heinrich Franz Brinkmann

Represented By
Stephen H Darrow

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18810 Jennifer Marie Silva

Chapter 13

#32.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/28/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Marie Silva

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18815 Steven Michel McCann

Chapter 13

#33.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Michel McCann

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18816 Vadany Sophan

Chapter 13

#34.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vadany Sophan

Represented By
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18821 Humberto Camacho, Jr and Sarah Camacho

Chapter 13

#35.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Humberto Camacho Jr

Represented By
Christian N. Cooper

Joint Debtor(s):

Sarah Camacho

Represented By
Christian N. Cooper

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18835 Peter W Fournier and Leslie Fournier

Chapter 13

#36.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/5/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Peter W Fournier

Represented By
Laleh Ensafi

Joint Debtor(s):

Leslie Fournier

Represented By
Laleh Ensafi

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18846 Jose L. Ferrer and Maria Ferrer

Chapter 13

#37.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose L. Ferrer

Represented By
Antonio John Ibarra

Joint Debtor(s):

Maria Ferrer

Represented By
Antonio John Ibarra

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18847 Jennifer Lee Minkalis

Chapter 13

#38.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jennifer Lee Minkalis

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18859 Lawrence Sendejas, Jr. and Denise Sendejas

Chapter 13

#39.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence Sendejas Jr.

Represented By
Raj T Wadhvani

Joint Debtor(s):

Denise Sendejas

Represented By
Raj T Wadhvani

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18869 Arturo Garcia, Jr.

Chapter 13

#40.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Arturo Garcia Jr.

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18885 Terry E Crossley and Janell Crossley

Chapter 13

#41.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terry E Crossley

Represented By
Christopher J Langley

Joint Debtor(s):

Janell Crossley

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18921 Steven Michael Cross

Chapter 13

#42.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Michael Cross

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18935 Wendy M Konieczko

Chapter 7

#43.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
12/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wendy M Konieczko

Represented By
Sundee M Teeple

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18942 Benjamin John Ramos

Chapter 13

#44.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Benjamin John Ramos

Represented By
Kevin M Mahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-18978 Nery B. Mejia

Chapter 13

#45.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nery B. Mejia

Represented By
James D. Hornbuckle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19004 Ida Mary Valencia

Chapter 13

#46.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ida Mary Valencia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19011 Riley Oneill Adamson

Chapter 13

#47.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Riley Oneill Adamson

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19015 Sheila Malone

Chapter 13

#48.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila Malone

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19027 Wendy Ramirez

Chapter 13

#49.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wendy Ramirez

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19040 Joel O. Romano and Maria Isabel C. Romano

Chapter 13

#50.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joel O. Romano

Represented By
Patricia M Ashcraft

Joint Debtor(s):

Maria Isabel C. Romano

Represented By
Patricia M Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19044 Kimberly Ida McGee Hager

Chapter 13

#51.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Ida McGee Hager

Represented By
Chris A Mullen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19067 Denise Valencia

Chapter 13

#52.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/13/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Valencia

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19093 Yolanda Williams

Chapter 13

#53.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yolanda Williams

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19096 Nathaniel Russell Williams

Chapter 13

#54.00 Confirmation of Chapter 13 Plan

EH __

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nathaniel Russell Williams

Represented By
Dina Farhat

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19233 Yair Salvador Carranza Contreras

Chapter 13

#55.00 Motion for Order Determining Value of Collateral
re: 2017 Dodge Ram 2500 Mega Cab

EH ____

Docket 12

Tentative Ruling:

12/19/2018

BACKGROUND

On October 31, 2018, Yair Contreras ("Debtor") filed their petition for chapter 13 relief. Among the assets of the estate is a 2017 Dodge RAM (the "RAM"). On November 19, 2018, the Debtor filed his Motion to Value the RAM ("Motion"). No opposition has been filed.

DISCUSSION

One of the benefits of filing a Chapter 13 bankruptcy is that under § 506(a) the debtor can bifurcate a secured, unavoidable debt, with one part representing the amount of the value of the collateral, and the deficiency being treated as an unsecured claim. *See In re Penrod*, 636 F.3d 1175, 1177 (9th Cir. 2011).

The Debtor asserts that the RAM's value, and thus its secured portion, should be determined to be \$40,175, with an unsecured deficiency claim for \$9,276. In support, the Debtor has submitted a NADA Guide Report. Service of the Motion was proper and Wells Fargo has filed no opposition or objection to the valuation. Separately, the Court notes that although Wells Fargo has not filed a proof of claim, the bar date has not yet lapsed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... Yair Salvador Carranza Contreras

Chapter 13

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the Motion, with the exception that the amount of the unsecured portion of the claim shall be controlled by a filed proof of claim consistent with the local rules in the event that Wells Fargo timely files a proof of claim.

APPEARANCES WAIVED. Movant to lodge an order within 7 days.

Party Information

Debtor(s):

Yair Salvador Carranza Contreras

Represented By
Lionel E Giron

Movant(s):

Yair Salvador Carranza Contreras

Represented By
Lionel E Giron
Lionel E Giron

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-19696 Corinthia A. Williams

Chapter 13

#56.00 CONT Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Real Property

MOVANT: CORINTHIA A. WILLIAMS

From: 11/29/18

EH__

Docket 7

Tentative Ruling:

11/29/2018

The evidence that the tax issue which resulted in the dismissal of the Debtor's second case is insufficient. At minimum, the Debtor should have provided a declaration of the tax preparer she hired to give the Court an opinion regarding the likelihood that the IRS would again file a claim of a similar amount, which would render the Debtor's case infeasible.

As to service, the Order Setting Hearing on Shortened time required that a Written Notice of the Hearing **AND** a copy of the Court's Order Setting the Hearing be sent to the creditors indicated. Instead, Docket No. 15 is a stand-alone proof of service which indicates that the Order and a Notice of Hearing were mailed to the foreclosing creditor. However, Docket reflects a failure by Debtor to file a Notice of Hearing indicating the date, time and place of the hearing. The stand-alone proof of service is insufficient for the Court to have certainty that a Notice of Hearing which satisfies due process requirements was mailed to the foreclosing creditor.

As such, the tentative ruling is to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... Corinthia A. Williams

Chapter 13

Debtor(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Movant(s):

Corinthia A. Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-20002 Tanyua Alicia Gates-Holmes

Chapter 13

#57.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 23631 Rhea Dr, Moreno Valley, CA 92557

MOVANT: TANYUA ALICIA GATES-HOLMES

EH__

Docket 10

Tentative Ruling:

12/20/2018
Service: Proper
Opposition: None

The Debtor's prior chapter 13 plan depended on her earning overtime income. The Debtor indicates that her overtime pay was reduced which caused her to fall behind on her plan payments. In support of this Motion, the Debtor asserts she has now rented a room in her home to enable her to make up for the lost income. Attached to the Motion as Exhibit "E" is a rental agreement for the Debtor's new tenant that indicates Debtor will be paid \$850 per month in rental income to supplement her nursing income. The increase in income is reflected in the Debtor's schedules and appears to significantly make up the shortfall that resulted in the prior dismissal. For these reasons, the Court finds that the Debtor has overcome the presumption that the instant case was not filed in good faith.

The Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tanyua Alicia Gates-Holmes

Represented By
John F Brady

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... Tanyua Alicia Gates-Holmes

Chapter 13

Movant(s):

Tanyua Alicia Gates-Holmes

Represented By
John F Brady
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-20165 Pablo Cornejo

Chapter 13

#58.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate Residence

MOVANT: PABLO CORNEJO

EH__

Docket 7

Tentative Ruling:

12/20/2018

The case was dismissed at the confirmation hearing for the following reasons:

- No Post-Petition Secured Debt Payment History Declaration was filed [LBR 3015-1(M)].
- The Statement of Related Cases did not list all prior bankruptcy cases.
- No proof of income from all sources was provided 7 days before 341(a) or at all [LBR 3015-1(c)(3)].
- Business reporting requirements for self-employed Debtors were not complied with:
 - [LBR 3015-1(c)(4)]: No 6 months of bank statements for all personal and business bank accounts were provided, (b) Debtor testified that he works from home, but his business income and expense statements include personal expenses that should be listed on Schedule J (utilities, car payment, car insurance, meals).
- Debtor testified he owes delinquent income taxes to the IRS and FTB, but such debts were listed on Schedule E, and the IRS and FTB were not served with the plan.
- Debtor's Schedules listed a 2015 Chevy Camaro, but the plan made no provision for this car and no car payment was deducted from Schedule J (Trustee needed to see a copy of the auto purchase contract to determine the monthly payment amount and when it will be paid off).
- The notice of 341a and confirmation hearings had the wrong objection due

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT...

Pablo Cornejo

Chapter 13

date, and no service list is attached to the proof of service.

- The Statement of Compensation said that the balance of the attorney's fees owed is \$2,500 but the Plan states the balance owed is \$3,500.

The Motion makes a vague assertion that the Debtor's counsel failed to file proper documents. The explanation provided is woefully inadequate to address the numerous failures indicated by the Trustee in his objections to confirmation. In particular, if the Debtor's counsel accepts fault for the above-referenced failings, there should simultaneously be an explanation of how the Debtor's counsel shall redress the problems raised by his substandard handling of the prior case. Additionally, the Motion does not actually identify the prior cases dismissed during the prior year. The Court's docket reflects at least one case. However, the Debtor has checked boxes indicating alternately that he is seeking to "impose" and "continue" the stay.

In addition to the foregoing, it appears that secured creditors were not filed in accordance with FRBP 7004 in that they were not served to the attention of an officer and were not served via certified mail.

As such the Court is inclined to DENY the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Pablo Cornejo

Represented By
Ivan Trahan

Movant(s):

Pablo Cornejo

Represented By
Ivan Trahan

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

6:18-20308 Joseph Liebgott, IV and Robby Jean Harrison

Chapter 13

#59.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 35694 Sierra Lane Yucaipa, CA 92399-0000

MOVANT: JOSEPH LIEBGOTT IV & ROBBY JEAN HARRISON

EH__

Docket 9

Tentative Ruling:

12/20/2018
Service: Proper
Opposition: None

The Debtor Wife has provided evidence that her prior case was dismissed because she had surgery which resulted in her being out of work for four months. Based on the Debtor's declaration that she has now returned to work, the Court finds that the Debtor has overcome the presumption that the case was not filed in good faith and the Court is inclined to GRANT the Motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joseph Liebgott IV

Represented By
John F Brady

Joint Debtor(s):

Robby Jean Harrison

Represented By
John F Brady

Movant(s):

Joseph Liebgott IV

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:00 AM

CONT... Joseph Liebgott, IV and Robby Jean Harrison Chapter 13

John F Brady

Robby Jean Harrison

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:14-10795 Agnes Smith

Chapter 13

#60.00 CONT Trustee's Motion to Dismiss Case re Delinquency

From: 12/6/18

EH__

Docket 109

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/18/18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Agnes Smith

Represented By
James T Lillard

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:14-15520 Jeremiah Johnson Nellis

Chapter 13

#61.00 Trustee's Motion to Dismiss Case

EH__

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeremiah Johnson Nellis

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:14-20007 Celia Baeza

Chapter 13

#62.00 CONT Trustee's Motion to Dismiss Case

From: 10/18/18, 11/8/18

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Celia Baeza

Represented By
Todd B Becker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:14-23388 Jose N Recinos and Patricia Recinos

Chapter 13

#63.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 304

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose N Recinos

Represented By
Michael Smith
Sundee M Teeple

Joint Debtor(s):

Patricia Recinos

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:15-19037 Justin Sloan Harvey

Chapter 13

#64.00 Trustee's Motion to Dismiss Case

EH__

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justin Sloan Harvey

Represented By
Jenny L Doling
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:15-22294 Jonathan William Nicastro

Chapter 13

#65.00 Trustee's Motion to Dismiss Case

EH__

Docket 140

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathan William Nicastro

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-14987 Susana Olga Corona

Chapter 13

#66.00 Trustee's Motion to Dismiss Case

EH__

Docket 125

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susana Olga Corona

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-16909 Edward Edmund Zozaya and Georgia Parrilla Zozaya

Chapter 13

#67.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 230

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward Edmund Zozaya

Represented By
Dana Travis

Joint Debtor(s):

Georgia Parrilla Zozaya

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-17911 Elizabeth T Baker

Chapter 13

#68.00 Trustee's Motion to Dismiss Case

EH__

Docket 144

***** VACATED *** REASON: WITHDRAWAL OF OPPOSITION TO
MOTION FILED 12/10/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-18082 Joseph John Vargas and Lydia Vargas

Chapter 13

#69.00 CONT Trustee's Motion to Dismiss Case

From: 11/8/18, 11/29/18

EH__

Docket 85

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph John Vargas

Represented By
Dana Travis

Joint Debtor(s):

Lydia Vargas

Represented By
Dana Travis

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-18430 Isaias Melo and Rosa Melo

Chapter 13

#70.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isaias Melo

Represented By
Rebecca Tomilowitz

Joint Debtor(s):

Rosa Melo

Represented By
Rebecca Tomilowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-19656 Jerome D Williams

Chapter 13

#71.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerome D Williams

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:16-20081 Richard LaFayette Sellers

Chapter 13

#72.00 CONT Trustee's Motion to Dismiss Case

From: 11/8/18, 11/29/18

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard LaFayette Sellers

Represented By
Marjorie M Johnson

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-10082 Francisco R Palacios

Chapter 13

#73.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 176

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco R Palacios

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-10667 Louis Gutierrez

Chapter 13

#74.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Gutierrez

Represented By
Michael Smith
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-11245 Bryan D. Chriss

Chapter 13

#75.00 Trustee's Motion to Dismiss Case

EH__

Docket 84

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/17/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bryan D. Chriss

Represented By
Michael Smith
Cynthia L Gibson
Sundee M Teeple

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#76.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
11/30/18**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-14549 Denice Laree Grimes and Derrick Gregory Grimes

Chapter 13

#77.00 CONT Trustee's Motion to Dismiss Case

From: 11/8/18

EH__

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denice Laree Grimes

Represented By
M Wayne Tucker

Joint Debtor(s):

Derrick Gregory Grimes

Represented By
M Wayne Tucker

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-14619 Candice Maria Borrego

Chapter 13

#78.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Candice Maria Borrego

Represented By
Andy C Warshaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-14789 Sadia Sohail

Chapter 13

#79.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 11/8/18, 11/29/18

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sadia Sohail

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-15772 Annette Leshon Rudd

Chapter 13

#80.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 8/23/18, 10/18/18, 11/15/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annette Leshon Rudd

Represented By
John F Brady

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-17085 Paulette M Gonzales

Chapter 13

#81.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paulette M Gonzales

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-18507 Johnny Alcala

Chapter 13

#82.00 CONT Trustee's Motion to Dismiss Case

From: 11/29/18

EH__

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Johnny Alcala

Represented By
Paul Y Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:17-19027 Jaime Villalobos and Jennifer Villalobos

Chapter 13

#83.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Villalobos

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Jennifer Villalobos

Represented By
Rabin J Pournazarian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-10170 Vernita Goodwin

Chapter 13

#84.00 Trustee's Motion to Dismiss Case

EH ____

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vernita Goodwin

Represented By
Steven A Alpert

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-10636 Alejandro J. Casillas and Patricia Casillas

Chapter 13

#85.00 Trustee's Motion to Dismiss Case re Delinquency

EH__

Docket 35

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro J. Casillas

Represented By
Tina H Trinh

Joint Debtor(s):

Patricia Casillas

Represented By
Tina H Trinh

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-10852 Gilberto Linares

Chapter 13

#86.00 CONT Trustee's Motion to Dismiss Case

From: 12/6/18

EH__

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilberto Linares

Represented By
Jaime A Cuevas Jr.

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-11416 Darlene J. Wadler

Chapter 13

#87.00 CONT Trustee's Motion to Dismiss Case

From: 7/23/18, 11/8/18

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darlene J. Wadler

Represented By
Michael Jay Berger

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-11636 Amanuel Montrell Bradberry and Katrina Lashall

Chapter 13

#88.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amanuel Montrell Bradberry

Represented By
Gary S Saunders

Joint Debtor(s):

Katrina Lashall Bradberry

Represented By
Gary S Saunders

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-12189 Keely J Barrett

Chapter 13

#89.00 Trustee's Motion to Dismiss Case

EH__

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keely J Barrett

Represented By
Carey C Pickford

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-14340 Lawrence A McCoy

Chapter 13

#90.00 CONT Trustee's Motion to Dismiss Case

From: 11/15/18, 11/29/18

EH__

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lawrence A McCoy

Represented By
Brian J Soo-Hoo

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

11:01 AM

6:18-15541 Alejandro Guillen and Karla Guillen

Chapter 13

#91.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

***** VACATED *** REASON: ADVANCED TO 12/6/18 AT 11:00 AM BY TRUSTEE**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro Guillen

Represented By
Neil R Hedtke

Joint Debtor(s):

Karla Guillen

Represented By
Neil R Hedtke

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

12:30 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#92.00 Debtor and Debtor in Possession's Motion to Approve Compromise of Disputes Pursuant to Federal Rule of Bankruptcy Procedure 9019

Also #93 & #93.1

EH__

Docket 127

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

12:30 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#93.00 Debtor and Debtor in Possession's Motion for Order Authorizing Assumption of Executory Contract Pursuant to 11 U.S.C. Sect 365(a)

Also #92 & #93.1

EH__

Docket 129

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

Movant(s):

LA Steel Services, Inc., a California

Represented By
James C Bastian Jr
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

12:30 PM

6:18-15841 LA Steel Services, Inc., a California corporation

Chapter 11

#93.10 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

From: 8/28/18, 9/25/18, 11/27/18, 12/19/18

Also #92 & #93

EH__

Docket 5

Tentative Ruling:

12/19/2018

All parties have authorization to appear telephonically for the 12/19/2018 Status Conference.

Party Information

Debtor(s):

LA Steel Services, Inc., a California

Represented By

James C Bastian Jr

Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

6:14-16813 M. A. Tabor

Chapter 7

Adv#: 6:16-01128 Frealy v. Trotochau et al

#94.00 CONT Application and Order for Appearance and Examination

From: 12/5/18, 12/11/18

EH ____

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M. A. Tabor

Represented By
Judith Runyon

Defendant(s):

Robin Sherrie Trotochau

Pro Se

Pacific Mortgage Exchange, Inc.

Represented By
Leib M Lerner

Movant(s):

Todd A. Frealy

Represented By
Anthony A Friedman
Lindsey L Smith

Plaintiff(s):

Todd A. Frealy

Represented By
Anthony A Friedman
Lindsey L Smith

Trustee(s):

Todd A. Frealy (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

CONT...

M. A. Tabor

Anthony A Friedman
Lindsey L Smith

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

#95.00 CONT Motion of Chapter 7 Trustee to Approve Compromise of Controversy

From: 12/5/18, 12/11/18

EH__

Docket 60

Tentative Ruling:

12/11/18

BACKGROUND

On September 15, 2017, Cleon Sonnenfeld ("Creditor") filed a Chapter 7 involuntary petition against Joshua Richardson ("Debtor"). On November 8, 2017, an order for relief was entered pursuant to stipulation between Creditor and Debtor. That same day, the Court entered an order approving a stipulation which avoided a deed of trust recorded on June 20, 2017, against Debtor's residence, in favor of HLE Law Group.

On February 6, 2018, Creditor removed certain state court litigation to bankruptcy court. The state court litigation contained causes of action for: (1) breach of contract; (2) fraud; (3) unjust enrichment; (4) constructive trust; and (5) declaratory relief. On June 29, 2018, Creditor filed a complaint to determine dischargeability and to deny Debtor a discharge.

On November 8, 2018, Trustee filed a motion to approve compromise. No opposition to the motion has been filed.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

CONT... Joshua Cord Richardson

Chapter 7

The dispute between Creditor and Debtor relates to a loan made by Creditor to Debtor in 2012 for the total amount of \$225,000. According to the instant motion, the purpose of the loan was for Debtor to purchase certain real property located in Moreno Valley, California (the "Property"). Creditor asserts that Debtor breached the loan agreement by failing to provide Creditor with a deed of trust, and that, as a result, the Property is subject to a constructive trust in favor of Creditor. The compromise motion also deals with potential avoidance actions against Gabriela Diaz.

The compromise under consideration contains the following components. First, Creditor shall obtain a stipulated judgment in the removed action, adjudicating that the Property is subject to a constructive trust and that Creditor is entitled to a judgment in the amount of \$318,778.12. Second, Trustee shall sell the Property. The first \$303,000 of the sale proceeds would be payable to Creditor¹, while any amount exceeding \$303,000 would be divided so that the bankruptcy estate receives 30% and Creditor receives 70%.² Third, Trustee would assign the potential avoidance actions against Gabriela Diaz to Creditor, with any net recoveries to be distributed 30% to the bankruptcy estate and 70% to Creditor. The compromise motion also contemplates that Creditor will object to Debtor's homestead exemption.

DISCUSSION

FED. R. BANKR. P. Rule 9019 provides that:

On motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement. Notice shall be given to creditors, the United States trustee, the debtor, and indenture trustees as provided in Rule 2002 and to any other entity as the court may direct.

The Ninth Circuit Court of Appeals have previously outlined the factors to be considered in approving a compromise pursuant to Rule 9019: (1) the probability of success in the litigation; (2) the difficulties to be encountered in the matter of

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

CONT... Joshua Cord Richardson

Chapter 7

collection; (3) the complexity, expense, inconvenience and delay of litigation; and (4) the interest of creditors with deference to their reasonable. *See In re A&C Props.*, 784 F.2d 1377, 1381 (9th Cir. 1986). The listed factors assist the Court in determining "the fairness, reasonableness and adequacy of a proposed settlement agreement." *Id.*

There are a variety of material details which are not adequately addressed in the compromise motion under consideration, hindering the Court's review of the fairness and reasonableness of the compromise. These issues are enumerated below:

- 1) While the motion does not provide the relevant information, the Court takes judicial notice of Schedule A [Dkt. No. 19] and Schedule C [Dkt. No. 21]; these schedules indicate that Debtor identified the Property as having a fair market value of \$303,000 and claimed an exemption in the amount of \$100,000. If these figures are correct, and subject to the issue listed below, it would appear any recovery by the estate from the sale of the Property would be contingent on a successful objection to Debtor's homestead exemption, which has not yet been filed nor been detailed in the instant motion.
- 2) It is unclear from the motion, but to the extent that the motion attempts to pay unsecured creditors prior to satisfying Debtor's homestead exemption, such approach is impermissible. While the settlement agreement frames the approach as paying the HLE lien, there is, quite simply, no HLE lien and, to the extent that Creditor is offering a carve-out of \$25,000, the compromise does not articulate a legal basis by which the such amounts could be used to pay unsecured creditors prior to satisfying the homestead exemption.
- 3) It appears that Creditor may be receiving a small windfall from the proposed compromise, which is not adequately explained or detailed. The Court takes judicial notice of the removed state court complaint and notes that Creditor requested a judgment of \$252,516.94. The Court also takes judicial notice of the claims register, and notes that Creditor filed an unsecured claim on April 13, 2018, in the amount of \$301,167.85 ("Claim 2"). Based on the record before the Court, it appears that the proposed compromise transforms Claim 2 into a secured claim and increases the claim amount by approximately \$17,000. Additionally, the proposed compromise would further increase Creditor's recovery depending upon the sale price of the Property or success in the potential avoidance actions.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

CONT... Joshua Cord Richardson

Chapter 7

- 4) The consideration the estate is receiving from this compromise, on the other hand, is unclear and speculative, given that any recovery by the estate appears to be conditioned on a successful objection to Debtor's homestead exemption, depends upon the sale price of the Property, which has not been detailed in the motion, and also depends upon the recovery in the potential avoidance actions, which has not been described at all.

On the record before the Court, the Court is simply unable to ascertain the fairness or reasonableness of the proposed compromise.

TENTATIVE RULING

Parties to address the issues above, and the Court may CONTINUE the matter for supplemental briefing.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Movant(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Thursday, December 20, 2018

Hearing Room 303

1:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:18-01035 Sonnenfeld v. Richardson

#96.00 CONT Status Conference re Notice of Removal RE: [1] Adversary case 6:18-ap-01035. Complaint by Cleo Sonnenfeld against Joshua C Richardson. Case No. RIC 1700456]; Attachments: # 1 Notice of Status Conference re Removal of Action Nature of Suit: 01 - Determination of removed claim or cause

From: 3/28/18, 6/13/18, 7/25/18, 10/24/18, 12/19/18

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Joshua C Richardson

Pro Se

Plaintiff(s):

Cleo Sonnenfeld

Represented By
Laila Masud
D Edward Hays

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anthony A Friedman