

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

Monday, January 4, 2021

Hearing Room 303

1:00 PM

6:20-18137 Kimberly Torrence

Chapter 7

#1.00 Applications for Approval of Fee Waiver

EH__

Docket 9

Party Information

Debtor(s):

Kimberly Torrence

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**

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

6:18-11520 Kiia Chree Wilson

Chapter 13

#1.00 CONT. Debtor's Motion for Relief from order entered as a result of fraud, misrepresentation, or misconduct by an opposing party, reinstatement of the protective order of April 17, 2020, and for attorney's fees

From: 12/3/20,12/15/20

EH__

(Tele. appr. Gordon Dayton, rep. Debtor, Kiia Wilson)

(Tele. appr. Nancy Lee, rep. creditor, Rushmore Loan Management Services LLC)

Docket 84

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kiia Chree Wilson

Represented By
Gordon L Dayton

Movant(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**

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2164 E. Alondra Street Ontario, California 91764

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

(Tele. appr. James Beime, rep. Debtors Miguel and Laura Pinedo)

(Tele. appr. Kirsten Martinez, rep. creditor, Specialized Loan Servicing)

Docket 36

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: Debtor

The Court notes that there is no evidence from Debtor as to efforts to remedy the unpermitted patio structure. Parties to apprise the Court of the status of repairs pursuant to the UHC Notice and Order-Repair, and of any adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Miguel Pinedo

Represented By
James G. Beirne

Joint Debtor(s):

Laura Pinedo

Represented By
James G. Beirne

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Miguel Pinedo and Laura Pinedo

Chapter 13

Movant(s):

Specialized Loan Servicing LLC

Represented By
John Rafferty
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, January 5, 2021

Hearing Room 303

11:00 AM

6:19-11619 David Ray Bowman and Michelle Jan Bowman

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota C-HR

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

(Tele. appr. Kirsten Martinez, rep. creditor, Toyota Motor Credit Corporation)

Docket 50

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 2;
- DENY alternative request for adequate protection 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 Ray Bowman

Represented By
Carey C Pickford

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... David Ray Bowman and Michelle Jan Bowman

Chapter 13

Joint Debtor(s):

Michelle Jan Bowman

Represented By
Carey C Pickford

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Kirsten Martinez

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 5, 2021

Hearing Room 303

11:00 AM

6:20-11507 Andrea Melissa Hughes

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 391 E. Shaver St, San Jacinto, CA 92583 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

CASE DISMISSED 1/4/21

EH__

Docket 35

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 2;
- DENY alternative request for adequate protection 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):

Andrea Melissa Hughes

Represented By

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Andrea Melissa Hughes

Michael T Reid

Chapter 13

Movant(s):

Freedom Mortgage Corporation

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, January 5, 2021

Hearing Room 303

11:00 AM

6:20-12376 Merle Roger Johnson

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1148 Rickson Way, Corona, CA 92882

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

(Tele. appr. Nancy Lee, rep. creditor, Nationstar Mortgage LLC)

Docket 41

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶ 2;
- GRANT request under ¶ 3;
- GRANT request for relief from § 1301(a) co-debtor stay;
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 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):

Merle Roger Johnson

Represented By
Arlene M Tokarz

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Merle Roger Johnson

Chapter 13

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

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 5, 2021

Hearing Room 303

11:00 AM

6:20-14908 Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

#6.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Adrian B. Alvarado v. Fury Investments, Michael McCormick; docket number PSC1903471

MOVANT: ADRIAN B. ALVARADO, ALICE E. ALVARADO & IRMA ALVARADO

EH__

(Tele. appr. Jeff Yoss, rep. creditor, Adrian Alvarado, et al)

Docket 35

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

- (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 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 good or proceeds in question;
- (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditor's committee and other interested parties;
- (8) whether the judgment claim arising from the foreign action is subject to equitable

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT...

Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

subordination; (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 and the "balance of hurt."

In re Roger, 539 B.R. 837, 844-45 (C.D. Cal. 2015) *citing to In re Curtis*, 40 B.R. 795, 800 (Bankr. D. Utah 1984) (emphasis added). In *Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

Id. at 845 (quotations and citations omitted). As is typically the case, "[t]he record does not indicate that *Curtis* factors 3, 4, [] 6, 8, or 9 are at issue in this case, nor do the parties argue to the contrary." *Id.*

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Fury Investments, Inc. fdba Zelda's Nightclub Chapter 7

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting Movant relief from the automatic stay. Specifically, although the eleventh factor may weigh against granting relief from stay, because the state court litigation is in its early stages, the remainder of the factors, particularly the fifth factor, weigh in favor of granting relief from stay because Movant "seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate." Because Movant has agreed to waive any deficiency claim against Debtor, the continuation of the state court proceedings will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and GRANT the 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):

Fury Investments, Inc. fdba Zelda's	Represented By Jenny L Doling
-------------------------------------	----------------------------------

Movant(s):

Adrian Alvado	Represented By Jeff Yoss
---------------	-----------------------------

Trustee(s):

Howard B Grobstein (TR)	Represented By Ori S Blumenfeld
-------------------------	------------------------------------

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

6:20-16266 James Henry House, III and Adria Ann House

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13738 Bluegrass, Victorville, California 92392 with Exhibits and Proof of Service

MOVANT: FEDERAL HOME LOAN MORTGAGE CORPORATION

EH__

(Tele. appr. Megan Lees, rep. creditor, Federal Home Loan Mortgage Corporation)

Docket 22

Tentative Ruling:

1/5/2021

**Service: Proper
Opposition: None**

11 U.S.C. § 362(c)(3)(A) provides that

(3) if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)--

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

Here, Debtors had a previous Chapter 13 case dismissed on June 10, 2020, less than

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... James Henry House, III and Adria Ann House Chapter 13

one year before the instant case was filed. As Debtors have not filed a motion to continue the automatic stay, the automatic stay expired on October 15, 2020. Therefore, the automatic stay no longer being in effect, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Henry House III

Represented By
Dana Travis

Joint Debtor(s):

Adria Ann House

Represented By
Dana Travis

Movant(s):

Federal Home Loan Mortgage

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, January 5, 2021

Hearing Room 303

11:00 AM

6:20-16625 Doroteo Mendoza and Maria Mendoza

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Honda Odyssey VIN# 5FNRL6H51KB013457

MOVANT: JPMORGAN CHASE BANK

EH__

(Tele. appr. Wendy Locke, rep. creditor, JPMorgan Chase Bank)

Docket 12

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Doroteo Mendoza and Maria Mendoza Chapter 7

Here, Debtor has not filed a statement of intention with respect to the Honda Odyssey. As the thirty-day deadline for filing or amending the statement of intention has passed on October 30, 2020 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Doroteo Mendoza

Represented By
Richard L. Sturdevant

Joint Debtor(s):

Maria Mendoza

Represented By
Richard L. Sturdevant

Movant(s):

JPMORGAN CHASE BANK, N.A.

Represented By
Joseph C Delmotte

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 5, 2021

Hearing Room 303

11:00 AM

6:20-16675 John Forest Harmon, Jr. and Margaret Anne Vieyra-

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Toyota Tundra 4x2 DBL Cab VIN 5TFSY5F19GX207292 with proof of service

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

(Tele. appr. Paul Reza, rep. creditor, SchoolsFirst Federal Credit Union)

Docket 11

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(c)(3)(A) provides that

(3) if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)--

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

Here, Debtors had a previous Chapter 13 case dismissed on September 30, 2020, less than one year before the instant case was filed. As Debtors have not filed a motion to continue the automatic stay, the automatic stay expired on November 2, 2020.

Therefore, the automatic stay no longer being in effect, the Court is inclined to DENY

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... **John Forest Harmon, Jr. and Margaret Anne Vieyra-**
the motion as MOOT.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Forest Harmon Jr.

Represented By
David Lozano

Joint Debtor(s):

Margaret Anne Vieyra-Harmon

Represented By
David Lozano

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

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 5, 2021

Hearing Room 303

11:00 AM

6:20-16768 Roderick Harlan Friloux and Rebecca Andrade-Friloux

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Toyota Camry

MOVANT: TOYOTA MOTOR CREDIT COMPANY

EH__

(Tele. appr. Kirsten Martinez, rep. creditor, Toyota, Motor Credit Corporation)

Docket 18

Tentative Ruling:

1/5/2021

**Service: Proper
Opposition: None**

11 U.S.C. § 362(c)(3)(A) provides that

(3) if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)--

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

Here, Debtors had a previous Chapter 13 case dismissed on September 22, 2020, less than one year before the instant case was filed. As Debtors have not filed a motion to continue the automatic stay, the automatic stay expired on November 8, 2020.

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Roderick Harlan Friloux and Rebecca Andrade-Friloux Chapter 7

Therefore, the automatic stay no longer being in effect, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Roderick Harlan Friloux

Represented By
Tina H Trinh

Joint Debtor(s):

Rebecca Andrade-Friloux

Represented By
Tina H Trinh

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

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 5, 2021

Hearing Room 303

11:00 AM

6:20-16802 Jessica Mendoza

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Toyota Camry, VIN 4T1BF1FK4GU587405 with proof of service.

MOVANT: KINECTA FEDERAL CREDIT UNION

EH__

(Tele. appr. Mark Blackman, rep. creditor, Kinecta Federal Credit Union)

Docket 17

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 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):

Jessica Mendoza

Represented By
Pamela N Buckner-Davis

Movant(s):

Kinecta Federal Credit Union

Represented By

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Jessica Mendoza

Mark S Blackman

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, January 5, 2021

Hearing Room 303

11:00 AM

6:20-17353 Jose Juan Avila and Sefora Tabita Avila

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 GMC Terrain, VIN: 3GKALPEX8LL103141

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, GM Financial)

Docket 12

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Jose Juan Avila

Represented By
Dana Travis

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Jose Juan Avila and Sefora Tabita Avila

Chapter 7

Joint Debtor(s):

Sefora Tabita Avila

Represented By
Dana Travis

Movant(s):

AmeriCredit Financial Services, 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, January 5, 2021

Hearing Room 303

11:00 AM

6:20-17622 Elizabeth Ann Huck and Michael Warren Huck

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Ford F350, VIN: 1FT8W3DT0KEF11950

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Ford Motor Credit Company LLC)

Docket 10

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Elizabeth Ann Huck

Represented By
Aaron Lloyd

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

Tuesday, January 5, 2021

Hearing Room 303

11:00 AM

CONT... Elizabeth Ann Huck and Michael Warren Huck

Chapter 7

Joint Debtor(s):

Michael Warren Huck

Represented By
Aaron Lloyd

Movant(s):

Ford Motor Credit Company LLC

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 5, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

Adv#: 6:20-01129 Visiting Nurse Association of the Inland Counties v. Del Gado et al

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01129. Complaint by Visiting Nurse Association of the Inland Counties against Greg Del Gado, Bruce Gordon, Stuart Furman, Lois Beckman, Gema Ptasinsky, Mary Anne Benzakein, Mike Rusnack, Maria Lozano, Karen Emery, Jean Kryger, Oscar Brambila, DOES 1 to 100, inclusive. (Charge To Estate) (\$350.00) Complaint for Breach of Fiduciary Duty Nature of Suit: (14 (Recovery of money/property - other))

From: 9/29/20

EH ____

(Tele. appr. Michael Leboff, rep. Defendant, Maria Lozzano)

Docket 1

Tentative Ruling:

1/5/2021

Based on the unilateral status report and request for continuance, the Court intends to continue the status conference to February 2, 2021 at 2 PM.

APPEARANCES WAIVED.

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

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

Tuesday, January 5, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Defendant(s):

Greg Del Gado	Pro Se
Bruce Gordon	Pro Se
Stuart Furman	Pro Se
Lois Beckman	Pro Se
Gema Ptasinsky	Pro Se
Mary Anne Benzakein	Pro Se
Mike Rusnack	Pro Se
Maria Lozano	Pro Se
Karen Emery	Pro Se
Jean Kryger	Pro Se
Oscar Brambila	Pro Se
DOES 1 to 100, inclusive	Pro Se

Plaintiff(s):

Visiting Nurse Association of the

Represented By
Jason B Komorsky

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

Tuesday, January 5, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

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

EH__

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. Donald Reid, rep. Debtor, Raman Enterprises LLC)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Sevan Gorginian

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

Wednesday, January 6, 2021

Hearing Room 303

10:00 AM

6:20-15714 Sheila Denise Sengstock

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and BMW Bank of North America, in the amount of \$45,644.68 re: 2019 BMW X3 XDrive30i

EH____

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sheila Denise Sengstock

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, January 6, 2021

Hearing Room 303

10:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#2.00 Pro se of Reaffirmation Agreement with Toyota Motor Credit Corporation in the amount of \$24,313.00, re: 2019 Toyota Corolla

EH__

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
John Rafferty

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

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

Wednesday, January 6, 2021

Hearing Room 303

10:00 AM

6:20-16830 Wendy Lee Hawkins

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Alaska USA Federal Credit Union, in the amount \$11,175.00

Re: 2016 Jeep Patriot

EH__

(Tele. appr. Wendy Hawkins, pro se Debtor)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wendy Lee Hawkins

Represented By
Daniel King

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 6, 2021

Hearing Room 303

10:00 AM

6:20-17038 Carlos Gabier Renteria

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and Ally Bank, in the amount of \$14,696.26

Re: 2017 Nissan Rogue

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carlos Gabier Renteria

Represented By
Omar Zambrano

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, January 6, 2021

Hearing Room 303

10:00 AM

6:20-17091 Cristina Lanae Hemphill

Chapter 7

#5.00 Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation
in the amount of \$14,534.08, re: 2015 Lexus

EH__

(Tele. appr. Cristina Hemphill, pro se Debtor)

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cristina Lanae Hemphill

Represented By
Steven A Alpert

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 6, 2021

Hearing Room 303

10:00 AM

6:20-17645 Dolores D Gracia

Chapter 7

#6.00 Reaffirmation Agreement with 21st Mortgage Corporation, in the amount of \$16,742.56 re: 1977 Lancer Manufactured Home

EH__

(Tele. appr. Dolores Gracia, pro se Debtor)

(Tele. appr. Mark Blackman, rep. creditor, 21st Mortgage Corporation)

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores D Gracia

Represented By
Daniel King

Movant(s):

21st Mortgage Corporation

Represented By
Amy Dukes

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, January 6, 2021

Hearing Room 303

11:00 AM

6:10-42994 Elizabeth Chacon

Chapter 7

#7.00 Chapter 7 Trustee's Motion to Allow Claim No. 3 of Capital One Bank as Late Filed Allowable Against Surplus Funds Only

EH__

(Tele. appr. John Pringle, chapter 7 trustee)

Docket 25

Tentative Ruling:

1/6/2021

On October 12, 2010, Elizabeth Chacon ("Debtor") filed a Chapter 7 voluntary petition. Debtor received a discharge on January 26, 2011, and the case was subsequently closed on February 17, 2011.

The case was reopened on May 21, 2020 to enable Trustee to administer a refund Debtor was entitled to from a collateral protection insurance policy on her vehicle. On June 5, 2020, a Notice of Possible Dividend and Order Fixing Time to File Claims was served on all creditors. The claim bar date was September 7, 2020. On November 18, 2020, Capital One Bank (USA), N.A. ("Creditor") filed a proof of claim for an unsecured claim in the amount of \$2,338.53 ("Claim 3").

On November 18, 2020, Trustee filed a motion to allow Claim 3 as a late-filed 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*

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

CONT... Elizabeth Chacon

Chapter 7

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. § 726(a)(3) states:

(a) Except as provided in [section 510](#) of this title, property of the estate shall be distributed—

(3) third, in payment of any allowed unsecured claim proof of which is tardily filed under section 501(a) of this title, other than a claim of the

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

CONT...

Elizabeth Chacon

Chapter 7

kind specified in paragraph (2)(C) of this subsection;

11 U.S.C. § 726(a)(3).

Here, Claim 3 was filed sixty-three days after the claims bar deadline, and is therefore late. The Court is concerned, however, that the instant motion does not actually raise a justiciable case or controversy. *See, e.g., DaimlerChrysler Corp v. Cuno*, 547 U.S. 332, 341 (2006) (limiting jurisdiction to actual cases or controversies). Additionally, because this motion seeks a classification under § 726, but the Court approves a trustee's proposed order of distribution under § 726 in the context of a hearing on the Trustee's final report, this motion appears to be unnecessary.

TENTATIVE RULING

Trustee to address the Court's concerns raised above.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Elizabeth Chacon

Represented By
Omar Zambrano

Movant(s):

John P Pringle (TR)

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 6, 2021

Hearing Room 303

11:00 AM

6:12-19557 Steven Gene Van Mierlo and Julie Van Mierlo

Chapter 7

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

EH__

(Tele. appr. Melissa Davis Lowe, rep. trustee, Karl Anderson)

Docket 53

Tentative Ruling:

1/6/2021

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: \$ 4,102.05
Trustee Expenses: \$ 101.72

Attorney Fees: \$ 7,685.77
Attorney Costs: \$ 741.49

Accountant Fees: \$1,866.48
Accountant Costs: \$502.98

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 Gene Van Mierlo

Represented By

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

CONT...

Steven Gene Van Mierlo and Julie Van Mierlo

Chapter 7

Benjamin A Yrungaray

Joint Debtor(s):

Julie Van Mierlo

Represented By

Benjamin A Yrungaray

Trustee(s):

Karl T Anderson (TR)

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, January 6, 2021

Hearing Room 303

11:00 AM

6:18-10074 Charlie W Parker

Chapter 7

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

EH__

(Tele. appr. Toan Chung, rep. attorney for trustee)

Docket 91

Tentative Ruling:

1/6/2021

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: \$ 6,693.84
Trustee Expenses: \$ 991.46

Attorney Fees: \$ 37,540
Attorney Costs: \$ 395.39

Accountant Fees: \$2,772
Accountant Costs: \$378.90

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):

Charlie W Parker

Represented By

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

CONT... Charlie W Parker

David J Workman

Chapter 7

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**

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

6:18-13319 Golda Morris

Chapter 7

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

EH__

(Tele. appr. John Pringle, chapter 7 trustee)

Docket 52

Tentative Ruling:

1/6/2021

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: \$ 8,250.00
Trustee Expenses: \$ 252.72

Attorney Fees: \$ 9,415
Attorney Costs: \$ 102.40

Accountant Fees: \$3,378.50
Accountant Costs: \$176.56

In calculating the Trustee's fees, the Court uses \$100,000 in distributions as the appropriate basis for the § 326(a) calculation. The estate had a 50% interest in the wrongful death settlement and, as a result, the estate only had an interest in \$150,000 in settlement funds. From those funds, the estate paid \$50,000 to Debtor on account of her exemption, leaving a maximum of \$100,000 in compensable distributions.

APPEARANCES REQUIRED.

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

CONT... Golda Morris

Chapter 7

Party Information

Debtor(s):

Golda Morris

Represented By
Christopher Hewitt

Trustee(s):

John P Pringle (TR)

Represented By
Toan B Chung

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

6:18-20119 Elio Labra Saldana and Laura A. Ortega-Moreno

Chapter 7

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

EH__

Docket 28

Tentative Ruling:

1/6/21

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: \$ 1,480
Trustee Expenses: \$ 293.60

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):

Elio Labra Saldana

Represented By
Lazaro E Fernandez

Joint Debtor(s):

Laura A. Ortega-Moreno

Represented By
Lazaro E Fernandez

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, January 6, 2021

Hearing Room 303

11:00 AM

6:19-10513 Blanca Aguirre

Chapter 7

#12.00 Debtor's Motion to Avoid Lien Superior Court of CA - Riverside Courthouse, docket number MCC140020, recorders instrument number 2016-0208778 with Canyon Lake Property Owners Association

EH__

(Placed on calendar by order entered 12/10/20)

(Tele. appr. Blanca Aguirre, pro se Debtor)

Docket 65

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Blanca Aguirre

Pro Se

Movant(s):

Blanca Aguirre

Pro Se

Trustee(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan
Kevin T Lafky

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

6:19-12819 Nevin Riad

Chapter 7

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

EH__

Docket 49

Tentative Ruling:

1/6/2021

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: \$ 1,488.30
Trustee Expenses: \$ 250.14

Attorney Fees: \$ 1,500
Attorney Costs: \$ 138.04

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):

Nevin Riad

Represented By
Daniel S March

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 6, 2021

Hearing Room 303

11:00 AM

6:19-20379 Trevor Richard Lavoie and Jamie Suann Lavoie

Chapter 7

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

EH__

(Tele. appr. Larry Simons, chapter 7 trustee)

Docket 33

Tentative Ruling:

01/06/21

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: \$ 529.74
Trustee Expenses: \$ 0.00

The above figures represent a \$.01 reduction in fees pursuant to the statutory cap imposed by 11 U.S.C. § 326(a) and the denial of all requested expenses for failure to submit the computation of Trustee's compensation and expenses identified in Trustee's declaration.

APPEARANCES REQUIRED, or Trustee may decline to appear and will be deemed to have submitted to the tentative ruling.

Party Information

Debtor(s):

Trevor Richard Lavoie

Represented By
James P Doan

Joint Debtor(s):

Jamie Suann Lavoie

Represented By

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

Wednesday, January 6, 2021

Hearing Room 303

11:00 AM

**CONT... Trevor Richard Lavoie and Jamie Suann Lavoie
James P Doan**

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, January 6, 2021

Hearing Room 303

11:00 AM

6:20-10613 Flory Cea Bonto and Jeffrey B. Bonto

Chapter 7

#15.00 Notice of Trustee's Final Report; applications for compensation

EH__

Docket 25

Tentative Ruling:

1/6/2021

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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,744.90
Trustee Expenses: \$ 39.49

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):

Flory Cea Bonto

Represented By
Christopher J Langley

Joint Debtor(s):

Jeffrey B. Bonto

Represented By
Christopher J Langley

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, January 6, 2021

Hearing Room 303

11:00 AM

6:20-11795 Maria Guadalupe Saucedo

Chapter 7

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

EH__

Docket 29

Tentative Ruling:

1/6/2021

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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,795.00

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):

Maria Guadalupe Saucedo

Represented By
Edgar P Lombera

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, January 6, 2021

Hearing Room 303

11:00 AM

6:20-12926 Mary Grace Barron

Chapter 7

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

EH__

Docket 24

Tentative Ruling:

1/6/2021

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: \$ 747.50
Trustee Expenses: \$ 125.45

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):

Mary Grace Barron

Represented By
Sundee M Teeple

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 6, 2021

Hearing Room 303

12:00 PM

6:21-10004 Ryan Ray Graham

Chapter 7

#17.10 Application for Approval of Fee Waiver

EH__

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Ray Graham	Pro Se
-----------------	--------

Movant(s):

Ryan Ray Graham	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 6, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

#18.00 CONT Motion for Order Compelling Debtor to Vacate and Turnover Real Property
HOLDING DATE

From: 11/13/19, 12/18/19, 5/20/20, 9/9/20,11/4/20, 12/2/20

Also #

EH ____

Docket 40

***** VACATED *** REASON: CONTINUED TO 2/3/21 BY ORDER
ENTERED 12/2/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

**#19.00 CONT Motion to Disallow Homestead Exemption
HOLDING DATE**

From: 12/18/19, 5/20/20, 9/9/20,11/4/20,12/2/20

Also #

EH__

Docket 49

***** VACATED *** REASON: CONTINUED TO 2/3/21 BY ORDER
ENTERED 12/2/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

Adv#: 6:19-01144 Whitmore v. Hammond

#20.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01144. Complaint by Robert S. Whitmore against Kenneth Hammond. (Charge To Estate) \$350.00 (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Unexecuted Summons) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (91 (Declaratory judgment))

HOLDING DATE

From: 12/18/19, 5/20/20, 9/9/20, 11/4/20, 12/2/20

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/3/21 BY ORDER
ENTERED ON 12/2/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Defendant(s):

Kenneth Hammond

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01057 Pringle v. Makar

#21.00 Defendant's Motion For Summary Judgment

EH__

Docket 12

*** VACATED *** REASON: CONTINUED TO 1/27/21 BY ORDER
ENTERED 12/7/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ayad Makar

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Ayad Makar

Represented By
Michael A Corfield

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

Trustee(s):

John P Pringle (TR)

Represented By

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

David M Goodrich
Reem J Bello

Chapter 7

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#22.00 Defendants' Motion For Summary Judgment

EH__

Docket 10

*** VACATED *** REASON: CONTINUED TO 1/27/21 BY ORDER
ENTERED 12/7/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, January 6, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#23.00 Defendants' Motion For Summary Judgment

EH__

Docket 10

***** VACATED *** REASON: CONTINUED TO 1/27/21 BY ORDER
ENTERED 12/7/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

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

Wednesday, January 6, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, January 6, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#24.00 Defendant John 20/20 Enterprises, Inc.'s Motion For Summary Judgment

EH__

Docket 22

*** VACATED *** REASON: CONTINUED TO 1/27/21 BY ORDER
ENTERED 12/7/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Wednesday, January 6, 2021

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**

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

6:15-19432 Kirk Eugene Frantz and Mary Elizabeth Frantz

Chapter 13

#1.00 Application for Compensation for Jenny L Doling, Debtor's Attorney, Period:
1/7/2020 to 1/7/2020, Fee: \$450.00; Expenses: \$0.

EH__

Docket 249

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kirk Eugene Frantz

Represented By
Jenny L Doling

Joint Debtor(s):

Mary Elizabeth Frantz

Represented By
Jenny L Doling

Movant(s):

Kirk Eugene Frantz

Represented By
Jenny L Doling

Mary Elizabeth Frantz

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 7, 2021

Hearing Room 303

11:00 AM

6:16-10385 Adolfo Gonzalez and Angelica Gonzalez

Chapter 13

#2.00 Debtors' Motion to vacate dismissal

EH__

Docket 129

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adolfo Gonzalez

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Angelica Gonzalez

Represented By
Jaime A Cuevas Jr.

Movant(s):

Adolfo Gonzalez

Represented By
Jaime A Cuevas Jr.

Angelica Gonzalez

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, January 7, 2021

Hearing Room 303

11:00 AM

6:18-14053 Wallace Stanton Miles

Chapter 13

#3.00 Motion to Modify the Order of Dismissal entered November 30, 2020, so as to remove the prohibition against re-filing a new bankruptcy petition

EH____

Docket 94

Tentative Ruling:

1/7/2021

BACKGROUND

On June 14, 2018, Wallace Stanton Miles ("Debtor") filed a Chapter 13 voluntary petition. On September 14, 2018, Debtor's Chapter 13 plan was confirmed.

On June 17, 2019, US Bank Trust National Association ("Secured Creditor") filed a motion for relief from stay. Debtor and Secured creditor entered into an Adequate Protection Agreement ("APO"). Debtor defaulted under the APO by failing to make six mortgage payments. The Court on July 8, 2020 entered an order granting Secured Creditor relief from stay. Dkt. No. 68.

On November 28, 2020, Debtor filed a motion to voluntarily dismiss, citing his need to file a new bankruptcy petition in an attempt to get a second chance to stay Secured Creditor's impending foreclosure sale. Dkt. No. 79. Debtor filed for voluntary dismissal at the same that Trustee's motion to dismiss and Debtor's motion to modify were pending. On November 30, 2020, the Court granted Debtor's motion to dismiss with a 180-day bar preventing Debtor from filing a new bankruptcy petition pursuant to 11 U.S.C. §109(g)(2).

Debtor filed the instant motion on December 17, 2020 (Dkt. No. 94) seeking to set aside the 180-day bar pursuant to 11 U.S.C. § 105(a) on the basis that Section 109(g) is discretionary. On December 22, 2020, Secured Creditor filed an opposition to Debtor's motion. Secured Creditor is anticipating a foreclosure sale that has been pushed off and rescheduled for January 14, 2021. Secured Creditor argues that it

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT... Wallace Stanton Miles

Chapter 13

would be prejudiced by Debtor's repeat filing because it would merely delay the foreclosure sale as Debtor's mortgage is still in arrears.

DISCUSSION

11 U.S.C. § 109(g)(2) states:

- (g) Notwithstanding any other provision of this section, no individual or family farmer may be a debtor under this title who has been a debtor in a case pending under this title at any time in the preceding 180 days if-
 - (2) the debtor requested and obtained the voluntary dismissal of the case following the filing of a request for relief from the automatic stay provided by section 362 of this title.

In re Evansginston, a recent bankruptcy decision, outlined the split in authority in interpreting 11 U.S.C. § 109(g). 2019 WL 4410514 at *3 (Bankr. E.D. Ark. 2019). Specifically, the *Evansginston* court identified four new interpretations: (1) the mandatory approach; (2) the discretionary or equitable approach; (3) the pending motion approach; and (4) the causal connection approach. *Id*; see also Ned Waxman, *Judicial Follies: Ignoring the Plain Meaning of Bankruptcy Code § 109(g)(2)*, 48 ARIZ. L. REV. 149 (2006).

GINSBERG & MARTIN ON BANKRUPTCY § 3.02 [5th ed. 2019] highlights some of these approaches, identifying the mandatory approach as the majority approach:

Courts are divided on the application of Section 109(g). There are three primary approaches. The majority approach is the "mandatory" approach. Under this approach, if a debtor requests and obtains a voluntary dismissal after a party moved for relief from stay, that person is not eligible for bankruptcy relief in the 180 days after dismissal, with no further inquiry needed. The "causal connection" approach requires a judicial determination of the causal relationship between the two subsections of 109(g). The "discretionary" approach endorses the mandatory approach but authorizes the court to exercise discretion when necessary to achieve justice.

Here, Debtor argues that § 109(g)(2) is discretionary and cites to *In re Luna*, 122 B.R.

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT... Wallace Stanton Miles

Chapter 13

575 (B.A.P. 9th Cir. 1991) in support of this approach. *In re Luna* contains the following as the entirety of its legal analysis:

We decline to follow the line of authority which requires mandatory application of section 109(g)(2). *Mechanical application of section 109(g)(2) would reward Home Savings for acting in bad faith and punish Luna for acting in good faith.* Accordingly, because legislative enactments should never be construed as establishing statutory schemes that are illogical, unjust, or capricious, we conclude that the bankruptcy court properly declined to apply section 109(g)(2) to Luna's second bankruptcy petition.

122 B.R. at 577 (internal citations and quotations omitted) (emphasis added). First, the Court notes that the factual situation presented in *In re Luna* is very unique and not analogous to this situation. There, the secured creditor acted in bad faith by violating the bankruptcy court's order with respect to foreclosure proceedings after the case was dismissed. *Id.* at 576. Here, there is no evidence of bad faith on the part of Secured Creditor in proceeding with the foreclosure. It is Debtor who has failed to comply with the APO.

Second, and more importantly, this Court believes that the approach in *In re Luna* is precluded by *Law v. Siegel*, 571 U.S. 415 (2014). The Supreme Court in *Law v. Siegel* clearly articulated that a bankruptcy court cannot use its general statutory authority where that authority contradicts other sections of the code:

A bankruptcy court has statutory authority to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code. 11 U.S.C. § 105(a). And it may also possess "inherent power ... to sanction 'abusive litigation practices.'" *Marrama v. Citizens Bank of Mass.*, 549 U.S. 365, 375–376 (2007). But in exercising those statutory and inherent powers, a bankruptcy court may not contravene specific statutory provisions.

It is hornbook law that § 105(a) "does not allow the bankruptcy court to override explicit mandates of other sections of the Bankruptcy Code." 2 Collier on Bankruptcy ¶ 105.01[2], p. 105–6 (16th ed. 2013). Section 105(a) confers authority to "carry out" the provisions of the Code, but it is quite

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT...

Wallace Stanton Miles

Chapter 13

impossible to do that by taking action that the Code prohibits. That is simply an application of the axiom that a statute's general permission to take actions of a certain type must yield to a specific prohibition found elsewhere.

571 U.S. 415 at 420–21 (citations and quotations in original). Accordingly, this Court does not believe it has authority to suspend a statute that does not provide for use of discretion. Therefore, the Court is inclined to follow the majority approach that 11 U.S.C. § 109(g)(2) is mandatory.

Moreover, that the Court should use § 105(a) to essentially correct the course of Debtor's strategy "gone wrong" at the expense of Secured Creditor would be an inequitable application of the Court's power. The Court disagrees with Debtor that no creditors' rights will be disturbed by setting aside the bar. Having considered Secured Creditor's opposition, it has a right to proceed with its foreclosure proceeding, and to find that the "explicit mandate" of § 109(g)(2) is discretionary in favor of § 105(a) would be an inappropriate application of § 105(a). *See Law v. Siegal*, 571 U.S. at 420–21.

TENTATIVE RULING

For the reasons stated above, the Court is inclined to DENY the motion.

In denying the motion, the Court does not rule on whether Secured Creditor's potentially impending foreclosure action is subject to, or excepted from, any applicable pandemic-related moratorium.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Wallace Stanton Miles

Represented By
Stuart G Steingraber
Thomas B Ure

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT... Wallace Stanton Miles

Chapter 13

Movant(s):

Wallace Stanton Miles

Represented By
Stuart G Steingraber
Stuart G Steingraber
Thomas B Ure
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, January 7, 2021

Hearing Room 303

11:00 AM

6:18-16064 Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

#4.00 Trustee's Motion for order denying discharge

EH__

Docket 92

Tentative Ruling:

1/7/2021

BACKGROUND

In the instant motion (Dkt. No. 92), filed December 15, 2020, Trustee seeks to dismiss Case 6:18-bk-16064 filed under Chapter 13 by Michael D. Wickham and JoAnn Y. Wickham ("Debtors") with an order denying discharge.

Although Debtors have completed all the plan payments designated to be paid through the Trustee, they have defaulted in paying their mortgage directly to Lakeview Loan Servicing, LLC ("Lender"). In its response to Trustee's notice of final cure payment, Lender asserts that Debtor is \$11,295.07 in post-petition arrears since June 1, 2020. (Dkt. No. 92, Attachment 1).

DISCUSSION

As a preliminary matter, the Court does not formally "deny" a discharge for failure to make payments. Rather, if Debtor has not satisfied the requirements for receiving a discharge, the Court would dismiss the case rather than enter a discharge. Therefore, the Court will construe Trustee's motion as a request to dismiss the case under 11 U.S.C. § 1307.

Here, Debtors have materially defaulted under the terms of the plan by failing to make mortgage payments. Therefore, it is proper for the Court to dismiss the case.

TENTATIVE RULING

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT... Michael D. Wickham and JoAnn Y. Wickham Chapter 13

Notice appearing proper, good cause appearing, and no opposition having been filed,
the Court is inclined to GRANT the motion to the extent of dismissing the case.

APPEARANCES REQUIRED.

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):

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, January 7, 2021

Hearing Room 303

11:00 AM

6:18-20296 Daniel Lee Crump

Chapter 13

#5.00 Motion Objecting to Claim Number 1 by Claimant Cavalry SPV I, LLC

EH__

Docket 90

Tentative Ruling:

1/7/2021

BACKGROUND:

On December 7, 2018, Daniel Lee Crump ("Debtor") filed a Chapter 13 voluntary petition. Debtor's Chapter 13 plan was confirmed on June 28, 2019.

On December 11, 2018, Cavalry SPV I, LLC as assignee for Capital One Bank (USA), N.A. ("Claimant") filed a proof of claim in the amount of \$430.39 ("Claim 1"). On December 4, 2020, Debtor filed this instant motion objecting to Claim 1. Debtor argues that under California law, C.C.P. § 337, Claim 1 is barred by the statute of limitations, as the last payment on the credit card was made on February 3, 2012, over four years prior to the filing of the petition.

DISCUSSION:

A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). 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

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT... Daniel Lee Crump

Chapter 13

"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.

Pursuant to 11 U.S.C. § 502(b)(1) claim objections may be based on non-bankruptcy law. § 502(b)(1) provides:

- (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;

11 U.S.C. § 502(b)(1) (emphasis added). Accordingly, "[a] claim cannot be allowed if it is unenforceable under non-bankruptcy law." *Diamant v. Kasparian* (in re Southern Cal. Plastics, Inc.), 165 F.3d 1243, 1247 (9th Cir. 1999).

Here, pursuant to the applicable non-bankruptcy law, C.C.P. § 337, Claim 1 is barred by the four-year statute of limitations, as the last payment was made over eight years

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

Thursday, January 7, 2021

Hearing Room 303

11:00 AM

CONT... Daniel Lee Crump

Chapter 13

ago. Therefore, the Court is inclined to find that Debtor has met his burden in objecting to the validity of the claim.

Further, the Court notes that service was proper and no opposition was filed, 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 1.

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):

Daniel Lee Crump

Represented By
Nicholas M Wajda

Movant(s):

Daniel Lee Crump

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 7, 2021

Hearing Room 303

11:00 AM

6:20-16950 Luis Castillo, Jr.

Chapter 13

#6.00 Chapter 13 Confirmation of Plan

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Castillo Jr.

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, January 7, 2021

Hearing Room 303

11:00 AM

6:20-16979 Jasmine Villa

Chapter 13

#7.00 Chapter 13 Confirmation of Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/09/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jasmine Villa

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 7, 2021

Hearing Room 303

11:00 AM

6:20-16997 Kirsten Beck

Chapter 13

#8.00 Chapter 13 Confirmation of Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kirsten Beck

Represented By
Andy 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, January 7, 2021

Hearing Room 303

11:00 AM

6:20-17013 Aaron Alexander Richardson, Jr.

Chapter 13

#9.00 Chapter 13 Confirmation of Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Aaron Alexander Richardson Jr.

Represented By
Arlene M Tokarz

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 7, 2021

Hearing Room 303

11:00 AM

6:20-17099 Catalina J Alvarez

Chapter 13

#10.00 Chapter 13 Confirmation of Plan

EH__

Docket 20

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, January 7, 2021

Hearing Room 303

11:00 AM

6:20-17134 Wilfred Banawa

Chapter 13

#11.00 Chapter 13 Confirmation of Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wilfred Banawa

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, January 7, 2021

Hearing Room 303

11:00 AM

6:20-17162 Abraham Rodriguez

Chapter 13

#12.00 Chapter 13 Confirmation of Plan

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abraham Rodriguez

Represented By
Andy 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, January 7, 2021

Hearing Room 303

11:00 AM

6:20-17201 Ertun Reshat and Hale Reshat

Chapter 13

#13.00 Chapter 13 Confirmation of Plan

EH__

Docket 2

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, January 7, 2021

Hearing Room 303

11:01 AM

6:15-17599 David P. Carpenter and Cresencia M. Carpenter

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/5/21**

Tentative Ruling:

- NONE LISTED -

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**

Thursday, January 7, 2021

Hearing Room 303

11:01 AM

6:15-19338 Jesus Aguilar and Maria G Aguilar

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 112

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/30/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jesus Aguilar

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria G Aguilar

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, January 7, 2021

Hearing Room 303

11:01 AM

6:16-11312 Elizabeth M Molinari

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth M Molinari

Represented By
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, January 7, 2021

Hearing Room 303

11:01 AM

6:16-17814 Lynn Karon Davis

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lynn Karon Davis

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, January 7, 2021

Hearing Room 303

11:01 AM

6:17-12118 Veronica A Mendoza

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 85

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, January 7, 2021

Hearing Room 303

11:01 AM

6:17-13212 Liliana Martinez

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/24/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Liliana Martinez

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, January 7, 2021

Hearing Room 303

11:01 AM

6:17-14469 Mario Timothy Velasquez and Susan Lorraine Velasquez

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 86

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/16/20

Tentative Ruling:

- NONE LISTED -

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**

Thursday, January 7, 2021

Hearing Room 303

11:01 AM

6:17-15829 Allen Bravo

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/29/20**

Tentative Ruling:

- NONE LISTED -

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**

Thursday, January 7, 2021

Hearing Room 303

11:01 AM

6:17-17575 Terry Neil Gaia and Tamara Marie Devalle-Gaia

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

Tentative Ruling:

- NONE LISTED -

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**

Thursday, January 7, 2021

Hearing Room 303

11:01 AM

6:18-11701 Wayne Anthony King and Traci Ann Zweck

Chapter 13

#23.00 CONT. Trustee's Motion to Dismiss Case

From: 12/3/20

EH__

Docket 99

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/5/21**

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, January 7, 2021

Hearing Room 303

11:01 AM

6:18-19494 Rachel Ann Sullivan

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 104

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rachel Ann Sullivan

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, January 7, 2021

Hearing Room 303

11:01 AM

6:18-20070 Alexander J Perfinowicz and Ingeborg Maria Pefinowicz

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/5/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander J Perfinowicz

Represented By
Manfred Schroer

Joint Debtor(s):

Ingeborg Maria Pefinowicz

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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-13314 Tamra Gillian Rehak

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tamra Gillian Rehak

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 7, 2021

Hearing Room 303

11:01 AM

6:19-15353 Donald Ray Levier, Jr. and Antoinette Marie Levier

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Levier Jr.

Represented By
D Justin Harelik

Joint Debtor(s):

Antoinette Marie Levier

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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-15980 Jonathon Keith Stoner and Jacqueline Belinda Stoner

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple

Joint Debtor(s):

Jacqueline Belinda Stoner

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 7, 2021

Hearing Room 303

11:01 AM

6:19-17080 Cesar Orozco

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 62

*** VACATED *** REASON: WITHDRAWAL OF MOTION
FILED12/24/20

Tentative Ruling:

- NONE LISTED -

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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-17091 Edward A Jandt and Shelley A Jandt

Chapter 13

#30.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edward A Jandt

Represented By
Christopher Hewitt

Joint Debtor(s):

Shelley A Jandt

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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-18038 Koppi V. Beskid

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Koppi V. Beskid

Represented By
Gregory 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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-18761 Alejandro E. Penaloza and Maria G. Penaloza

Chapter 13

#32.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alejandro E. Penaloza

Represented By
Sundee M Teeple

Joint Debtor(s):

Maria G. Penaloza

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 7, 2021

Hearing Room 303

11:01 AM

6:19-19345 Michael Christopher Oropallo and Lauren Elaine Oropallo

Chapter 13

#33.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/24/20**

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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-19360 Troy D. Lee

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/24/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Troy D. Lee

Represented By
Gregory 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, January 7, 2021

Hearing Room 303

11:01 AM

6:19-20126 Debra Suzanne Towne

Chapter 13

#35.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/24/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra Suzanne Towne

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 7, 2021

Hearing Room 303

11:01 AM

6:19-20463 Christopher Monroe and Aysheh Spicer

Chapter 13

#36.00 CONT. Trustee's Motion to Dismiss Case

From: 12/17/20

EH__

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Monroe

Represented By
Paul Y Lee

Joint Debtor(s):

Aysheh Spicer

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 7, 2021

Hearing Room 303

11:01 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#37.00 CONT. Trustee's Motion to Dismiss Case

From: 12/3/20,12/17/20

EH__

Docket 51

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/22/20

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 7, 2021

Hearing Room 303

11:01 AM

6:20-14546 Eric Pieters Markel

Chapter 13

#38.00 Trustee's Motion to Dismiss Case

EH__

Docket 28

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/5/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eric Pieters Markel

Represented By
Sara E Razavi

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 12, 2021

Hearing Room 303

11:00 AM

6:18-14773 Juan I. Gallardo

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 205 Sheridan Street Corona, CA 92882

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

(Tele. appr. Kirsten Martinez, rep. creditor, U.S. Bank National Association)

(Tele. appr. Tina Trinh, rep. Debtor, Juan Gallardo)

Docket 42

Tentative Ruling:

1/12/2021

Service: Proper

Opposition: Debtor

Parties to apprise the Court of the status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan I. Gallardo

Represented By
Tina H Trinh

Movant(s):

U.S. Bank National Association, not

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, January 12, 2021

Hearing Room 303

11:00 AM

6:19-10556 Timothy Mark Aitken and Esmeralda Aitken

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Ford Escape, VIN: 1FMCU0G94EUC30545

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Ford Motor Credit Company LLC)

Docket 70

Tentative Ruling:

1/12/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

(emphasis added).

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

Tuesday, January 12, 2021

Hearing Room 303

11:00 AM

CONT... Timothy Mark Aitken and Esmeralda Aitken

Chapter 7

Here, Debtor's statement of intention does not address the subject collateral. As the deadline for filing or amending the statement of intention has passed pursuant to 11 U.S.C. § 521(a)(2) (A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to GRANT the alternative request under ¶ 12 and otherwise DENY 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):

Timothy Mark Aitken	Pro Se
---------------------	--------

Joint Debtor(s):

Esmeralda Aitken	Pro Se
------------------	--------

Movant(s):

Ford Motor Credit Company LLC	Represented By Sheryl K Ith
-------------------------------	--------------------------------

Trustee(s):

Howard B Grobstein (TR)	Represented By Larry D Simons
-------------------------	----------------------------------

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

Tuesday, January 12, 2021

Hearing Room 303

11:00 AM

6:19-14425 La Quetta Delaine Bush Simmons

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7440 Lime Avenue, Fontana, CA 92336-3173 with Proof of Service.

MOVANT: WILMINGTON TRUST, NATIONAL ASSOCIATION

EH__

(Tele. appr. Darlene Vigil, rep. creditor, Wilmington Trust, National Association)

Docket 51

Tentative Ruling:

1/12/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from § 1301(a) co-debtor stay
- GRANT relief from Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2, 3, and 12
- DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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**

Tuesday, January 12, 2021

Hearing Room 303

11:00 AM

CONT... La Quetta Delaine Bush Simmons

Chapter 13

Debtor(s):

La Quetta Delaine Bush Simmons

Represented By
Neil R Hedtke

Movant(s):

Wilmington Trust, National

Represented By
Darlene C Vigil
Cassandra J Richey

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 12, 2021

Hearing Room 303

11:00 AM

6:20-17640 Bernardine Yvette Gray

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Armada

MOVANT: FIRST CITY CREDIT UNION

EH__

(Tele. appr. Karel Rocha, rep. creditor, First City Credit Union)

Docket 8

Tentative Ruling:

1/12/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, *if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and*

(emphasis added).

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

Tuesday, January 12, 2021

Hearing Room 303

11:00 AM

CONT... Bernardine Yvette Gray Chapter 7

Here, Debtor's statement of intention selects an option, known as "ride-through," that is not available in this circuit and is not an available choice under the statute. *See In re Dumont*, 581 F.3d 1104 (2009). Debtor was required to select to either abandon or redeem the property, or to enter into a reaffirmation agreement. *See* 11 U.S.C. § 362(h) (1)(A). As the deadline for filing or amending the statement of intention has passed pursuant to 11 U.S.C. § 521(a)(2) (A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Bernardine Yvette Gray

Represented By
Neil R Hedtke

Movant(s):

First City 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, January 12, 2021

Hearing Room 303

11:00 AM

6:20-17815 Tinishia Thomas

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Honda Civic .

MOVANT: CONSUMER PORTFOLIO SERVICES, INC.

EH__

(Tele. appr. Merdaud Jafarnia, rep. creditor, Consumer Portfolio Services, Inc.)

Docket 9

Tentative Ruling:

1/12/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(c)(3)(A) provides that

(3) if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)--
(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

Here, Debtor had a previous Chapter 7 case dismissed on May 15, 2020, less than one year before the instant case was filed on December 7, 2020. Debtor not having filed a motion to continue the automatic stay, the automatic stay expired on January 6, 2021. Therefore, the automatic stay no longer being in effect, the Court is inclined to DENY the motion as MOOT.

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

Tuesday, January 12, 2021

Hearing Room 303

11:00 AM

CONT... Tinishia Thomas

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tinishia Thomas	Pro Se
-----------------	--------

Movant(s):

Consumer Portfolio Services, Inc.	Represented By Erica T Loftis Pacheco
-----------------------------------	--

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 12, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#6.00 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,
11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20,
7/29/20, 9/30/20

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. John Larson)

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 12, 2021

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#7.00 CONT Confirmation of Chapter 11 Plan

From: 1/14/20, 2/25/20, 8/25/20

Also #8

EH__

(Tele. appr. Nicholas Gebelt, rep. Debtor, Markus Anthony Boyd)

Docket 179

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, January 12, 2021

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#8.00 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, 11/27/18, 2/5/19, 5/7/19, 7/30/19, 10/8/19,
10/29/19, 1/14/20, 2/25/20, 8/25/20

Also #7

EH__

(Tele. appr. Nicholas Gebelt, rep. Debtor, Markus Anthony Boyd)

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, January 13, 2021

Hearing Room 303

11:00 AM

6:11-19270 Rene Antonio Ferrer and Lucia Margarita Lopez

Chapter 7

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

EH__

(Tele. appr. Robert Goe, rep. trustee, Steven M. Speier)

Docket 90

Tentative Ruling:

1/13/2021

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and 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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$6,100
Trustee Expenses: \$22.40

Attorney Fees: \$25,000
Attorney Costs: \$524

As to the Application by Karl T. Anderson, CPA, Inc., the Court notes the following problems:

1. The time entries for 2/25/20, 6/19/20, and 6/22/20 are lumped;
2. The time entries for 2/27/20 and 3/18/20 appear excessive given that there is extremely little in the Applicant's employment application that is tailored to this case, and otherwise it appears a form was used;
3. The time entries on 4/15/20 regarding setup on Lacerte tax software appear excessive and vague;

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT... Rene Antonio Ferrer and Lucia Margarita Lopez Chapter 7

4. The time entries on 5/21/20 appear excessive;
5. The time entries on 6/19/20, 6/22/20, 6/23/20, and 6/23/20 as to 5.5 hours for preparing 2020 federal and state tax returns appear excessive. It is also unclear why such returns were subject to a "technical and compliance" review by Mr. Savage; and
6. The time entry for 6/30/20 for preparing a fee application appears excessive given the substance of the application. The Court notes the draft could and should have been prepared by a paralegal.

On this basis the Application is DENIED in its entirety without prejudice. Applicant may refile with copies of underlying documentation including redacted copies of tax returns, state prompt determination request letters, and other underlying documentation as warranted.

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

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, January 13, 2021

Hearing Room 303

11:00 AM

6:16-20298 Donald Sutcliffe

Chapter 7

#2.00 Stipulation Between Chapter 7 Trustee, Canada Revenue Agency, and Internal Revenue Service Re: Distribution of Proceeds from Sale of Real Property and Consent to Form of Order Approving Compromise Between Trustee and IRS

*Placed on calendar by order signed 12/22/20

EH__

Docket 178

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Sutcliffe

Pro Se

Movant(s):

John P Pringle (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang

Trustee(s):

John P Pringle (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

6:17-20092 Mark Bastorous and Bernadette Shenouda

Chapter 7

#3.00 Trustee's Motion (1) Authorizing Sale of Real Property Free and Clear of Liens, Claims, and Interests Pursuant to 11 U.S.C. §§ 363(b) and (f); (2) Approving Overbid Procedures; (3) Approving buyer, Successful Bidder, and Back-Up Bidder as Good-Faith Purchaser Pursuant to 11 U.S.C. § 363(m); and (4) Authorizing Payment of Undisputed Liens, Real Estate Broker's Commissions and other Ordinary Costs of Sale

[13834 Huntervale Drive, Eastvale, CA. 92880 - APN: 144-530-004]

EH__

Docket 254

Tentative Ruling:

1/13/2021

Service: Proper
Opposition: None

BACKGROUND

On December 8, 2017, Mark and Bernadette Bastorous ("Debtors") filed a Chapter 7 voluntary petition, listing an interest in the real property located at 13834 Huntervale Drive, Eastvale, CA 92880 (the "Property") with a value of \$586,000. Debtors claimed a homestead exemption in the amount of \$100,000.

Debtor, however, made two fraudulent transfers with respect to the Property that were subsequently avoided by the Trustee: 1) On February 9, 2017, Debtor voluntarily executed a Promissory Note in the amount of \$240,000 secured by a Deed of Trust against the Property in favor of Anwar Wagdy ("Wagdy lien") 2) On March 14, 2017, Debtors transferred the Property to Violete Shenouda ("Violete") and received no value in exchange.

On September 7, 2018, Trustee filed a complaint against Violete and Wagdy

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

commencing adversary proceeding no. 6:18-ap-01174-MH. On April 14, 2020, the Court entered an order approving a settlement agreement between each of the Defendants. The transfer to Violete would be avoided and Wagdy would receive \$23,000 from the sale of the Property. On May 4, 2020, judgements were entered on these terms.

On October 20, 2020, the Court entered a turnover order providing, *inter alia*, that Debtors vacate the Property within 2 days of closing if the Property is sold. On October 27, 2020, the Court approved the employment of Neiman Realty, Inc. as real estate broker and a proposed sales commission in the amount of 6%. The listing agreement was for a sales price of \$699,000.

On December 22, 2020, Trustee filed the instant sale motion. Trustee proposes to sell the Property to Yin Yang (the "Purchaser") for \$700,000 (one of two offers, the lesser in the amount of \$680,000). Proposed payments from the sale proceeds include: (1) \$42,000 for real estate commission; (2) \$10,418.56 for other closing costs; (3) \$353,102.00 for the secured claim of Nationstar Mortgage; and (4) \$23,000 for Wagdy's settlement; (5) \$240,000 for the avoidable lien as a credit to the estate; (6) \$1,311.15 for the Eastvale Downs HOA lien; (7) \$29,356.76 to the IRS. This provides \$240,000 for the bankruptcy estate, because the Wagdy lien, as a "consensual lien" is not vulnerable to the homestead exemption.

On December 30, 2020, Nationstar Mortgage filed a response in non-opposition of Trustee's motion, requesting that any order entered on the motion include the language listed in its response with respect to its requirement that the full claim be paid off from the sale.

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

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

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 evidence of the Property's marketing, which the Court deems sufficient to establish the reasonableness of the sale. Specifically, the Court notes that Trustee employed a real estate broker to begin marketing the Property in October 2020 and obtained a sales price in about the amount of the listing agreement.

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 sale price exceeds the aggregate value of the liens encumbering the Property and, therefore, § 363(f)(3) permits Trustee to sell the Property free and clear of liens.

With respect to the homestead exemption, 11 U.S.C. § 522(g)(1) states that:

(g) Notwithstanding sections 550 and 551 of this title, the debtor may exempt under subsection (b) of this section property that the trustee recovers under section 510(c)(2), 542, 543, 550, 551, or 553 of this title, to the extent that the debtor could have exempted such property under subsection (b) of this section

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT...

Mark Bastorous and Bernadette Shenouda

Chapter 7

if such property had not been transferred, if--

(1)(A) such transfer was not a voluntary transfer of such property by the debtor; and

(B) the debtor did not conceal such property; or

Trustee recovered and preserved the Violete and Wadgy transfers pursuant to Sections 541, 544, 549, 548, 550, 551. Debtors had voluntarily transferred the Property. As Debtors do not meet the first requirement, Debtors are not entitled to a homestead exemption in the Property.

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 6% in the amount of \$42,000 and finds such compensation to be reasonable in the circumstances.

Finally, the Court has reviewed the declarations of the Purchaser 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 subject to any overbids being received.

APPEARANCES REQUIRED.

Party Information

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P Pringle (TR)

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, January 13, 2021

Hearing Room 303

11:00 AM

6:19-14470 Ralph D. Winn and Stacey A. Winn

Chapter 7

#4.00 Trustee's Objection to Claim Number 2 by Claimant Winland Electronics, Inc.

EH__

Docket 62

Tentative Ruling:

1/13/2021

BACKGROUND:

On May 23, 2019, Ralph and Stacey Winn ("Debtors") filed a Chapter 7 voluntary petition. Debtors received a discharge on November 4, 2019.

Winland Electronics, Inc. ("Claimant") filed a proof of claim in the amount of \$2,431.80 ("Claim 2") on July 29, 2019. In the instant motion, Trustee objects to Claim 2 on the basis that it is barred under California law, C.C.P. § 337, by the statute of limitations, as the last invoice is dated December 1, 2014, over four years prior to the filing of the petition.

DISCUSSION:

A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). 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**

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT... **Ralph D. Winn and Stacey A. Winn**

Chapter 7

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.

Pursuant to 11 U.S.C. § 502(b)(1) claim objections may be based on non-bankruptcy law. § 502(b)(1) provides:

- (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;

11 U.S.C. § 502(b)(1) (emphasis added). Accordingly, "[a] claim cannot be allowed if it is unenforceable under non-bankruptcy law." *Diamant v. Kasparian* (in re Southern Cal. Plastics, Inc.), 165 F.3d 1243, 1247 (9th Cir. 1999).

Here, pursuant to the applicable non-bankruptcy law, C.C.P. § 337, Claim 2 is barred

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

CONT... Ralph D. Winn and Stacey A. Winn

Chapter 7

by the four-year statute of limitations, as the last payment was made over six years ago. Therefore, the Court is inclined to find that Trustee has met his burden in objecting to the validity of the claim.

Further, the Court notes that service was proper and no opposition was filed, 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 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):

Ralph D. Winn

Represented By
Douglas A Plazak

Joint Debtor(s):

Stacey A. Winn

Represented By
Douglas A Plazak

Movant(s):

Howard B Grobstein (TR)

Represented By
Leonard M Shulman
Melissa Davis Lowe

Trustee(s):

Howard B Grobstein (TR)

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, January 13, 2021

Hearing Room 303

11:00 AM

6:19-18084 Ignacio Lenin Prado

Chapter 7

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

EH__

Docket 37

Tentative Ruling:

1/13/2021

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: \$1,061.32
Trustee Expenses: \$0.00

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):

Ignacio Lenin Prado

Represented By
Edgar P Lombera

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, January 13, 2021

Hearing Room 303

11:00 AM

6:19-19544 Steven K Jones and Therese Leigh Jones

Chapter 7

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

EH__

Docket 40

Tentative Ruling:

1/13/2021

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: \$613.25
Trustee Expenses: \$0.00

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):

Steven K Jones

Represented By
Neil R Hedtke

Joint Debtor(s):

Therese Leigh Jones

Represented By
Neil R Hedtke

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, January 13, 2021

Hearing Room 303

11:00 AM

CONT... Steven K Jones and Therese Leigh Jones

Chapter 7

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

Wednesday, January 13, 2021

Hearing Room 303

11:00 AM

6:20-11014 Elfreda Andaya Macasieb

Chapter 7

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

EH__

Docket 26

Tentative Ruling:

1/13/2021

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: \$1,550
Trustee Expenses: \$119.15

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):

Elfreda Andaya Macasieb

Represented By
Suzette Douglas

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 13, 2021

Hearing Room 303

11:00 AM

6:20-15446 Brookville 79405 Inc

Chapter 11

#8.00 Motion For Sanctions Against William E. Walls and Thomas J. Downie, Including Monetary Sanctions and Attorney Fees, Pursuant to Federal Rule of Bankruptcy Procedure 9011

EH____

Docket 31

***** VACATED *** REASON: ATTORNEY TO RENOTICE FOR
VIABLE HEARING DATE AND TIME**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brookville 79405 Inc

Represented By
William E Walls

Movant(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

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

Wednesday, January 13, 2021

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

#9.00 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))

(HOLDING DATE)

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/28/20

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

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

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Maria C Armenta

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**

Wednesday, January 13, 2021

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,

#10.00 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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 3/4/20, 4/29/20, 7/29/20, 9/30/20

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

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

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Mark S Horoupian
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**

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#11.00 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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20

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**

Wednesday, January 13, 2021

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,

#12.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/20/20, 9/30/20

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

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

Wednesday, January 13, 2021

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**

Wednesday, January 13, 2021

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

#13.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20

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

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

Wednesday, January 13, 2021

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**

Wednesday, January 13, 2021

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

#14.00 CONT 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)

From: 7/10/18, 2/27/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20

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
Mark S Horoupan

Trustee(s):

David M Goodrich (TR)

Represented By

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

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

CONT...

Allied Injury Management, Inc.

Mark S Horoupian
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**

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#15.00 CONT Motion to Dismiss Adversary Proceeding

From 9/30/20

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, January 13, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#16.00 CONT Status Conference: 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, 11/14/18, 1/30/19, 2/27/19, 6/12/19, 7/10/19, 1/15/20, 4/22/20, 9/30/20, 11/18/20

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

Bernadette Shenouda

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

Mona Gerges

Represented By

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

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Louis J Esbin

Rafat 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, January 13, 2021

Hearing Room 303

2:00 PM

6:20-11280 Phillip Carl Noble

Chapter 7

Adv#: 6:20-01103 Pavon-Arita v. Noble et al

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01103. Complaint by Jose Eduardo Pavon-Arita against Phillip Carl Noble. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Bosse, Gregory)

From: 7/22/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Defendant(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Juana Julian Noble

Represented By
Todd L Turoci

Joint Debtor(s):

Juana Julian Noble

Represented By
Todd L Turoci

Plaintiff(s):

Jose Pavon-Arita

Represented By
Gregory L Bosse

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

Wednesday, January 13, 2021

Hearing Room 303

2:00 PM

CONT... Phillip Carl Noble

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 19, 2021

Hearing Room 303

11:00 AM

6:19-20408 Juan Carlos De La Cruz and Claudia Veronica De La Cruz Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 3465 Tipperary Way, Riverside, CA 92506

MOVANT: LAKEVIEW LOAN SERVICING, LLC

From: 12/15/20

EH__

Docket 72

Tentative Ruling:

12/15/2020

**Service: Proper
Opposition: Debtors**

Movant to apprise the Court of the status of arrears and parties to apprise the Court of the status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan Carlos De La Cruz

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Claudia Veronica De La Cruz

Represented By
Sanaz Sarah Bereliani

Movant(s):

Lakeview Loan Servicing, LLC

Represented By

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

Tuesday, January 19, 2021

Hearing Room 303

11:00 AM

**CONT... Juan Carlos De La Cruz and Claudia Veronica De La Cruz
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, January 19, 2021

Hearing Room 303

11:00 AM

6:20-11946 Michelle Cadena Quinn

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3656 N Valley Court, San Bernardino, California 92407

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

From: 12/1/20

EH__

Docket 52

Tentative Ruling:

12/1/2020

**Service: Proper
Opposition: None**

Parties to apprise the Court of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michelle Cadena Quinn

Represented By
Steven A Alpert

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

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 19, 2021

Hearing Room 303

11:00 AM

CONT... Michelle Cadena Quinn

Chapter 13

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

Tuesday, January 19, 2021

Hearing Room 303

11:00 AM

6:20-12151 Armando Guzman

Chapter 13

#3.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 29351 Summerset Drive, Menifee, CA 92586

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 12/15/20

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Freedom Mortgage Corporation)

Docket 41

***** VACATED *** REASON: ORDER ENTERED 1/4/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Armando Guzman

Represented By
Daniel King

Movant(s):

Freedom Mortgage Corporation

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, January 19, 2021

Hearing Room 303

11:00 AM

6:20-17497 Gabriel P Den Hartog and Todd A Den Hartog

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Toyota Prius, V.I.N. JTDKN3DU4F0472784

MOVANT: PARTNERS FEDERAL CREDIT UNION

EH__

Docket 11

Tentative Ruling:

1/19/2021

Service: Proper
Opposition: Yes

Parties to apprise the Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gabriel P Den Hartog

Represented By
Gary J Holt

Joint Debtor(s):

Todd A Den Hartog

Represented By
Gary J Holt

Movant(s):

Partners Federal Credit Union

Represented By
Yuri Voronin

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

Tuesday, January 19, 2021

Hearing Room 303

11:00 AM

CONT... Gabriel P Den Hartog and Todd A Den Hartog

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, January 19, 2021

Hearing Room 303

11:00 AM

6:20-17568 Guillermo Lopez Arellano

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Ford F-150, VIN: 1FTEW1CP9FKD59573

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance)

Docket 7

Tentative Ruling:

1/19/2021

Service: Proper
Opposition: Yes

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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.

In granting stay relief the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

Party Information

Debtor(s):

Guillermo Lopez Arellano

Represented By

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

Tuesday, January 19, 2021

Hearing Room 303

11:00 AM

CONT... Guillermo Lopez Arellano

Chapter 7

Gregory M Shanfeld

Movant(s):

TD Auto Finance LLC

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, January 19, 2021

Hearing Room 303

2:00 PM

6:20-15446 Brookville 79405 Inc

Chapter 11

#6.00 Motion For Sanctions Against William E. Walls and Thomas J. Downie, Including Monetary Sanctions and Attorney Fees, Pursuant to Federal Rule of Bankruptcy Procedure 9011

EH____

(Tele. appr. Arturo Cisneros, trustee)

Docket 31

Tentative Ruling:

1/19/2021

Service: Proper
Opposition: None

BACKGROUND

On August 11, 2020, Brookville 79405 Inc. ("Debtor") filed a chapter 11 petition that is the subject of the instant motion. Debtor had incorporated in California the day before its filing on August 10, 2020 through its counsel, William E. Walls ("Walls"). Debtor's principal is Thomas J. Downie ("Downie"). On September 9, 2020, Alexis Downie, trustee of The Brookville Trust ("Trust") conveyed the real property located at 79405 Brookville, La Quinta, CA to Debtor without authorization.

The Court takes judicial notice that on September 17, 2020, Rama Fund, LLC ("Creditor") moved for relief from stay requesting a bad faith determination under § 362(d)(4) citing the unauthorized transfer and multiple previous bankruptcies affecting the Property. In the interim, Debtor's case was dismissed with a 180-day bar to refile on September 29, 2020 for failure to comply with the Court's scheduling order. The Court retained jurisdiction over sanction and § 362(d) motions. On October 14, 2020, the Court entered an order granting Creditor's motion finding the petition was filed in bad faith.

The Property had been the subject of three previous bankruptcies, two filed by Billie Jo

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

Tuesday, January 19, 2021

Hearing Room 303

2:00 PM

CONT... Brookville 79405 Inc

Chapter 11

Frye ("Frye") and one filed by the Trust. Frye had conveyed her interest in the Property to herself, as trustee, on March 18, 2014. On August 16, 2019, Creditor recorded a notice of default against the Property based on Frye's default. Frye filed the first bankruptcy petition on January 28, 2020 as a chapter 13 in Los Angeles. The case was subsequently dismissed for failure to file schedules.

Frye's second chapter 13 bankruptcy petition was filed on March 3, 2020 again in Los Angeles and dismissed again for the same reasons as the first case. On April 7, 2020, as the third attempt, the Trust attempted to file a chapter 11 petition. Its case was dismissed on June 5, 2020 at the request of the Office of the U.S. Trustee based on the Trust's ineligibility to be a debtor under 11 U.S.C. § 109.

On January 1, 2021, Trustee Arturo Cisneros ("Trustee") filed the instant motion moving the Court to impose sanctions against Walls and Downie in the total amount of \$9,746.85, specifically \$7,746.85 to be paid to Movant for fees and costs incurred, and \$2,000 to be paid into the Court Registry on the basis that Debtor's chapter 11 petition was frivolous and for an improper purpose. Trustee contends that the successive filings were to frustrate Creditor's efforts to foreclose.

DISCUSSION

Fed. R. Bankr. P. 9011(c)(1)(A) authorizes a court to impose sanctions on a party's motion, as follows:

A motion for sanctions under this rule shall be made separately from other motions or requests and shall describe the specific conduct alleged to violate subdivision (b). It shall be served as provided in Rule 7004. *The motion for sanctions may not be filed with or presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected, except that this limitation shall not apply if the conduct alleged is the filing of a petition in violation of subdivision (b).* If warranted, the court may award to the party prevailing on the motion the reasonable expenses and attorney's fees incurred in presenting or opposing the motion. Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.

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

Tuesday, January 19, 2021

Hearing Room 303

2:00 PM

CONT... Brookville 79405 Inc

Chapter 11

Fed. R. Bankr. P. 9011(c)(1)(A) (emphasis added).

Here, the 21-day safe harbor limitation does not apply, as Movant is seeking sanctions for conduct in violation of Subsection b. *Id.*, see also *In re Silberkraus*, 336 F.3d 864, 868 (9th Cir. 2003) ("The clear import of [[Fed. R. Bankr.P. 9011\(c\)\(1\)\(A\)](#)] is that the mandatory 21 day safe harbor rule does not apply to the filing of the initial petition."). Subdivision (b) provides, in relevant part:

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,1]--

(1) it is not being presented for any *improper purpose*, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

Fed. R. Bankr. P. 9011(b) (emphasis added).

In determining whether sanctions are warranted under Rule 9011(b), the Court "must consider both frivolousness and improper purpose on a sliding scale, where the more compelling the showing as to one element, the less decisive need be the showing as to the other." *In re Silberkraus*, 336 F.3d at 870 *citing to In re Marsch*, 36 F.3d 825, 830 (9th Cir.1994). "A frivolous paper is one that is both baseless and made without a reasonable and competent inquiry. That is, it is neither well-grounded in fact and warranted by existing law nor a good faith argument for the extension, modification, or reversal of existing law." *In re Flashcom, Inc.*, 503 B.R. 99, 127 (C.D. Cal. 2013), *aff'd*, 647 Fed. Appx. 689 (9th Cir. 2016)(unpublished) *citing to In re Brooks–Hamilton*, 400 B.R. 238, 252 (9th Cir. BAP 2009). "An attorney files a paper for an improper purpose if he or she files it to harass or to cause unnecessary delay or needless increase in the cost of litigation." *Id.* at 132.

Here, Trustee has shown that the petition was both frivolous and filed for the improper purpose of deterring the Creditor. As Trustee argued, Debtor did not file the petition for the purposes of reorganization, as it was formed one day prior to filing the petition and had no debts to reorganize. Moreover, the petition was filed simply to delay the Creditor from foreclosing on the Property because Debtor transferred the Property to the estate

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

Tuesday, January 19, 2021

Hearing Room 303

2:00 PM

CONT... Brookville 79405 Inc

Chapter 11

after it filed the petition, *after* previously failing three times to similarly attempt to frustrate the Creditor through improper bankruptcy filings. Additionally, the Court has found that the petition was filed in bad faith when ruling on Creditor's relief from stay motion. Clearly, the petition was baseless filed for the purposes of causing unnecessary delay and resulting in needless litigation costs.

Fed. R. Bankr. P. 9011(c)(2) allows the Court to impose sanctions, as follows:

A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), the sanction may consist of, or include, directives of a nonmonetary nature, *an order to pay a penalty into court*, or, if imposed on motion and warranted for effective deterrence, *an order directing payment to the movant of some or all of the reasonable attorneys' fees and other expenses incurred as a direct result of the violation.*

Fed. R. Bankr. P. 9011(c)(2) (emphasis added).

On these facts, given the four successive bankruptcy filings, unauthorized Property transfer, and baseless chapter 11 petition, it is appropriate to require that Walls and Downie, the parties responsible, pay a court penalty and reimburse Trustee for his fees and costs to effectively deter future and similar conduct.

Moreover, pursuant to Local Rule 9013-1(h), the Court may and does deem the failure to oppose the motion as consent to the requested relief.

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety, and ORDER William E. Walls and Thomas J. Downie to pay sanctions in the following amounts:

To Trustee: \$7,746.85

To the Court: \$2,000

APPEARANCES REQUIRED.

Party Information

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

Tuesday, January 19, 2021

Hearing Room 303

2:00 PM

CONT... Brookville 79405 Inc

Chapter 11

Debtor(s):

Brookville 79405 Inc

Represented By
William E Walls

Movant(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

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

Wednesday, January 20, 2021

Hearing Room 303

10:00 AM

6:20-17645 Dolores D Gracia

Chapter 7

#1.00 CONT. Reaffirmation Agreement with 21st Mortgage Corporation, in the amount of \$16,742.56 re: 1977 Lancer Manufactured Home

From: 1/6/21

EH__

(Tele. appr. Mark S. Blackman, rep. creditor, 21st Mortgage Corporation)

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dolores D Gracia

Represented By
Daniel King

Movant(s):

21st Mortgage Corporation

Represented By
Amy Dukes

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, January 20, 2021

Hearing Room 303

11:00 AM

6:15-14230 Home Security Stores, Inc.

Chapter 7

#2.00 Chapter 7 trustee's Motion to Disallow Claims No. 2 of EasternCCTV as Unsupported

Also #3

EH__

(Tele. appr. John Pringle, chapter 7 trustee)

Docket 138

Tentative Ruling:

1/20/2021

BACKGROUND:

On April 28, 2015, Home Security Stores, Inc. ("Debtor") filed a Chapter 7 voluntary petition. On May 4, 2015, Trustee filed a notice of assets, implementing a claims bar deadline of August 7, 2015.

On May 15, 2015, Eastern CCTV ("Eastern") filed a proof of claim for an unsecured claim in the amount of \$6,793.51 ("Claim 2"). On August 10, 2015, Bay Alarm Company ("Bay Alarm") filed a proof of claim for an unsecured claim in the amount of \$36 ("Claim 28").

On December 17, 2020, Trustee filed: (a) a motion to disallow claim 2; and (b) a motion to allow Claim 28 as late-filed. The Court has not received opposition to either

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.
motion.

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.

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

ANALYSIS:

A. Claim 2

Regarding Claim 2, Trustee argues that the claim should be disallowed because it is not supported by any documentation.

FED. R. BANKR. P. Rule 3001(c)(1) provides that "when a claim . . . is based on a writing, a copy of the writing shall be filed with the proof of claim." Here, Claim 2 is for goods sold and is in the amount of \$6,793.51. Therefore, Rule 3001(c)(1) likely applies to Claim 2.

FED. R. BANKR. P. Rule 3001(f) provides that: "A proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." By implications, claims which are not filed in accordance with Rule 3001 are not entitled to prima facie validity. *See, e.g., In re Heath*, 331 B.R. 424 (B.A.P. 9th Cir. 2005).

Therefore, there being no presumption that Claim 2 is entitled to validity, and Eastern not having filed any 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 disallow Claim 2.

B. Claim 28

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

Regarding Claim 28, 11 U.S.C. § 726(a)(3) states:

(a) Except as provided in [section 510](#) of this title, property of the estate shall be distributed—

(3) third, in payment of any allowed unsecured claim proof of which is tardily filed under section 501(a) of this title, other than a claim of the kind specified in paragraph (2)(C) of this subsection;

11 U.S.C. § 726(a)(3).

Here, Claim 28 was filed three days after the claims bar deadline, and is therefore late. The Court is concerned, however, that the instant motion does not actually raise a justiciable case or controversy. *See, e.g., DaimlerChrysler Corp v. Cuno*, 547 U.S. 332, 341 (2006) (limiting jurisdiction to actual cases or controversies). Additionally, because this motion seeks a classification under § 726, but the Court approves a trustee's proposed order of distribution under § 726 in the context of a hearing on the Trustee's final report, this motion appears to be unnecessary.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection to Claim 2, disallowing the claim in its entirety, and OVERRULE the objection to Claim 28 as not yet ripe.

APPEARANCES REQUIRED.

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, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

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, January 20, 2021

Hearing Room 303

11:00 AM

6:15-14230 Home Security Stores, Inc.

Chapter 7

#3.00 Chapter 7 Trustee's Motion to Allow Claim 28 of Bay Alarm Company as Late Filed Allowable Against Surplus Funds Only

Also #2

EH__

(Tele. appr. John Pringle, chapter 7 trustee)

Docket 140

Tentative Ruling:

1/20/2021

BACKGROUND:

On April 28, 2015, Home Security Stores, Inc. ("Debtor") filed a Chapter 7 voluntary petition. On May 4, 2015, Trustee filed a notice of assets, implementing a claims bar deadline of August 7, 2015.

On May 15, 2015, Eastern CCTV ("Eastern") filed a proof of claim for an unsecured claim in the amount of \$6,793.51 ("Claim 2"). On August 10, 2015, Bay Alarm Company ("Bay Alarm") filed a proof of claim for an unsecured claim in the amount of \$36 ("Claim 28").

On December 17, 2020, Trustee filed: (a) a motion to disallow claim 2; and (b) a motion to allow Claim 28 as late-filed. The Court has not received opposition to either

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.
motion.

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.

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

ANALYSIS:

A. Claim 2

Regarding Claim 2, Trustee argues that the claim should be disallowed because it is not supported by any documentation.

FED. R. BANKR. P. Rule 3001(c)(1) provides that "when a claim . . . is based on a writing, a copy of the writing shall be filed with the proof of claim." Here, Claim 2 is for goods sold and is in the amount of \$6,793.51. Therefore, Rule 3001(c)(1) likely applies to Claim 2.

FED. R. BANKR. P. Rule 3001(f) provides that: "A proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." By implications, claims which are not filed in accordance with Rule 3001 are not entitled to prima facie validity. *See, e.g., In re Heath*, 331 B.R. 424 (B.A.P. 9th Cir. 2005).

Therefore, there being no presumption that Claim 2 is entitled to validity, and Eastern not having filed any 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 disallow Claim 2.

B. Claim 28

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

Regarding Claim 28, 11 U.S.C. § 726(a)(3) states:

(a) Except as provided in [section 510](#) of this title, property of the estate shall be distributed—

(3) third, in payment of any allowed unsecured claim proof of which is tardily filed under section 501(a) of this title, other than a claim of the kind specified in paragraph (2)(C) of this subsection;

11 U.S.C. § 726(a)(3).

Here, Claim 28 was filed three days after the claims bar deadline, and is therefore late. The Court is concerned, however, that the instant motion does not actually raise a justiciable case or controversy. *See, e.g., DaimlerChrysler Corp v. Cuno*, 547 U.S. 332, 341 (2006) (limiting jurisdiction to actual cases or controversies). Additionally, because this motion seeks a classification under § 726, but the Court approves a trustee's proposed order of distribution under § 726 in the context of a hearing on the Trustee's final report, this motion appears to be unnecessary.

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection to Claim 2, disallowing the claim in its entirety, and OVERRULE the objection to Claim 28 as not yet ripe.

APPEARANCES REQUIRED.

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, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Home Security Stores, Inc.

Chapter 7

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, January 20, 2021

Hearing Room 303

11:00 AM

6:19-18512 Belinda Torres

Chapter 7

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

EH__

Docket 29

Tentative Ruling:

1/20/2021

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: \$ 597.25

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):

Belinda Torres

Represented By
Michael L Kellogg

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, January 20, 2021

Hearing Room 303

11:00 AM

6:19-18841 Donald Edward Phoenix, Jr. and Crystal Dawn Phoenix

Chapter 7

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

EH__

Docket 24

Tentative Ruling:

1/20/2021

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: \$ 1,388.44
Trustee Expenses: \$ 90.70

The above fees represent a \$.01 reduction pursuant to the calculation required by 11 U.S.C. § 326(a).

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):

Donald Edward Phoenix Jr.

Represented By
Stuart G Steingraber

Joint Debtor(s):

Crystal Dawn Phoenix

Represented By
Stuart G Steingraber

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Donald Edward Phoenix, Jr. and Crystal Dawn Phoenix

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, January 20, 2021

Hearing Room 303

11:00 AM

6:20-16477 Jagjit Singh

Chapter 7

#6.00 Creditor, New Falls Corporation Motion to Extend Time for filing complaint objecting to discharge of Debtor and/or dischargeability of a debt

EH__

(Tele. appr. Mark N. Strom, rep. Judgment Creditor, New Falls Corporation)

Docket 23

Tentative Ruling:

1/20/21

BACKGROUND

On September 25, 2020, Jagjit Singh ("Debtor") filed a Chapter 7 voluntary petition. On November 18, 2020, the Court authorized a Rule 2004 examination of Debtor by New Falls Corporation ("Creditor"). On November 30, 2020, the Court authorized a Rule 2004 examination of Debtor's employer by Creditor. On December 24, 2020, Creditor filed a motion to extend the deadlines for filing a complaint objecting to discharge and for filing a non-dischargeability complaint.

Creditor's motion asserts that Creditor obtained a judgment against Debtor in state court in the amount of \$62,306 on September 26, 2019. Creditor also asserts that Debtor accumulated approximately \$140,000 in credit card debt in the eighteen months preceding the instant bankruptcy filing.

Creditor held a Rule 2004 examination on December 14, 2020. Creditor states that at the Rule 2004 examination, Debtor did not provide many of the required documents. The parties agreed to continue the examination for not less than thirty days for Debtor

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... Jagjit Singh

Chapter 7

to obtain the remaining documents. The original Rule 2004 examination, however, was held only fourteen days prior to the Rule 4004(a) and Rule 4007(c) deadlines.

DISCUSSION

FED. R. BANKR. P. Rule 4007(c) states:

Except as otherwise provided in subdivision (d), a complaint to determine the dischargeability of a debt under § 523(c) shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a). The court shall give all creditors no less than 30 days' notice of the time so fixed in the manner provided in Rule 2002. On motion of a party in interest, after hearing on notice, the court may for cause extend the time fixed under this subdivision. The motion shall be filed before the time has expired.

Similarly, FED. R. BANKR. P. Rule 4004(b)(1) provides: "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."

Here, Creditor timely filed a motion to extend the deadline. The Court finds that Creditor has established cause for an extension under Rule 4007(c). Specifically, Creditor has established that it moved promptly to request information to enable it to analyze Debtor's financial affairs. Nevertheless, for the reasons stated in the motion, Debtor has not yet provided sufficient information. Debtor's lack of full cooperation in Creditor's discovery efforts constitutes cause for a brief extension. *See, e.g., In re McCormack*, 244 B.R. 203, 208 (Bankr. D. Conn. 2000). Therefore, the Court finds that Creditor's requested extension is warranted.

Furthermore, the Court deems Debtor's failure to file opposition to be consent to the

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

Wednesday, January 20, 2021

Hearing Room 303

11:00 AM

CONT... **Jagjit Singh**
relief requested pursuant to Local Rule 9013-1(h).

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion, extending the Rule 4004(a) and Rule 4007(c) deadlines to March 1, 2021.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jagjit Singh

Represented By
Keith Q Nguyen

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 20, 2021

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

Adv#: 6:19-01177 Issa v. Pisano

#7.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01177. Complaint by J. Michael Issa against Anthony Pisano. (13 (Recovery of money/property - 548 fraudulent transfer)) (Ignatuk, Joseph)

From: 2/25/20, 4/28/20, 6/9/20, 7/21/20, 8/25/20, 9/29/20, 11/24/20, 12/1/20

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/31/21 BY ORDER
ENTERED 1/11/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Defendant(s):

Anthony Pisano

Represented By
Scott P Schomer

Plaintiff(s):

J. Michael Issa

Represented By
Joseph R Ignatuk

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

Wednesday, January 20, 2021

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#8.00 Plaintiff's Motion for Default Judgment Under LBR 7055-1

EH__

(Tele. appr. Charles Daff, Plaintiff)

Docket 12

Tentative Ruling:

1/20/2021

BACKGROUND

On November 20, 2017, Sean Karadas ("Debtor") filed a Chapter 7 voluntary petition. On March 19, 2018, Debtor received his discharge.

On September 19, 2018, Trustee filed a motion for turnover of property of the estate. On October 24, 2018, the Court granted the motion, ordering Debtor to turn over \$327,653 in loan proceeds. On January 22, 2019, the Court issued an order to show cause why Debtor should not be held in contempt for failure to comply with the turnover order. After a hearing held on February 27, 2019, the Court found Debtor in contempt and sanctioned him an additional \$3,896.05. Debtor, however, took no action to purge the contempt and, on June 27, 2019, the Court issued a body detention order. The United States Marshals, however, have not yet located Debtor, reporting that he may have moved to Turkey.

On October 11, 2020, Trustee filed a complaint against Debtor seeking to revoke his discharge under 11 U.S.C. § 727(a)(6)(A). On November 17, 2020, the Court entered

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

Wednesday, January 20, 2021

Hearing Room 303

2:00 PM

CONT...

Sean Karadas

Chapter 7

Debtor's default. On December 14, 2020, Trustee filed a motion for default judgment.

DISCUSSION

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, Defendant was served at 8990 19th St., #296, Rancho Cucamonga, CA 91701. This address is incorrect – Defendant's address of record in the bankruptcy case is 8990 19th St., #294, Rancho Cucamonga, CA 91701. The Court notes that while apartment 296 was Debtor's listed address when he filed the petition, Debtor filed a change of address on May 29, 2018, switching his address to apartment 294.

TENTATIVE RULING

Trustee not having properly served Defendant with the summons and complaint (or the instant motion), the Court is inclined to DENY the motion without prejudice.

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

Wednesday, January 20, 2021

Hearing Room 303

2:00 PM

CONT... Sean Karadas

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Movant(s):

Charles W Daff (TR)

Pro Se

Charles W Daff (TR)

Pro Se

Plaintiff(s):

Charles W Daff (TR)

Pro Se

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, January 20, 2021

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#9.00 CONT. Status Conference re: Complaint by Charles W Daff (TR) against Sean Karadas). To Revoke and Deny Discharge of Debtor (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Daff (TR), Charles)

From: 12/16/20

EH__

(Tele. appr. Charles Daff, Plaintiff)

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):

Charles W Daff (TR)

Pro Se

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, January 20, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01084 Pringle v. Solomen

#10.00 Defendant's Motion to Dismiss Adversary Proceeding

EH__

Docket 13

***** VACATED *** REASON: ORDER DISMISSING CASE ENTERED
1/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Marcos Solomen

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Marcos Solomen

Represented By
Scott Talkov

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

Trustee(s):

John P Pringle (TR)

Represented By

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

Wednesday, January 20, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

David M Goodrich
Reem J Bello

Chapter 7

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

6:15-16079 Tracy Lynne Crooks

Chapter 13

#1.00 Motion to Deem Debtor Owner of Unclaimed Funds

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Tracy Crooks)

Docket 137

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracy Lynne Crooks

Represented By
Steven A Alpert

Movant(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**

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

6:17-12758 Luis A Jovel

Chapter 13

#2.00 Motion to substitute Debtor in as counsel in pro per, instead of current counsel of record

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 83

Tentative Ruling:

1/21/2021

Service: Proper

Opposition: None

Luis A. Jovel ("Debtor") filed a chapter 13 petition for relief on April 4, 2017. Debtor's chapter 13 plan was confirmed on July 7, 2017. In the instant motion, Debtor seeks to substitute his current attorney, Manfred Schroer, and continue in pro se.

The Court having reviewed the motion finds good cause shown. Additionally, as Debtor has been on plan for approximately four years, pursuant to LBR 2091-1 (e)(2), the Court finds that substitution should not cause unreasonable delay to the case. Therefore, the Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Luis A Jovel

Represented By
Manfred Schroer

Movant(s):

Luis A Jovel

Represented By

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT...

Luis A Jovel

Manfred Schroer

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 21, 2021

Hearing Room 303

11:00 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#3.00 Trustee's Motion to Dismiss Case

Also #4

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 92

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
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**

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#4.00 Debtors' Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #3

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 95

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Yolanda Denise Moore

Represented By
Christopher J Langley
Michael Smith

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... Joe Wallace Brown and Yolanda Denise Moore

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 21, 2021

Hearing Room 303

11:00 AM

6:17-17575 Terry Neil Gaia and Tamara Marie Devalle-Gaia

Chapter 13

#5.00 Debtors' Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #6

EH__

Docket 43

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
1/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Terry Neil Gaia

Represented By
Edward G Topolski

Joint Debtor(s):

Tamara Marie Devalle-Gaia

Represented By
Edward G Topolski

Movant(s):

Terry Neil Gaia

Represented By
Edward G Topolski

Tamara Marie Devalle-Gaia

Represented By
Edward G Topolski
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, January 21, 2021

Hearing Room 303

11:00 AM

6:17-17575 Terry Neil Gaia and Tamara Marie Devalle-Gaia

Chapter 13

#6.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21

Also #5

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 39

Tentative Ruling:

- NONE LISTED -

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**

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

6:18-20070 Alexander J Perfinowicz and Ingeborg Maria Pefinowicz Chapter 13

#7.00 Motion To Substitute Debtors In as Counsel in Pro Per, Instead of Current Counsel of Record

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 77

Tentative Ruling:

1/21/2021

Service: Proper

Opposition: None

Alexander J. and Ingeborg M. Perfinowicz ("Debtors") filed a chapter 13 petition for relief on November 29, 2018. Debtor's chapter 13 plan was confirmed on April 30, 2019. In the instant motion, Debtors seek to substitute their current attorney, Manfred Schroer, and continue in pro se.

The Court having reviewed the motion finds good cause shown. Additionally, as Debtors have been on plan for approximately three years, pursuant to LBR 2091-1 (e) (2), the Court finds that substitution should not cause unreasonable delay to the case. Therefore, the Court is inclined to GRANT the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alexander J Perfinowicz

Represented By
Manfred Schroer

Joint Debtor(s):

Ingeborg Maria Pefinowicz

Represented By
Manfred Schroer

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... Alexander J Perfinowicz and Ingeborg Maria Pefinowicz

Chapter 13

Movant(s):

Alexander J Perfinowicz

Represented By
Manfred Schroer

Ingeborg Maria Pefinowicz

Represented By
Manfred Schroer
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, January 21, 2021

Hearing Room 303

11:00 AM

6:19-18923 Tony Andy Garcia, II

Chapter 13

#8.00 Debtor's Objection to Proof of Claim Number 14 filed by Midland Credit Management, Inc.

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF OBJECTION FILED
1/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tony Andy Garcia II

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 21, 2021

Hearing Room 303

11:00 AM

6:20-10036 Tommy Mel Anderson and Lidia Elaine Anderson

Chapter 13

#9.00 Debtors' Motion to vacate dismissal

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. James Hornbuckle, rep. Debtors, Tommy and Lidia Anderson)

Docket 39

Tentative Ruling:

1/21/2021

Service: Proper
Opposition: None

BACKGROUND

On January 3, 2021, Tommy Mel and Lidia Elaine Anderson ("Debtors") filed a Chapter 13 voluntary petition. On April 3, 2020, Debtor's Chapter 13 plan was confirmed.

On October 6, 2020, Trustee filed an unopposed motion to dismiss for failure to make plan payments. On October 28, 2020, the Court dismissed the case.

On December 29, 2020, Debtors filed the instant motion to vacate dismissal citing FED. R. CIV. P. Rule 60(b), claiming it is appropriate to vacate the dismissal order due to Debtors excusable neglect of 1) not making plan payments, and 2) not responding to Counsel James D. Hornbuckle's attempt to contact them to discuss converting to a Chapter 7. The Court notes that Counsel's argument lacks legal analysis, and moreover, his citation to case law does not support his argument. Specifically, Counsel cites to an irrelevant case, *In re Krueger*, where, the court "reimposed" the automatic stay "upon entry of the order vacating the prior dismissal. *Id.*

On December 24, 2020, Trustee submitted comments indicating approval to vacate dismissal on the condition that Debtors convert to Chapter 7 within seven days after the

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... Tommy Mel Anderson and Lidia Elaine Anderson

Chapter 13

order vacating dismissal is entered.

DISCUSSION

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." Debtors argue that the case was dismissed due to their excusable neglect of their counsel, however; the Court notes, Counsel never opposed the motion to dismiss, which was the time to explain his intention to covert the case to a Chapter 7.

It is well established 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 semi-ordinary. On occasion, the requests are legally sound. Here, however, the evidence establishes 1) Debtors failed to make plan payments, which is precisely a *reason* to dismiss a case; 2) Counsel was unable to contact Debtors, and most significantly; 3) Counsel made no effort to oppose the motion to dismiss. In sum, the evidence amounts to a showing that Debtors and Counsel were merely inattentive to Trustee's motion to dismiss. Whatever neglect exists, is at best carelessness, and thus does not amount to "excusable." Accordingly, Debtors have failed to establish grounds for Rule 60(b) relief.

Moreover, the main reason that Debtors advance in support of vacating dismissal is so that they can convert the dismissed Chapter 13 case to a Chapter 7. The Court fails to see why it is necessary to vacate dismissal when Debtors can file a new petition under Chapter 7, particularly where Rule 60(b) relief is not warranted. For Debtors and Counsel to essentially plead "inattentiveness" to the bankruptcy process just to get another "bite of the apple," is an inappropriate plea for the use of the Court's equitable powers. Debtors can have their second bite, but through the same process that all debtors get their second chance—by filing a new petition.

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... Tommy Mel Anderson and Lidia Elaine Anderson

Chapter 13

TENTATIVE RULING

On the record before the Court and for the foregoing reasons, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tommy Mel Anderson

Represented By
James D. Hornbuckle

Joint Debtor(s):

Lidia Elaine Anderson

Represented By
James D. Hornbuckle

Movant(s):

Tommy Mel Anderson

Represented By
James D. Hornbuckle

Lidia Elaine Anderson

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, January 21, 2021

Hearing Room 303

11:00 AM

6:20-15440 Tushar Anthony Jansen and Mary Frances Jansen

Chapter 13

- #10.00** Motion for: Amended Motion for the following Orders:
- 1) For an order voiding IRS tax lien to be removed from the record;
 - 2) For an order that the plan is a 36-month plan, paying all secured and priority taxes owed to both the IRS and the State of California in full first; then up to a maximum 27% dividend to all approved unsecured claims in a total of 36 months;
 - 3) For an order that the court will be governed by and not the claim filed by the debtor on behalf of the IRS earlier on;
 - 4) For an order that the court acknowledge the IRS Proof of Claim of \$ 55,828.61 and order the trustee to pay immediately a) Secured tax sum of \$ 8,633.29 from existing accumulated funds and then b) Priority tax sum of \$ 36,055.87 as soon as possible along with State of California Priority taxes;
 - 5) For an order that the trustee shall pay the Franchise Tax Board of California the Priority tax sum of \$ 14,300.29 as soon as possible as a priority along with the IRS secured and priority taxes and not on a non-priority monthly basis spread over 36 months

EH___

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Mary Jansen, Debtor)

(Tele. appr. Tushar Jansen, Debtor)

Docket 53

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tushar Anthony Jansen

Pro Se

Joint Debtor(s):

Mary Frances Jansen

Pro Se

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... Tushar Anthony Jansen and Mary Frances Jansen

Chapter 13

Movant(s):

Tushar Anthony Jansen Pro Se

Mary Frances Jansen 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 21, 2021

Hearing Room 303

11:00 AM

6:20-16253 Jesus Pabloff and Virginia Pabloff

Chapter 13

#11.00 CONT. Confirmation of Chapter 13 Plan

EH__

From: 12/3/20

Also #12

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer George, rep. Debtors, Jesus and Virginia Pabloff)

(Tele. appr. Jolene Tanner, rep. creditor, United States of America)

Docket 2

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, January 21, 2021

Hearing Room 303

11:00 AM

6:20-16253 Jesus Pabloff and Virginia Pabloff

Chapter 13

#12.00 Debtors' Objection to Claim 7-1 filed by Internal Revenue Service

Also #11

EH__

(Tele. appr. Jolene Tanner, rep. creditor, United States of America)

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 35

Tentative Ruling:

1/21/2021

Service Proper
Opposition Filed

BACKGROUND:

On September 14, 2020, Jesus and Virginia Pabloff ("Debtors") filed a Chapter 13 voluntary petition. Debtors hearing to confirm their chapter 13 plan is set for January 21, 2021.

On October 9, 2020, the Internal Revenue Service ("IRS") filed a proof of claim in the total amount of \$169,454.84, comprised of a secured claim in the amount of \$112,807.17, unsecured priority claim in the amount of \$53,763.81, and an unsecured claim in the amount of \$2,883.86 ("Claim 7").

On December 14, 2020, Debtors filed this instant motion objecting to Claim 7. Debtors argue that the IRS failed to account for taxes already paid in their previous bankruptcy case, which was filed on May 23, 2018 and dismissed on June 8, 2020 ("Case 1"), and have factored in liens not included in the IRS's previous claim. **According to Debtors the total claim should be approximately \$149,714.49, and the secured portion should be \$9,850 plus any penalties and interest incurred.**

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... **Jesus Pabloff and Virginia Pabloff**

Chapter 13

In support of their contention, Debtors have provided a declaration stating that they have paid a total of \$98,680.82 towards the IRS's previous claim of \$188,853.86. In the previous claim, the total secured amount was \$17,175.04. According to the Trustee's final report, Debtors paid \$11,027.15 (\$9,850.25 in taxes + \$1,176.90 in penalties). Debtors also advance what appears to be an underdeveloped and unclear argument challenging the attachment of the secured liens, the entirety of which consists of these two statements:

1. The agent for the Creditor is stating he back dated the liens filed in 2017 to include the now secured liens on October 9, 2020, while the Debtor's[sic] are in active bankruptcy case.
2. The Creditor is asserting it has the ability to add liens into claims back date them and during the pendency of a bankruptcy case without Court approval.

Dkt. No. 35, Pg. 4.

On January 7, 2021, the IRS filed an opposition arguing Debtors' have not met their burden to overcome the prima facie validity of Claim 7. Additionally, upon reviewing Claim 7, in accordance with the Declaration of Rakesh Shah, **the IRS amended Claim 7 ("Claim 7-2") in the total amount of \$166,205.95**, determining Debtors' tax liability was \$3,248.89 less due to the previous payments. This amount accounts for tax liability and interest which accrued while Debtors were in their previous bankruptcy in years 2018 and 2019. Additionally, Debtors owe approximately \$12,602 for the 2020 tax year. **The amount owing on the secured claim portion is now \$109,558.28.** The secured liens appear to have arisen in the years 2014-2017 prior to the first petition. (Dkt. No. 41, IRS Ex. 2, pg. 23).

DISCUSSION:

A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). 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

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... **Jesus Pabloff and Virginia Pabloff**

Chapter 13

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.

Here, the totality of Debtors' evidence is their declaration pointing to the 2018 previous claim and the amounts paid to the Trustee. With respect to the previous payments, the IRS contends they have amended Claim 7 to account for those payments. However, the biggest discrepancy in the parties' assertions is the amount of the secured claim; Debtors argue the correct amount is \$9,850.25, but the IRS proof of Claim 7-2 shows the secured amount as **\$109,558.28**.

That the Debtors have provided the amount of the previous claim does not amount to a showing of "facts tending to defeat the IRS's claim by probative force equal to that of the allegations of the proofs of claim themselves." *See id.* In fact, Debtors fail to *actually show* how the evidence they provided attacks the validity of Claim 7. On that basis alone, the Court is inclined to find that Debtors have not met their burden in objecting to the validity of the claim.

In any case, in response to Debtors' contention that the federal tax liens attached presumably in violation of the stay, upon reviewing the proof of claim filed in Case 1 in

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

Thursday, January 21, 2021

Hearing Room 303

11:00 AM

CONT... **Jesus Pabloff and Virginia Pabloff** Chapter 13

comparison to the proof of Claim 7-2, the Court notes that the unsecured tax liability from Case 1 appears to have been "elevated" to secured. (*See* Dkt. No. 35, Debtors' Ex. 3, page 5 and Dkt. No. 41, IRS Ex. 2, pg. 23). As Case 1 was dismissed on June 8, 2020 and the present case was filed on September 14, 2020, Debtors had no bankruptcy protections to prevent the tax liens from attaching, as the IRS argues federal tax liens automatically attach to Debtors' property upon assessment. *See* 26 U.S.C. §§ 6321-22. Moreover, the notice of federal tax lien has a recording date of July 19, 2017. As there is enough equity in Debtors' property in the present case, the tax lien attaches. This explains the discrepancy between the previous secured claim amount and the present secured claim amount.

TENTATIVE RULING:

On the record before the Court and for the foregoing reasons, the Court is inclined to OVERRULE the objection as the Debtors have not met their burden, and also as MOOT given the IRS has filed amended Claim 7-2.

APPEARANCES REQUIRED.

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, January 21, 2021

Hearing Room 303

11:00 AM

6:20-17278 Angeline Matthews

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/18/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angeline Matthews

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, January 21, 2021

Hearing Room 303

11:00 AM

6:20-17279 Olga M De Gonzalez

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/23/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Olga M De Gonzalez

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, January 21, 2021

Hearing Room 303

11:00 AM

6:20-17348 Jack Kelly Jackson

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: CASE DISMISSED 11/24/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack Kelly Jackson

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 21, 2021

Hearing Room 303

11:00 AM

6:20-17405 Robert Esquivel, Jr. and Caryn Leslie Esquivel

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Esquivel Jr.

Represented By
Paul Y Lee

Joint Debtor(s):

Caryn Leslie Esquivel

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 21, 2021

Hearing Room 303

11:01 AM

6:15-17476 Michael Brian Goodrich, Sr. and Kimberly JoAnn Carter

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 185

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/28/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Brian Goodrich Sr.

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Kimberly JoAnn Carter

Represented By
Christopher J Langley
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**

Thursday, January 21, 2021

Hearing Room 303

11:01 AM

6:16-15479 David Becerra

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/11/21**

Tentative Ruling:

- NONE LISTED -

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**

Thursday, January 21, 2021

Hearing Room 303

11:01 AM

6:16-18546 Alexis I Barahona

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 120

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis I Barahona

Represented By
Christopher J Langley
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**

Thursday, January 21, 2021

Hearing Room 303

11:01 AM

6:16-21236 Ronald A Waters and Trisha Waters

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 121

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/14/21

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, January 21, 2021

Hearing Room 303

11:01 AM

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

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. John Brady, rep. Debtors, Bruce and Ann Ruggles)

Docket 211

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, January 21, 2021

Hearing Room 303

11:01 AM

6:18-10732 Calvin S. Winn and Diana M. Winn

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 105

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Calvin S. Winn

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Diana M. Winn

Represented By
Christopher J Langley
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**

Thursday, January 21, 2021

Hearing Room 303

11:01 AM

6:19-15353 Donald Ray Levier, Jr. and Antoinette Marie Levier

Chapter 13

#23.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Ray Levier Jr.

Represented By
D Justin Harelik

Joint Debtor(s):

Antoinette Marie Levier

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, January 21, 2021

Hearing Room 303

11:01 AM

6:19-15980 Jonathon Keith Stoner and Jacqueline Belinda Stoner

Chapter 13

#24.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtors, Jonathon and Jacqueline Stoner)

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple

Joint Debtor(s):

Jacqueline Belinda Stoner

Represented By
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, January 21, 2021

Hearing Room 303

11:01 AM

6:19-19255 Kimberley D Blevins

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 60

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
12/22/20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberley D Blevins

Represented By
Christopher J Langley
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**

Thursday, January 21, 2021

Hearing Room 303

11:01 AM

6:20-12307 Pamela M Bradford

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. James Hornbuckle, rep. Debtor, Pamela Bradford)

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela M Bradford

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**

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#1.00 CONT. Defendants' Motion For Summary Judgment

From: 1/6/21

EH__

(Tele. appr. Michael Corfield, rep. Defendants, Makar; Bebawy; Mikhael; Eskandar; John 2020 Enterprise; Labib; and Yassa)

(Tele. appr. David Goodrich, rep. Plaintiff John Pringle)

(Tele. appr. Andy Warshaw, rep. Defendant/Respondent, St. George Medical Office) - LISTEN ONLY

Docket 10

Tentative Ruling:

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from PIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. Statute of Limitations

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); *see also Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); *see also RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue, the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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, January 27, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#2.00 CONT. Defendant John 20/20 Enterprises, Inc.'s Motion For Summary Judgment

From: 1/6/21

EH__

(Tele. appr. Michael Corfield, rep. Defendants, Makar; Bebawy; Mikhael; Eskandar; John 2020 Enterprise; Labib; and Yassa)

(Tele. appr. David Goodrich, rep. Plaintiff John Pringle)

(Tele. appr. Andy Warshaw, rep. Defendant/Respondent, St. George Medical Office) - LISTEN ONLY

Docket 22

Tentative Ruling:

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from PIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. Statute of Limitations

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

whether transfers were made within the limitations period or whether the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); *see also Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

settlement prior to filing bankruptcy. As a result, it would appear that defendants have received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

fraudulent intent, colluded with a person who was engaged in the fraudulent conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); see also *RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

1. In the *Bebawy* action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad *Bebawy* was a construction manager at one of Debtors' business. Trustee asserts that Mr. *Bebawy* "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. *Bebawy*'s declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). See FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); see also *Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue, the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

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, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, January 27, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01057 Pringle v. Makar

#3.00 CONT. Defendant's Motion For Summary Judgment

From: 1/6/21

EH__

(Tele. appr. Michael Corfield, rep. Defendants, Makar; Bebawy; Mikhael; Eskandar; John 2020 Enterprise; Labib; and Yassa)

(Tele. appr. David Goodrich, rep. Plaintiff John Pringle)

(Tele. appr. Andy Warshaw, rep. Defendant/Respondent, St. George Medical Office) - LISTEN ONLY

Docket 12

Tentative Ruling:

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from PIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. Statute of Limitations

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); *see also Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); *see also RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue, the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ayad Makar

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 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, January 27, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#4.00 CONT. Defendants' Motion For Summary Judgment

From: 1/6/21

EH__

(Tele. appr. Michael Corfield, rep. Defendants, Makar; Bebawy; Mikhael; Eskandar; John 2020 Enterprise; Labib; and Yassa)

(Tele. appr. David Goodrich, rep. Plaintiff John Pringle)

(Tele. appr. Andy Warshaw, rep. Defendant/Respondent, St. George Medical Office) - LISTEN ONLY

Docket 10

Tentative Ruling:

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from PIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. Statute of Limitations

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issue in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donnell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); *see also Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); see also *RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). See FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); see also *Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

Chapter 7

in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue, the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Wednesday, January 27, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01068 Pringle v. Gerges

#1.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01068. Complaint by John P. Pringle against Rafat Gerges. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Rafat Gerges

Represented By
Louis J Esbin

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01073 Pringle v. Yousef

#2.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01073. Complaint by John P. Pringle against Raafat Yousef. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

*Default Judgment against Raafat Yousef entered 12/22/20

From: 7/27/20, 9/28/20, 10/14/20, 11/18/20

EH__

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 12/22/20**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Raafat Yousef

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01077 Pringle v. Youssef et al

#3.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01077. Complaint by John P. Pringle against John Maurice Youssef, Sally Yo. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John Maurice Youssef

Pro Se

Sally Yo

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01078 Pringle v. Peng

#4.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01078. Complaint by John P. Pringle against Kaiwha Peng. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Kaiwha Peng

Represented By
Michael A Wallin

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01080 Pringle v. Rouse

#5.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01080. Complaint by John P. Pringle against Lana Lee Rouse. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Lana Lee Rouse

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01082 Pringle v. Wagdy

#6.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01082. Complaint by John P. Pringle against Magda Wagdy. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Wagdy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01085 Pringle v. Khozam

#7.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01085. Complaint by John P. Pringle against Margaret Khozam. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Margaret Khozam

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01056 Pringle v. Mettias

#8.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01056. Complaint by John P. Pringle against Martin Amin Mettias. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Martin Amin Mettias

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01058 Pringle v. Gendy

#9.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01058. Complaint by John P. Pringle against Medhat Saad Gendy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Saad Gendy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01089 Pringle v. Barsoom

#10.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01089. Complaint by John P. Pringle against Sameh Roshdy Wahba Barsoom. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sameh Roshdy Wahba Barsoom

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01090 Pringle v. Sawires

#11.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01090. Complaint by John P. Pringle against Sanad Sawires. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sanad Sawires

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01092 Pringle v. Dawoud

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01092. Complaint by John P. Pringle against Sohir Gendy Gerges Dawoud. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1/20/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sohir Gendy Gerges Dawoud

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01095 Pringle v. Fannyan

#13.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01095. Complaint by John P. Pringle against Zahra Fannyan. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Zahra Fannyan

Represented By
Kaveh Ardalan

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01051 Pringle v. Serour

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01051. Complaint by John P. Pringle against Aly Serour. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich,

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Aly Serour

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01052 Pringle v. Saber et al

#15.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01052. Complaint by John P. Pringle against Am Saber, Yousria Mikhail Guirguis. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Am Saber

Pro Se

Yousria Mikhail Guirguis

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#16.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01053. Complaint by John P. Pringle against Amgad Bebawy, Reham Nakhil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01054 Pringle v. ANRUF LLC et al

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01054. Complaint by John P. Pringle against ANRUF LLC, Nadia Khalil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

ANRUF LLC

Represented By
Andy C Warshaw

Nadia Khalil

Represented By
Andy C Warshaw

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01055 Pringle v. Mena

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01055. Complaint by John P. Pringle against Antonio Mena. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Antonio Mena

Represented By
Jeffrey Charles Bogert

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01057 Pringle v. Makar

#19.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01057. Complaint by John P. Pringle against Ayad Makar. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

Alias issued 7/7/20

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ayad Makar

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01059 Pringle v. Bishay

#20.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01059. Complaint by John P. Pringle against Boles Bishay. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Boles Bishay

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01060 Pringle v. Portrans

#21.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01060. Complaint by John P. Pringle against Diamond Portrans. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Diamond Portrans

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01062 Pringle v. Makkar

#22.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01062. Complaint by John P. Pringle against Louis Makkar. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1/20/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Louis Makkar

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01063 Pringle v. Ghaly

#23.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01063. Complaint by John P. Pringle against Ramez Ghaly. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ramez Ghaly

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01064 Pringle v. Farah

#24.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01064. Complaint by John P. Pringle against Mina Farah. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mina Farah

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01065 Pringle v. Yassa

#25.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01065. Complaint by John P. Pringle against Ehap Yassa. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ehap Yassa

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01066 Pringle v. Abdelmessih

#26.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01066. Complaint by John P. Pringle against Noshi Abdelmessih. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Noshi Abdelmessih

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01067 Pringle v. Eskander

#27.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01067. Complaint by John P. Pringle against Emad Eskander. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Eskander

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01069 Pringle v. Ghobrial

#28.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01069. Complaint by John P. Pringle against Fared Ghobrial. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1/20/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Fared Ghobrial

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01070 Pringle v. Haroun

#29.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01070. Complaint by John P. Pringle against Fouad Zikry Haroun. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1/20/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Fouad Zikry Haroun

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01071 Pringle v. Youssef

#30.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01071. Complaint by John P. Pringle against Raafat Mouric Zake Youssef. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Raafat Mouric Zake Youssef

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01072 Pringle v. Goldvilla

#31.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01072. Complaint by John P. Pringle against Goldvilla. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Goldvilla

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01074 Pringle v. Ghobrial

#32.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01074. Complaint by John P. Pringle against Ishak Ghobrial. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ishak Ghobrial

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01075 Pringle v. Rouse

#33.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01075. Complaint by John P. Pringle against James Rouse. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

James Rouse

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#34.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01076. Complaint by John P. Pringle against John 20/20 Enterprises, Inc.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01079 Pringle v. Kodsy

#35.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01079. Complaint by John P. Pringle against Karem Faye Kodsy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Karem Faye Kodsy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#36.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01081. Complaint by John P. Pringle against Magda Labib, Khair Labib. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#37.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01083. Complaint by John P. Pringle against Manal Eskarous. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01084 Pringle v. Solomen

#38.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01084. Complaint by John P. Pringle against Marcos Solomen. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

***** VACATED *** REASON: ORDER DISMISSING CASE ENTERED
1/5/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Marcos Solomen

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01086 Pringle v. Zakhary

#39.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01086. Complaint by John P. Pringle against Raafat Welliam Aziz Zakhary. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

*** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1/20/21

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Raafat Welliam Aziz Zakhary

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01087 Pringle v. Zumut et al

#40.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01087. Complaint by John P. Pringle against Ray Zumut, Mary Zumut. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ray Zumut

Represented By
Lawrence Hoodack

Mary Zumut

Represented By
Lawrence Hoodack

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01088 Pringle v. Noshy

#41.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01088. Complaint by John P. Pringle against Sameh Noshy. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 1/20/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sameh Noshy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01091 Pringle v. Beshai

#42.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01091. Complaint by John P. Pringle against Sarwat Beshai. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)
(STANDSTILL AGREEMENT UNTIL 9/16/20) HOLDING DATE

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sarwat Beshai

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01093 Pringle v. St. George Medical Office L.L.C.

#43.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01093. Complaint by John P. Pringle against St. George Medical Office L.L.C.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

St. George Medical Office L.L.C.

Represented By
Andy C Warshaw

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01094 Pringle v. Wextron Ltd

#44.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01094. Complaint by John P. Pringle against Wextron Ltd. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Wextron Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01126 Pringle v. Botors

#45.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01126. Complaint by John P. Pringle against Emad Khalifa Botors. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 9/30/20,11/30/20

EH____

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Khalifa Botors

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#46.00 Status Conference RE: [1] Adversary case 6:20-ap-01127. Complaint by John P. Pringle against Amir Maher Guirgus Awad. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 11/30/20

EH ____

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, February 1, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01061 Pringle v. Mikhael

#47.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01061. Complaint by John P. Pringle against Medhat Mikhael. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Mikhael

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, February 1, 2021

Hearing Room 303

1:00 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**

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14950 Deerfield St, Victorville, CA 92394 Under 11 U.S.C. § 362.

MOVANT: NATIONSTAR MORTGAGE

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Nationstar Mortgage LLC)

Docket 84

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 Aguiar

Represented By
Alla Tenina

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski
Arnold L Graff

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 2, 2021

Hearing Room 303

11:00 AM

6:18-16503 Irene Elizabeth Arias

Chapter 13

#2.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: 2015 Toyota Camry, VIN: 4T1BF1FK2FU486295

MOVANT: SANTANDER CONSUMER USA INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Santander Consumer USA Inc.)

Docket 69

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

(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 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 good or proceeds in question; (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditor's committee and other interested parties; (8) whether the judgment claim arising from the foreign action is subject to equitable

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT...

Irene Elizabeth Arias

Chapter 13

subordination; (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 and the "balance of hurt."

In re Roger, 539 B.R. 837, 844-45 (C.D. Cal. 2015). In *Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

Id. at 845 (quotations and citations omitted). As is typically the case, "[t]he record does not indicate that *Curtis* factors 3, 4, [] 6, 8, or 9 are at issue in this case, nor do the parties argue to the contrary." *Id.*

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Irene Elizabeth Arias

Chapter 13

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting Movant relief from the automatic stay. Specifically, while the eleventh factor weighs against granting relief from stay, because Movant has not yet taken any steps toward recovering the insurance proceeds, the remainder of the factors weigh in favor of relief from stay being granted because Movant seeks recovery from insurance proceeds and agrees that the "stay will remain in effect as to enforcement of any resulting judgment against the Debtor or bankruptcy estate." Because Movant is not trying to collect from Debtor, the continuation of the state court proceedings will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2 and 8

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):

Irene Elizabeth Arias

Represented By
Steven A Alpert

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, February 2, 2021

Hearing Room 303

11:00 AM

6:18-20002 Tanyua Alicia Gates-Holmes

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 23631 Rhea Drive Moreno Valley, California 92557

MOVANT: DEUTSCHE BANK

EH__

(Tele. appr. John Brady, rep. Debtor, Tanyua Gates-Holmes)

(Tele. appr. Austin Nagel, rep. creditor, Deutsche Bank National Trust)

Docket 117

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: Debtor

Movant to apprise the Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tanyua Alicia Gates-Holmes

Represented By
John F Brady

Movant(s):

Deutsche Bank National Trust

Represented By
Kirsten Martinez

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Tanyua Alicia Gates-Holmes

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 2, 2021

Hearing Room 303

11:00 AM

6:19-10189 Theresa Ann Cesiro

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6742 Lindbergh Avenue, Fontana CA 92336

MOVANT: ROUNDPOINT MORTGAGE SERVICING INC.

EH__

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa Ann Cesiro

Represented By
Steven A Alpert

Movant(s):

RoundPoint Mortgage Servicing

Represented By
Christina J Khil

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 2, 2021

Hearing Room 303

11:00 AM

6:19-11619 David Ray Bowman and Michelle Jan Bowman

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Toyota C-HR

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

From: 1/5/21

EH__

(Tele. appr. Austin Nagel rep. Toyota Motor Credit)

Docket 50

***** VACATED *** REASON: STIPULATED ORDER ENTERED 1/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Ray Bowman

Represented By
Carey C Pickford

Joint Debtor(s):

Michelle Jan Bowman

Represented By
Carey C Pickford

Movant(s):

TOYOTA MOTOR CREDIT

Represented By
Kirsten Martinez

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 2, 2021

Hearing Room 303

11:00 AM

6:19-16985 Sharna Dobbins

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Honda Accord, VIN: 1HGC V2F9 5JA0 30835

MOVANT: HONDA LEASE TRUST

EH__

(Tele. app. Vincent Frounjian, rep. creditor, Honda Lease Trust)

Docket 40

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests 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):

Sharna Dobbins

Represented By
Todd L Turoci

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, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Sharna Dobbins

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 2, 2021

Hearing Room 303

11:00 AM

6:19-20179 George Clarence Maret and Elizabeth Ann Maret

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 966 West Bohnert Avenue, Rialto, California 92377

MOVANT: CARRINGTON MORTGAGE SERVICES, LLC

EH__

(Tele. appr. Megan Lees, rep. creditor, Carrington Mortgage Services, LLC)

Docket 50

***** VACATED *** REASON: STIPULATED ORDER ENTERED 1/27/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Clarence Maret

Represented By
Dana Travis

Joint Debtor(s):

Elizabeth Ann Maret

Represented By
Dana Travis

Movant(s):

Carrington Mortgage Services, LLC

Represented By
Robert P Zahradka
Diane Tran

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 2, 2021

Hearing Room 303

11:00 AM

6:19-20562 Emmanuel Pastor and Razel Pastor

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Audi A4

MOVANT: ONEMAIN FINANCIAL GROUP, LLC

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emmanuel Pastor

Represented By
Gary S Saunders

Joint Debtor(s):

Razel Pastor

Represented By
Gary S Saunders

Movant(s):

THE DUNNING LAW FIRM APC

Represented By
Donald T Dunning

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 2, 2021

Hearing Room 303

11:00 AM

6:20-12376 Merle Roger Johnson

Chapter 13

#9.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1148 Rickson Way, Corona, CA 92882

MOVANT: NATIONSTAR MORTGAGE LLC

From: 1/5/21

EH__

(Tele. appr. Nancy Lee, rep. creditor, Nationstar Mortgage LLC)

(Tele. appr. Arlene Tokarz, rep. Debtor, Merle Johnson)

Docket 41

Tentative Ruling:

1/5/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶ 2;
- GRANT request under ¶ 3;
- GRANT request for relief from § 1301(a) co-debtor stay;
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 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.

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Merle Roger Johnson

Chapter 13

Party Information

Debtor(s):

Merle Roger Johnson

Represented By
Arlene M Tokarz

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

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, February 2, 2021

Hearing Room 303

11:00 AM

6:20-15567 Jason Wood and Janella Wood

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Acura RDX, VIN: 5J8T C1H5 3KL0 08848

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

Docket 24

***** VACATED *** REASON: STIPULATED ORDER ENTERED 1/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jason Wood

Represented By
Natalie A Alvarado

Joint Debtor(s):

Janella Wood

Represented By
Natalie A Alvarado

Movant(s):

American Honda Finance

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, February 2, 2021

Hearing Room 303

11:00 AM

6:20-16823 Efrain Rodriguez and Claudia Elena Rodriguez

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Pathfinder

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

(Tele. appr. Austin Nagel, rep. creditor, Nissan Motor Acceptance Corp.)

Docket 15

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from 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):

Efrain Rodriguez

Represented By
Alec L Harshey

Joint Debtor(s):

Claudia Elena Rodriguez

Represented By
Alec L Harshey

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Efrain Rodriguez and Claudia Elena Rodriguez

Chapter 7

Movant(s):

NISSAN MOTOR ACCEPTANCE

Represented By
Kirsten Martinez

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 2, 2021

Hearing Room 303

11:00 AM

6:20-17617 Imelda Vasquez

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 FORD F-250, VIN: 1FT7W2BT6GED14068

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance LLC)

Docket 13

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests 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):

Imelda Vasquez

Represented By
Douglas L Weeks

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, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Imelda Vasquez

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 2, 2021

Hearing Room 303

11:00 AM

6:20-17743 Thomas Hernandez, Jr.

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Chevy Silverado 1500, VIN 3GCPCRECOEG548337 With Notice of Telephonic Procedures and proof of service

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

(Tele. appr. Paul Reza, rep. creditor, SchoolsFirst Federal Credit Union)

Docket 11

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: Withdrawn

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests 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):

Thomas Hernandez Jr.

Represented By
Benjamin R Heston

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Paul V Reza

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Thomas Hernandez, Jr.

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, February 2, 2021

Hearing Room 303

11:00 AM

6:20-17868 Hilaria P Garcia

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Kia Soul, VIN: KNDJN2A25G7375532

MOVANT: SANTANDER CONSUMER USA INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Santander Consumer USA Inc.)

Docket 7

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Hilaria P Garcia
(emphasis added).

Chapter 7

Here, Debtor's statement of intention does not address the subject collateral. As the deadline for filing or amending the statement of intention has passed pursuant to 11 U.S.C. § 521(a)(2) (A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Hilaria P Garcia

Represented By
James G. Beirne

Movant(s):

Santander Consumer USA Inc.

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, February 2, 2021

Hearing Room 303

11:00 AM

6:21-10028 Lucy Arzate

Chapter 7

#14.10 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 5007 Prairie Run Road, Eastvale, California 91752

MOVANT: W-WORLD USA, LLC

CASE DISMISSED ON 1/25/21

EH__

(Tele. appr. Julian Bach, rep. moving party W-World USA, LLC)

Docket 9

Tentative Ruling:

2/2/2021

Service: Improper

Opposition: None

Judge Houle's self-calendaring procedures provide that: "Telephonic notice of the date, time and place of the hearing on the motion must be given to all parties entitled to receive notice not later than 5 court days prior to the hearing, and proof of service of such telephonic notice must be filed not later than 3 court days prior to the hearing." Local Rule 4001-1(c)(1)(A) provides that: "If the motion seeks relief from the stay to proceed with an unlawful detainer action involving a residential property with a month-to-month tenancy, tenancy at will, or a tenancy terminated by an unlawful detainer judgment, the movant must serve only the debtor and debtor's attorneys." Here, Movant not having provided telephonic notice to Debtor, notice is improper. Therefore, 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**

Tuesday, February 2, 2021

Hearing Room 303

11:00 AM

CONT... Lucy Arzate

Chapter 7

Debtor(s):

Lucy Arzate

Represented By
Thinh V Doan

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, February 2, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

Adv#: 6:20-01129 Visiting Nurse Association of the Inland Counties v. Del Gado et al

#15.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01129. Complaint by Visiting Nurse Association of the Inland Counties against Greg Del Gado, Bruce Gordon, Stuart Furman, Lois Beckman, Gema Ptasinsky, Mary Anne Benzakein, Mike Rusnack, Maria Lozano, Karen Emery, Jean Kryger, Oscar Brambila, DOES 1 to 100, inclusive. (Charge To Estate) (\$350.00) Complaint for Breach of Fiduciary Duty Nature of Suit: (14 (Recovery of money/property - other))

*Dismissed as to Defendants Bruce Gordon, Stuart Furman, Lois Beckman, Gema Ptasinski, Mary Anne Benzakein, Mike Rusnak, Maria Lozano, Karen Emery, Jean Kryger, and Oscar Brambila

From: 9/29/20,1/5/21

EH ____

(Tele. appr. David Goodrich, rep. Debtor, Visiting Nurse Association)

Docket 1

***** VACATED *** REASON: CASE DISMISSED ON 1/11/21**

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
Steven T Gubner
Jason B Komorsky

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

Tuesday, February 2, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Defendant(s):

Greg Del Gado	Pro Se
Bruce Gordon	Pro Se
Stuart Furman	Pro Se
Lois Beckman	Pro Se
Gema Ptasinsky	Pro Se
Mary Anne Benzakein	Pro Se
Mike Rusnack	Pro Se
Maria Lozano	Pro Se
Karen Emery	Pro Se
Jean Kryger	Pro Se
Oscar Brambila	Pro Se
DOES 1 to 100, inclusive	Pro Se

Plaintiff(s):

Visiting Nurse Association of the

Represented By
Jason B Komorsky

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

Tuesday, February 2, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#16.00 Motion of Liquidating Trustee for Order Extending Time to File Actions under 11 U.S.C. §§ 108 and 546(a)

EH__

(Tele. appr. David Goodrich, rep. Debtor, Visiting Nurse Association)

Docket 910

Tentative Ruling:

2/2/2021

BACKGROUND

On August 15, 2018, Visiting Nurse Association of the Inland Counties ("Debtor") filed a Chapter 11 voluntary petition. Debtor's Chapter 11 plan was confirmed pursuant to order entered December 10, 2020. The Chapter 11 plan transferred Debtor's claims, including avoidance actions, to a liquidating trust.

The § 546(a) deadline in this case was originally August 15, 2020. That deadline has previously been extended on two occasions: (1) on July 30, 2020, the Court entered an order extending the deadline to November 16, 2020; and (2) on November 17, 2020, the Court entered an order extending the deadline to February 5, 2021.

On January 12, 2021, the liquidating trustee filed a motion seeking a further extension of ninety days (to May 6, 2021). The motion generally asserts that Debtor used "an antiquated financial bookkeeping system" and that the procedure for reconstructing and analyzing Debtor's records was "extremely time consuming."

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

Tuesday, February 2, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

DISCUSSION

11 U.S.C. § 546(a) states:

- (a) An action or proceeding under section 544, 545, 547, 548, or 553 of this title may not be commenced after the earlier of –
 - (1) the later of –
 - (A) 2 years after the entry of the order for relief; or
 - (B) 1 year after the appointment or election of the first trustee under section 702, 1104, 1163, 1202, or 1302 of this title if such appointment or such election occurs before the expiration of the period specified in subparagraph (A); or
 - (2) the time the case is closed or dismissed.

Here, the current § 546(a) deadline is February 5, 2021.

As noted by the liquidating trustee, the section 546(a) deadline is subject to equitable tolling. *See, e.g., In re Milby*, 875 F.3d 1229 (9th Cir. 2017). As the Ninth Circuit stated in *In re Milby*:

The doctrine of equitable tolling is read into every federal statute of limitation. Indeed, we have previously applied equitable tolling to § 546(a)(1). A litigant seeking equitable tolling bears the burden of establishing two elements: (1) that he has been pursuing his rights diligently, and (2) that some extraordinary circumstance stood in his way and prevented timely filing.

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

Tuesday, February 2, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Here, the evidence presented in the motion in support of the third request to equitably toll the § 546(a) deadline is lacking in detail. More specifically, it is not clear what progress has been made since the previous request for an extension was filed on November 9, 2020. As a result, Movant has not provided evidence to establish the two elements of the *Milby* test – diligence in pursuit of rights and extraordinary circumstances – that would justify the application of equitable tolling.

TENTATIVE RULING

Movant to apprise the Court of the status of the investigation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Visiting Nurse Association of the

Represented By

David M Goodrich

Beth Gaschen

Jennifer Vicente

Ryan W Beall

Steven T Gubner

Jason B Komorsky

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

Tuesday, February 2, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#17.00 Application to Employ Law Office of Donald W. Reid as General Counsel for Debtor in Possession

EH__

(Tele. appr. Dawn Coulson, rep. interested party, Dawn Coulson)

Docket 22

***** VACATED *** REASON: ORDER APPROVING APPLICATION
ENTERED 1/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

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

Wednesday, February 3, 2021

Hearing Room 303

10:00 AM

6:20-17048 Sara De La Mora

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and American Honda Finance Corporation, in the amount of \$34,179.48, Re; 2020 Honda CRV

EH__

(Tele. appr. Sara De La Mora, pro se Debtor)

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sara De La Mora

Represented By
Marlin Branstetter

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 3, 2021

Hearing Room 303

10:00 AM

6:20-17259 Mani Mobasser, Jr

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Arrowhead Credit Union, in the amount of \$16,294.93, re 2011 BMW 5 Series

Also #3

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mani Mobasser Jr

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, February 3, 2021

Hearing Room 303

10:00 AM

6:20-17259 Mani Mobasser, Jr

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Arrowhead Credit Union, in the amount of \$971.21, re: Revolving Line of Credit

Also #2

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mani Mobasser Jr

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, February 3, 2021

Hearing Room 303

11:00 AM

6:16-20298 Donald Sutcliffe

Chapter 7

#4.00 CONT. Stipulation Between Chapter 7 Trustee, Canada Revenue Agency, and Internal Revenue Service Re: Distribution of Proceeds from Sale of Real Property and Consent to Form of Order Approving Compromise Between Trustee and IRS

*Placed on calendar by order signed 12/22/20

From: 1/13/21

EH__

Docket 178

***** VACATED *** REASON: ORDER APPROVING STIPULATION
ENTERED 1/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald Sutcliffe

Pro Se

Movant(s):

John P Pringle (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang

Trustee(s):

John P Pringle (TR)

Represented By
D Edward Hays
David Wood
Tinho Mang

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

6:17-20092 Mark Bastorous and Bernadette Shenouda

Chapter 7

#5.00 Trustee's Motion for Order Authorizing the Trustee to: (1) File Motion Under Seal, and (2) File and Serve Redacted Motion

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

(Tele. appr. Everett Green, rep. United States Trustee's Office)

(Tele. appr. Lawrence Hoodack, rep. Defendants Ray Zamut and Mary Zamut)

Docket 258

Tentative Ruling:

2/3/2021

Service proper
Opposition filed

BACKGROUND

On December 8, 2017, Mark Bastorous and Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. Debtors' schedules and statement of financial affairs listed 37 related business entities.

On May 1, 2020, the Court entered an order consolidating Debtors' bankruptcy estate with the 37 related entities. Soon after, Trustee filed forty-six complaints against individuals and entities contending they received fraudulent transfers from the related entity, Professional Investment Group, LLC ("adversary proceedings"). The factual allegations in the complaints are virtually identical, except for the amounts received by defendants. Thus far, Trustee has entered into separate settlement agreements with ten defendants.

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

In the instant motion, filed on December 23, 2020, Trustee seeks to file the 9019 motion relating to the settlements under seal, as well as to serve the motion with the settlement amounts, repayment terms, and the basis for settlement redacted. Trustee argues his position with respect to the other adversary proceedings will be prejudiced, as disclosure may "chill" future settlement offers and negotiations. Trustee cites to 11 U.S.C. § 105(a) in support of the Court's authority to grant the motion.

On January 20, 2021, the United States Trustee ("U.S. Trustee") filed an opposition to Trustee's motion, arguing that restricting access to the 9019 motion for bargaining leverage does not fall into any category of documents that may be filed under seal pursuant to 11 U.S.C. § 107.

DISCUSSION

Local Rule 5003-2(c)(1) provides that requests for filing under seal are subject to 11 U.S.C. § 107. In relevant part, 11 U.S.C. § 107 states:

- (a) Except as provided in subsections (b) and (c) and subject to section 112, a paper filed in a case under this title and the dockets of a bankruptcy court are public records and open to examination by an entity at reasonable times without charge.
- (b) On request of a party in interest, the bankruptcy court shall, and on the bankruptcy court's own motion, the bankruptcy may –
 - (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information;

11 U.S.C. § 107(a)-(b)(1).

11 U.S.C. § 107 codifies and displaces the common law right of access to judicial proceeds. *See, e.g., In re Roman Catholic Archbishop of Portland in Oregon*, 661 F.3d 417 (9th Cir. 2011). In *In re Roman Catholic Archbishop of Portland in Oregon*, the Ninth Circuit stated the following:

We perceive such a divergence between § 107 and the common law. The statute speaks directly to, and diverges from, the common law right of judicial access. First, the common law rule distinguishes between

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT...

Mark Bastorous and Bernadette Shenouda

Chapter 7

dispositive and non-dispositive motions, while § 107 covers all papers filed in a bankruptcy case. Second, the common law rule gives courts the discretion to create exceptions to the general rule of disclosure to the public. By contrast, § 107 has *only three exceptions: "confidential business information," "scandalous or defamatory matter," and "means of identification."* Third, the common law rule gives courts discretion to determine whether to protect or disclose documents, while § 107 eliminates a court's discretion by making it mandatory for a court to protect documents falling into one of the enumerated exceptions. Because § 107(b) imposes this mandatory requirement, it eliminates the balancing of public and private interests required by the common law rule if a document is scandalous or defamatory. Under § 107, the strength of the public's interest in a particular judicial record is irrelevant; if the exception pertains, the bankruptcy court must issue a protective order on a motion by the affected person or party.

Because § 107 speaks directly to and conflicts with significant aspects of the common law right of access, we join our sister circuits in holding that § 107 preempts the common law right of access in bankruptcy proceedings.

Id. at 430-31 (citations omitted) (emphasis added).

As pointed out by the U.S. Trustee, on its face, Trustee's request does not appear to satisfy any of the three exceptions. Additionally, Trustee's motion contains no meaningful § 107 analysis. In any case, to the extent the settlement agreements can be categorized as "confidential business information," in light of the above excerpt, the Court simply must determine whether Trustee has demonstrated that 11 U.S.C. § 107(b)(1) is applicable to the settlement agreements. *See, e.g., In re Borders Group, Inc.*, 462 B.R. 42, 46 (Bankr. S.D.N.Y. 2011) ("[T]he moving party bears the burden of showing that the information is confidential."). "The burden of proof is heavy, requiring an extraordinary circumstance or compelling need." *In re Motors Liquidation Co.*, 561 B.R. 36, 42 (Bankr. S.D.N.Y. 2016) (quotation omitted).

Trustee's arguments that the estate's bargaining power will be prejudiced if parties in the pending adversary proceedings have access to the settlement

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

agreements appear to fall short of satisfying the "heavy" burden of proof. *See, e.g., In re Motors Liquidation Co.*, 561 B.R. 36 at 43 ("Evidence – not just argument – is required to support the extraordinary remedy of sealing."). Trustee's assertions are just arguments. No evidence was provided to satisfy the evidentiary burden imposed on the Trustee.

Moreover, that Trustee cites to 11 U.S.C. §105(a) in support of the Court's authority to seal the settlement agreements, the general provisions of §105(a) do not provide authority to circumvent the specific mandates of §107(a). The Supreme Court in *Law v. Siegel* clearly articulates this principle:

A bankruptcy court has statutory authority to "issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of" the Bankruptcy Code. 11 U.S.C. § 105(a). And it may also possess "inherent power ... to sanction 'abusive litigation practices.'" But in exercising those statutory and inherent powers, a bankruptcy court may not contravene specific statutory provisions.

It is hornbook law that § 105(a) "does not allow the bankruptcy court to override explicit mandates of other sections of the Bankruptcy Code." Section 105(a) confers authority to "carry out" the provisions of the Code, but it is quite impossible to do that by taking action that the Code prohibits. That is simply an application of the axiom that a statute's general permission to take actions of a certain type must yield to a specific prohibition found elsewhere. We have long held that "whatever equitable powers remain in the bankruptcy courts must and can only be exercised within the confines of" the Bankruptcy Code.

571 U.S. 415, 420–21 (2014) (internal citations omitted) (quotations in original).

Accordingly, within the confines of § 107, the Court simply cannot find that Trustee's arguments satisfied the heavy burden of proof required to justify the extraordinary measure of sealing court records.

TENTATIVE RULING

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Mark Bastorous and Bernadette Shenouda

Chapter 7

For the foregoing reasons, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P Pringle (TR)

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, February 3, 2021

Hearing Room 303

11:00 AM

6:19-10556 Timothy Mark Aitken and Esmeralda Aitken

Chapter 7

#6.00 Chapter 7 trustee's motion objecting to Debtors' exemptions

EH__

(Tele. appr. Michael Okayo, rep. Debtors, Timothy and Esmeralda Aitken)

(Tele. appr. Larry Simons, rep. Trustee, Howard Grobstein)

Docket 72

Tentative Ruling:

2/3/2021

Service: Proper
Opposition: None

BACKGROUND

On January 23, 2019, Timothy Mark and Esmeralda Aitken ("Debtors") filed a voluntary chapter 7 petition for relief. At the initial meeting of creditors on February 26, 2019, Debtors testified that they had sold the real property located at 6919 Elmwood Road, San Bernardino, CA ("Property") to their daughter Alicia Aitken ("Defendant"). On May 1, 2019, Debtors filed amended schedule A/B and C in which they claimed an exemption in the equity of the Property in the amount of \$28,000 pursuant to CAL. CIV. P. CODE § 703.140(b)(1) ("Exemption").

On March 3, 2020, Trustee commenced an adversary proceeding title *Howard B. Grobstein, Chapter 7 Trustee v. Alicia Aitken*, in which Trustee sought to avoid the transfer of the Property pursuant to 11 U.S.C. § 548 and recover the Property under § 550. On January 5, 2021, the Court entered a judgment against Defendant in favor of Trustee, finding, *inter alia*, that Debtors had concealed the transfer from Trustee.

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... **Timothy Mark Aitken and Esmeralda Aitken** **Chapter 7**

Pending the resolution of the adversary, Trustee had filed two Section 4003 motions to extend the deadline to object to Debtors' objections. The Court extended the deadline to object under February 3, 2021.

On January 7, 2021, within the deadline to object, Trustee filed the instant motion objecting to Debtors' Exemption. Trustee argues that pursuant to 11 U.S.C. § 522(g), Debtors are precluded from claiming the Exemption in the Property.

DISCUSSION

11 U.S.C. § 522(g)(1) states:

(g) Notwithstanding sections 550 and 551 of this title, the debtor may exempt under subsection (b) of this section property that the trustee recovers under section 510(c)(2), 542, 543, 550, 551, or 553 of this title, to the extent that the debtor could have exempted such property under subsection (b) of this section if such property had not been transferred, if--

(1)(A) such transfer was **not** a voluntary transfer of such property by the debtor; and

(B) the debtor did **not** conceal such property; or

11 U.S.C. § 522(g)(1)(A),(B)(emphasis added). Accordingly, a debtor is "not entitled to claim an exemption, where a debtor voluntarily transfers property in a manner that triggers the trustee's avoidance powers **or** the debtor knowingly conceals a prepetition transfer or an interest in property, and such property is returned to the estate as a result of the trustee's actions directed toward either the debtor or the transferee." *In re Elliott*, 523 B.R. 188, 197 (Bankr. App. 9th Cir. 2014) *citing to Hitt v. Glass (In re Glass)*, 164 B.R. 759, 761 (9th Cir. BAP 1994), *aff'd*, 60 F.3d 565 (9th Cir.1995) (emphasis added) (internal quotations and alterations omitted).

Here, Trustee avoided the transfer and recovered the Property pursuant to § 550. The transfer was both voluntary and the litigation established that Debtors had concealed the Property from Trustee. Thus, Debtors meet both of the alternative requirements, and are therefore not entitled to the Exemption in the Property.

TENTATIVE RULING

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Timothy Mark Aitken and Esmeralda Aitken Chapter 7

The Court is inclined to GRANT Trustee's motion and SUSTAIN the objection to the Exemption.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Timothy Mark Aitken

Represented By
Michael Okayo

Joint Debtor(s):

Esmeralda Aitken

Represented By
Michael Okayo

Trustee(s):

Howard B Grobstein (TR)

Represented By
Larry D Simons

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

6:20-15624 Lana Lu

Chapter 7

#7.00 Debtor's Motion for Reconsideration of and relief from Court's order granting chapter 7 trustee's motion objecting to Debtor's claimed California exemptions

EH__

(Tele. appr. Vanmai Nguyen, rep. Debtor, Lana Lu)

Docket 45

Tentative Ruling:

2/3/2021

BACKGROUND

On August 19, 2020, Lana Lu ("Debtor") filed a Chapter 7 voluntary petition. Debtor listed her residence at 15418 American Way, Fontana, CA 92336. In Schedule A/B, Debtor listed an ownership interest in the real property located at 939 Brookvale Terrace, Ballwin, MO 63201 (the "Missouri property"). On Schedule C, Debtor claimed a California homestead exemption in the Missouri Property under CAL. CIV. P. CODE § 704.730 in the amount of \$72,590.

At the first creditors meeting on September 22, 2020, Trustee questioned the Debtor's entitlement to claim a California homestead exemption. In response, Debtor provided a declaration dated September 29, 2020, stating that Debtor was only temporarily staying in California for medical care and that she always intended to return to her home in Missouri. The meeting of creditors was continued until November 23, 2020.

On November 18, 2020, Trustee filed a motion objecting to the homestead exemption, arguing that per Debtor's declaration she was domiciled in Missouri and thus ineligible for California exemptions. Debtor filed an opposition, attaching a second declaration, on December 2, 2020 arguing that she was domiciled in California because, *inter alia*, she had moved her accounts, cleaned out her Missouri home, and updated her license. Trustee filed a reply adding that even if Debtor was domiciled in California, she would not be eligible to claim a California homestead exemption on the Missouri property.

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Lana Lu

Chapter 7

The hearing on Trustee's motion was held on December 16, 2020 ("Hearing"). The Court found Debtor's first declaration persuasive, noting on the record that nowhere in the second declaration did the Debtor explicitly state she intended to permanently reside in California, nor did she contradict her previous statement of intention. *See* Dkt. No. 24, Debtor's Declaration.

The Court entered an Order on December 22, 2020 granting Trustee's motion, sustaining Trustees objection and disallowing the California homestead exemption. Dkt. No. 40.

On January 4, 2021, Debtor filed the instant motion for reconsideration and relief from the Court's order pursuant to FED. R. BANKR. P. Rule 9023 and 9024, arguing Court error. In support of the motion, Debtor provided a declaration.

On January 12, 2021, Trustee filed an opposition. Debtor filed a reply on January 26, 2021.

DISCUSSION

Debtor appears to style the motion as a request for both reconsideration and for relief from judgment. Debtor's argument proceeds only under FED. R. CIV. P. Rule 60(b)(1) and (6) incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 9024; thus, the Court will construe the motion as a request for relief from judgment.

I. December 22, 2020 Order

In its December 22, 2020 order, which the Debtor seeks reconsideration of, the Court stated in relevant part that "The Debtor having found to be domiciled in Missouri as of the Petition Date is therefore ineligible to claim exemptions under California law in this case."

Dkt. No. 40, page 2.

As articulated on the record of the hearing, and discussed in greater detail below, the Debtor's September 29, 2020 declaration, provided under penalty of perjury to the chapter 7 trustee, is unequivocal and uncontroverted that Debtor's stay in California was temporary, and that it was always her intention to return to her permanent home in

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT...

Lana Lu

Chapter 7

Missouri. *See* Dkt. No. 20, page 45. Of significance, in her later December 2, 2020 declaration filed in support of Debtor's response to Trustee's objection to claim, while Debtor testifies as to various specific facts pertaining to her current residence in California, at no point does she indicate that she considers California her permanent residence, or that she does not intend to return to Missouri. Based on this record, and as shown below in greater detail, the Court found persuasive the authority presented by the Trustee in his motion and reply that Debtor's stated intent to return to Missouri, along with various supporting facts that she still files taxes in Missouri, retained her Missouri drivers' license until just recently, etc., outweigh facts pertaining to Debtor's current residence in California, and supports the Court's finding that Debtor's domicile is in Missouri.

II. Rule 60(b)

Debtor relies on FED. R. CIV. P. Rule 60(b)(1) and (6), which allows for relief from an order based on "mistake, inadvertence, surprise, or excusable neglect," or "any other reason that justifies relief."

Debtor argues in its motion that: (1) it was a mistake for the Court to determine domicile based solely on the element of intention; (2) it was a mistake for the Court to not consider other objective facts and focus only on one single declaration in determining intention; (3) it was a mistake to not require the Trustee to provide authority to support his argument that the California homestead exemption does not apply to out of state property; and (4) it was not justifiable to not allow the Debtor an opportunity to clarify the discrepancies in her declarations so she can protect her home. The Court addresses each argument in turn.

- a. Did the Court determine domicile based solely on the element of intent and not on other objective facts allegedly regarding domicile, and, if so, was that in error.

The Court notes the first two alleged "mistakes" are two sides of the same issue, and so combines them here. 11 U.S.C. § 522(b)(3)(A) provides that the state exemptions Debtor is eligible to claim are based on Debtor's domicile:

- (3) Property listed in this paragraph is--
(A) subject to subsections (o) and (p), any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT...

Lana Lu

Chapter 7

that is applicable on the date of the filing of the petition to the place in which the **debtor's domicile** has been located for the 730 days immediately preceding the date of the filing of the petition or if the debtor's domicile has not been located in a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place;

11 U.S.C. § 522 (b)(3)(A) (emphasis added).

The meaning of the term "domicile" is governed by federal law. *In re Donald*, 328 B.R. 192, 200 (Bankr. App. 9th Cir. 2005). Generally, "domicile is one's permanent home, where one resides with the **intention to remain or to which one intends to return** and to which certain rights and duties are attached." *In re Donald* 328 B.R. at 202 (emphasis added) citing *Williamson v. Osenton*, 232 U.S. 619, 625 (1914) (Holmes, J.); *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir.2001). "**One may reside in one place and be domiciled in another.**" *In re Donald*, 328 B.R. at 202 citing *Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 48 (1989).

"When a person's **domicile is in doubt**, the difficult question is usually whether the individual has the **requisite subjective intent**." *In re Donald*, 328 B.R. at 203 (emphasis added). "This enquiry is essentially factual in a sense that requires consideration of all the circumstances." "One's own declarations regarding intent are pertinent but ordinarily will be substantially discounted by the court when inconsistent with objective facts." *Id.* Therefore, where there is a dispute as to one's domicile, establishing "domicile" turns on whether there is intent to return based on a consideration of the circumstances.

In *In Re Donald*, a debtor claimed she was domiciled in California based on thirty days that she had resided there for a contract position. *Id.* In deciding whether the debtor was domiciled in California, the bankruptcy court considered debtor's declaration as the "sole evidence" that she never intended to relinquish her California domicile versus objective evidence that Georgia was her domicile. *Id.* The court determined Georgia was her domicile because the objective facts that debtor owned a home in Georgia, that she remained there after her spouse died, that she filed bankruptcy for the purposes of saving her Georgia house, supported a "contrary inference." *Id.* In reviewing the bankruptcy court's decision, the Bankruptcy Appellate Panel stated:

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT...

Lana Lu

Chapter 7

While the court could have chosen to believe the debtor's testimony that she had not relinquished her California domicile in the face of other objective evidence suggesting a Georgia domicile, it gave greater weight to the objective evidence. Either conclusion was a permissible view of the evidence.

Where there are two permissible views of the evidence, the fact finder's choice between them cannot be clearly erroneous.

Id.

Here, Debtor was physically residing in California during the 730-day operative period. However, there was a dispute as to whether California was Debtor's *permanent* home, not just her temporary residence. Therefore, the Court's decision turned on her intent. *See, e.g., In re Donald*, 328 B.R. at 202.

In reviewing both of Debtor's declarations in the record, other than as to Debtor's intent, there was evidence arguably supporting domicile in both California and Missouri. Having weighed this evidence, the Court found the first declaration ultimately determinative on this issue because Debtor clearly articulated her intent to return to Missouri after receiving medical treatment, which was not contradicted in her second declaration. The Court considered but did not find that certain facts related to residency, including that Debtor changed her mailing address, updated her license, and transferred important documents and accounts, were inconsistent with Debtor's clear and unambiguous stated intent to return to Missouri after treatment, or that they outweighed Debtor's stated intent, especially given other objective evidence in Debtor's September 29, 2020 declaration supporting domicile in Missouri. In other words, the objective evidence of domicile was somewhat of a "wash" as between the two states, and the uncontroverted evidence of Debtor's intent tipped the scales. To the extent there is another permissible view of the evidence, the Court does not believe its choice can be seen as "clearly erroneous." *See id.*

- b. Was it a mistake to not require the Trustee to provide authority to support his argument that the California homestead exemption does not apply to out-of-state property.

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Lana Lu

Chapter 7

As the Court found Debtor to be domiciled in Missouri, the Court did not need to reach a determination on whether the Missouri property qualified as a homestead under the relevant California exemption law, CAL. CIV. P. CODE § 704.730, because California exemption law was no longer available to Debtor under 11 U.S.C. § 522(b)(3)(A). As an aside, Debtor's citation to *In re Arrol*, 170 F.3d 934, 935 (9th Cir. 1999) is inapplicable to the issue of domicile under § 522 in this case, as there was no analysis of the domicile/residence distinction in the *Arrol* decision, which also involved a prior version of § 522.

- c. Was it an error to not allow the Debtor an opportunity to clarify the discrepancies in her declarations.

The Debtor's September 29, 2020, declaration attached as part of Dkt. No. 20, pages 43-46 (page 44 appears to be unintentionally blank), is extremely clear and unambiguous as to Debtor's intent. It states in relevant part:

"I had never planned or intended to permanently stay at my sister's house or in CA. I always miss my house in MO and want to go home. I still file tax in MO and I still keep my MO driver license. I still have my furniture and personal belongings at my house in MO. Although I was and still am in constant pain and numbness and unable to sit for too long on the plane, I missed my house and I traveled long flights back to my house at least twice a year so I could check on my house and make sure it was well-maintained. I believe that I can claim CA homestead exemption on my MO house because I came back to CA only for one sole purpose is to find a doctor or someone to treat my damaged nerves. I never intended to live in CA permanently. I always intended to move back to MO once my treatments are done. Therefore, my MO is always my primary residence."

Dkt. No. 20, page 45 (grammatical errors in original, emphasis added).

The Court notes that the date of this declaration, September 29, 2020, is very close in time - a little more than one month after she filed bankruptcy. Approximately two months later, in declaration dated December 2, 2020, in support of Debtor's response to Trustee's objection to exemption, the Debtor testifies as to general facts regarding her move to California in 2017 to live with her sister while she seeks better and different medical care. It is manifestly clear from reading Debtor's response and her December 2,

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Lana Lu

Chapter 7

2020 declaration, compared to her September 29, 2020 declaration, that Debtor is attempting to paint a different picture of her situation in order to defend her claim of exemptions under California law.

However, critically, nothing in her December 2, 2020 declaration challenges, contests, changes or otherwise conflicts with the testimony in her September 29, 2020 declaration as to (1) Debtor's stated intent to return to Missouri or (2) her belief that Missouri is her primary residence (an even lower standard than domicile). Therefore, there is no factual conflict between the two declarations. As such, having reviewed both and pursuant to applicable caselaw provided above and in the Trustee's moving papers, the Court focused on intent as the most determinative factor and found that the Debtor's domicile for purposes of § 522 was in Missouri as of the petition date.

In this case Debtor was made aware that her September 29, 2020 declaration was at issue when the Trustee attached it to his objection filed on November 18, 2020, as Dkt. No. 20. Pursuant to Local Bankruptcy Rule 9013-1(f)(2), Debtor was required to file evidence in support of her response, and in fact did file such declaration on December 2, 2020. As noted above, this latter declaration did not create a conflict for which an evidentiary hearing would be appropriate, and on that basis the Court declined to set an evidentiary hearing.

Some light is shown by Debtor's new January 4, 2021, declaration, attached to her motion for reconsideration, in which she now states, in essence, that after moving to California and being close to her sister she has decided to make California her new home. Importantly, this declaration is not part of the evidentiary record of the matter for which reconsideration is sought and does not present any "newly discovered" evidence. While the Court is generally disinclined to speculate, it seems likely to the Court, having reviewed all the pleadings, that Debtor's September 29, 2020 declaration was made as part of a specific legal strategy related to her claim of exemption. Whether it was the truth or not, it is the testimony that Debtor presented under penalty of perjury. Debtor now seems to understand that her strategy was wrong and that that September 29, 2020 testimony legally undermines her claim to an exemption under California law, and she appears to be walking a fine line in her December 2, 2020 declaration in an attempt to alter the facts in support of her legal strategy while not perjuring herself (or from being otherwise judicially estopped). The Court does not condone manipulation of fact as attempted by Debtor here. Perhaps she was initially given incorrect legal advice. But in any event, the evidentiary record ruled on by the Court as part of the Trustee's objection

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Lana Lu

Chapter 7

to exemption is consistent, and the Court's finding was made in accordance with the authority referenced above and in the Trustee's papers after consideration of all evidence presented. Moreover, the Debtor has presented no authority whatsoever in her motion to reconsider supporting her request for an evidentiary hearing. On these facts, the Court finds no basis to reconsider its denial of Debtor's request for an evidentiary hearing.

TENTATIVE RULING

For the reasons stated above and in the Trustee's response to the motion to reconsider, the Court is inclined to DENY the motion to reconsider and for relief from judgment.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lana Lu

Represented By
Vanmai H Nguyen

Movant(s):

Lana Lu

Represented By
Vanmai H Nguyen
Vanmai H Nguyen

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier
Larry D Simons

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

6:20-17295 Anna M Gonzales

Chapter 7

#8.00 Chapter 7 trustee's Motion to Disallow Debtor's Claim of Homestead Exemption in Real Property of the Estate

EH__

(Tele. appr. Brandon Iskander, rep. Trustee, Todd Frealy)

Docket 13

Tentative Ruling:

2/3/2021

Service: Proper
Opposition: None

BACKGROUND

On November 4, 2020, Anna M. Gonzales ("Debtor") filed a voluntary chapter 7 petition for relief. On schedule A/B of her petition, Debtor listed a 50% interest in real property located at 9805 Main Street, Rancho Cucamonga, CA 91730 ("Property") at a value of \$298,000. Debtor claimed a homestead exemption in the amount of \$110,000 pursuant to CAL. CIV. P. CODE § 704.730.

On January 6, 2021, Trustee filed the instant motion objection to Debtor's homestead exemption, but only to the extent it exceeds \$100,000. Per Trustee's proposed broker, the Trustee believes the actual value of the Property is \$475,000. Trustee argues that as Debtor is 56 years old and not disabled, she does not qualify for an enhanced exemption. Therefore, pursuant to CAL. CIV. P. CODE § 704.730(a)(2), Debtor is only entitled to a \$100,000 exemption, assuming she meets the definition of a "family unit" under CAL. CIV. CODE § 704.710(b)(2)(D).

DISCUSSION

1. Service

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Anna M Gonzales

Chapter 7

FED. R. BANKR. P. RULE 4001(b)(1) states, in part:

Except as provided in paragraphs (2) and (3), a party in interest may file an objection to the list of property claimed as exempt within 30 days after the meeting of creditors held under § 341(a) is concluded or within 30 days after any amendment to list or supplemental schedules is filed, whichever is later.

Here, Trustee filed the motion on January 6, 2021, which is within the 30-day period from the 341(a) meeting held on December 8, 2020.

2. Homestead Exemption

CAL. CIV. P. CODE § 704.730, provides in relevant part:

- (a) The amount of the homestead exemption is one of the following:
- (1) Seventy-five thousand dollars (\$75,000) unless the judgment debtor or spouse of the judgment debtor who resides in the homestead is a person described in paragraph (2) or (3).
 - (2) *One hundred thousand dollars* (\$100,000) if the judgment debtor or spouse of the judgment debtor who resides in the homestead is at the time of the attempted sale of the homestead a *member of a family unit, and there is at least one member of the family unit who owns no interest in the homestead* or whose only interest in the homestead is a community property interest with the judgment debtor.

CAL. CIV. P. CODE § 704.730(a) (1),(2) (emphasis added). Pursuant to CAL. CIV. CODE § 704.710(b)(2)(D), "an unmarried relative described in this paragraph who has attained the age of majority and is unable to take care of or support himself or herself," is included as a member who satisfies the family unit requirement.

Here, Debtor asserts the family unit homestead exemption pursuant to CAL. CIV. P. CODE § 704.730(a)(2) because she shares the Property with her 19-year-old son who is unemployed and is thus presumably dependent. On these facts, Trustee is not now objecting to whether the son meets the family unit definition. Accordingly, Debtor is entitled to a homestead exemption of up to \$100,000, not \$110,000, as Debtor does not

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

Wednesday, February 3, 2021

Hearing Room 303

11:00 AM

CONT... Anna M Gonzales

Chapter 7

appear to qualify for any exemption enhancements.

Moreover, pursuant to Local Rule 9013-1(h), the Court may and does deem the failure to oppose the motion as consent to the requested relief.

The Court also notes that Trustee would like to reserve the right to object to the homestead exemption to the extent Trustee discovers that the son does not meet the family unit definition "at a later date."

TENTATIVE RULING

The Court is inclined to GRANT Trustee's motion and SUSTAIN the objection to the homestead exemption to the extent it exceeds \$100,000. To the extent Trustee requests to further object to the homestead exemption until some indefinite date, the Court DENYS Trustee's request to the extent such further exemption is asserted after the deadline set by FED. R. BANKR. P. RULE 4001(b)(1).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anna M Gonzales

Pro Se

Movant(s):

Todd A. Frealy (TR)

Represented By
Brandon J Iskander

Trustee(s):

Todd A. Frealy (TR)

Represented By
Brandon J Iskander

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

**#9.00 CONT Motion to Disallow Homestead Exemption
HOLDING DATE**

From: 12/18/19, 5/20/20, 9/9/20,11/4/20,12/2/20,1/6/21

Also #10

EH__

(Tele. appr. Douglas Plazak, rep. Plaintiff, Robert Whitmore)

(Tele. appr. Robert Whitmore, chapter 7 trustee)

Docket 49

Tentative Ruling:

12/18/19

BACKGROUND

On October 16, 2017, Christy Hammond ("Debtor") filed a Chapter 7 voluntary petition. Among the assets of the estate is certain real property located at 5918 Ridgeway Dr., Chino Hills, CA 91709 (the "Property"). On January 29, 2018, Debtor obtained a discharge.

On April 23, 2018, the Chapter 7 Trustee filed a notice of assets, subsequently employing an attorney, and a real estate broker. Debtor opposed Trustee's request to hold a real estate broker, and the Court approved the application after a hearing held on March 27, 2019.

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

On October 16, 2019, Trustee filed (1) a motion for turnover of property (the "Turnover Motion"); and (2) an adversary complaint against Kenneth Hammond seeking turnover of property from Debtor's non-filing spouse. On October 30, 2019, Debtor filed an opposition to the Turnover Motion, while also increasing her homestead exemption to \$175,000.

On November 20, 2019, Trustee filed an objection to Debtor's claimed homestead exemption. Trustee argues that Debtor has not established that she is entitled to claim the increased homestead exemption set forth in CAL. CODE CIV. P. § 704.730(a)(3)(B). On December 4, 2019, Debtor filed her opposition. Debtor argues that Trustee has the burden of proof in objecting to the claimed homestead exemption, and that Trustee has not met this burden. Alternatively, Debtor argues that she has adequately established her entitlement to the \$175,000 homestead exemption. Specifically, Debtor argues that the increased homestead exemption is based on the alleged disability of her non-filing spouse, Kenneth Hammond, who served in the U.S. Navy. On December 11, 2019, Trustee filed a reply and a variety of evidentiary objections.

DISCUSSION

I. Burden of Proof

As a preliminary matter, the parties disagree on the burden of proof when a Trustee files an objection to a claimed exemption. FED. R. BANKR. P. Rule 4003(c) states: "In any hearing under this rule, the objecting party has the burden of proving that the exemptions are not properly claimed." Trustee argues that the Supreme Court, however, held in the case of *Raleigh v. Ill. Dep't of Revenue*, 530 U.S. 15 (2000) that the burden of proof should be determined by reference to state law. In *Raleigh*, the Supreme Court was considering whether the burden of proof, in the context of a claim objection, is determined by reference to state law. Citing cases dating back to before World War 2, the Supreme Court stated that "we have long held the burden of proof to be a 'substantive' aspect of a claim. That is, the burden of proof is an essential element of the

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

claim itself; one who asserts a claim is entitled to the burden of proof that normally comes with it." *Id.* at 20-21.

The Supreme Court also stated:

Congress of course may do what it likes with entitlements in bankruptcy, but there is no sign that Congress meant to alter the burdens of production and persuasion on tax claims. The Code in several places, to be sure, establishes particular burdens of proof. But the Code makes no provision for altering the burden on a tax claim, and its silence says that no change was intended.

Id. at 21-22 (citation omitted). The above excerpt ended with footnote 2, which states:

The legislative history indicates that the burden of proof on the issue of establishing claims was left to the Rules of Bankruptcy Procedure. The Bankruptcy Rules are silent on the burden of proof for claims; while Federal Rule of Bankruptcy Procedure 3001(f) provides that a proof of claim (the name for the proper form for filing a claim against a debtor) is "prima facie evidence of the validity and amount of the claim," this rule does not address the burden of proof when a trustee disputes a claim. The Rules thus provide no additional guidance.

Id.

Thus, the Supreme Court made it clear that Congress was permitted to preempt state law burdens in the drafting of the Bankruptcy Code. Specifically, the Supreme Court cited 11 U.S.C. §§ 362(g), 363(o), 364(d)(2), 547(g), and 1129(d) as examples of instances where the Code specifically articulates a

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

burden of proof. While under principles of preemption it is clear that Congress may delineate an applicable burden in the Bankruptcy Code, in the context of an objection to a homestead exemption, it is the Federal Rules of Bankruptcy Procedure, not the Bankruptcy Code itself, which articulates a burden of proof. As Trustee points out in its reply brief, 28 U.S.C. § 2072 provides that federal rules of procedure "shall not abridge, enlarge or modify any substantive right." Given that the Supreme Court has determined that a burden of proof is substantive, it would appear that a provision in the Federal Rules of Bankruptcy Procedure could not alter the applicable burden of proof absent a Code provision providing for such alteration.

After 2000, a number of Court have addressed the issue of whether *Raleigh* dictates that FED. R. BANKR. P. Rule 4003(c) is invalid when a debtor exempts property under state law, and state law identifies its own burden for claiming that exemption. In California, CAL. CODE CIV. P. § 703.580(b) provides that the party claiming the exemption has the burden of proof. Therefore, in California, the applicable state law provision is in conflict with FED. R. BANKR. P. Rule 4003(c).

The first case to contain an extended analysis of this conflict, post-*Raleigh*, appears to be *In re Greenfield*, 289 B.R. 146 (Bankr. S.D. Cal. 2003). *In re Greenfield* noted that "the propriety of Rule 4003(c) in a case such as this has been called into question." *Id.* at 148. Ultimately, *In re Greenfield* stated the following:

The court in *Raleigh* did indeed look to state law in placing the burden. However, *Raleigh* dealt with a situation – an objection to a proof of claim – for which neither the Bankruptcy Code nor the Bankruptcy Rules provide a burden of proof . . .

Contrarily, in the case of exemptions and objections thereto, the Rules do provide a specific and clear allocation of the burden – Rule 4003(c). Accordingly, the *Raleigh* case may not apply.

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

Id. at 149.

Then, in 2005, a concurring opinion at the Bankruptcy Appellate Panel, which like *In re Greenfield* did not actually reach a conclusion on the issue, appeared to lean the opposite direction:

There is reason to doubt the validity of the allocation, in Federal Rule of Bankruptcy Procedure 4003(c), of the burden of proof to the party objecting to a claim of exemption, especially an exemption claimed under state law.

At least with respect to state-law exemptions, the better view, after the Supreme Court's decision in *Raleigh v. Ill. Dep't of Revenue*, 530 U.S. 15, 120 S.Ct. 195, 147 L.Ed.2d 13 (2000), may be that, if challenged, the debtor has the burden to establish entitlements to a claim of exemption under state law by the same standard that applies in the courts of that state. If so, then the objecting party does not properly bear the burden of proof.

The post-*Raleigh* view necessarily calls into question the validity of Rule 4003(c), which expressly allocates the burden of proof on claims of exemption: "the objecting party has the burden of proving that the exemptions are not properly claimed."

The basic problem is that Rule 4003(c) suffers from being a procedural rule that attempts to accomplish a substantive task, it being settled by *Raleigh* that a burden of proof in bankruptcy is substantive and generally is regarded as an essential element of a claim itself.

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

In re Davis, 323 B.R. 732, 741 (B.A.P. 9th Cir. 2005) (Judge Klein, concurring opinion).

The excerpts from *In re Greenfield* and *In re Davis* reveal the operative legal question – is FED. R. BANKR. P. Rule 4003(c) invalid as a procedural rule which modifies substantive rights? Judge Klein, ten years after his concurrence in *In re Davis*, wrote a well-researched opinion in *In re Tallerico* supplementing his concurrence. Several courts, primarily in California, have agreed with his position. See, e.g., *In re Diaz*, 547 B.R. 329 (B.A.P. 9th Cir. 2016); *In re Williams*, 556 B.R. 456 (Bankr. C.D. Cal. 2016); *In re Vaughn*, 558 B.R. 897 (Bankr. D. Ala. 2016); *In re Pashenee*, 531 B.R. 834 (Bankr. E.D. Cal. 2015). Other courts have concluded that FED. R. BANKR. P. Rule 4003(c) is still valid despite *Raleigh*. See, e.g., *In re Nicholson*, 435 B.R. 622 (B.A.P. 9th Cir. 2010) (partially abrogated on other grounds); *Matter of Hoffman*, 605 B.R. 560 (Bankr. N.D. Ga. 2019); *In re Weatherspoon*, 605 B.R. 472 (Bankr. S.D. Ohio 2019). Many courts have offered extended analysis of the issue without arriving at a conclusion. See, e.g., *In re Aubry*, 558 B.R. 333 (Bankr. C.D. Cal. 2016) (Judge Kwan) (expressing skepticism that FRBP 4003(c) is invalid); *In re Gilman*, 544 B.R. 184 (Bankr. C.D. Cal. 2016) (Judge Kaufman) (stating that caselaw invalidating FRBP 4003(c) was "compelling," but acknowledging that "there is no binding authority that explicitly changes the burden allocation set forth in *Carter* or FRBP 4003(c)"); *In re Thiem*, 443 B.R. 832 (Bankr. D. Ariz. 2011) (noting dispute and presuming FRBP 4003(c) still valid for purposes of opinion). Most commonly, courts simply assume that FED. R. BANKR. P. Rule 4003(c) is still valid, possibly unaware of a split in caselaw on the issue. See, e.g., *In re Hanson*, 903 F.3d 793 (8th Cir. 2018); *In re Nuara*, 607 B.R. 116 (Bankr. E.D.N.Y. 2019); *In re Haworth*, 604 B.R. 394 (Bankr. D. Idaho 2019). Every Circuit Court, including the Ninth Circuit, that has addressed the burden of proof when an objection to a claimed exemption is filed, has continued to refer to FED. R. BANKR. P. Rule 4003(c) post-*Raleigh*. See, e.g., *In re Lee*, 889 F.3d 639 (9th Cir. 2018) ("Moreover, Rule 4003(c) provides that in any hearing under the rule, 'the objecting party has the burden of proving that the exemptions are not properly claimed.'"); *In re Hanson*, 903 F.3d 793 (8th Cir. 2018) ("It is the trustee's burden to demonstrate that a claimed exemption is improper."); *In re Fehmel*, 2010 WL 1287618 (5th Cir. 2010); *In re Hodes*, 402 F.3d 1005 (10th Cir. 2005) ("The objecting party bears the burden of proof on an objection to a claimed exemption.").

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

Judge Klein, in *In re Tallerico*, 532 B.R. 774 (Bankr. E.D. Cal. 2015), after an extended historical discussion, concluded that "Rule 4003(c) offends the Bankruptcy Rules Enabling Act with respect to state-law exemptions and must give way to the state statute." This conclusion, that FED. R. BANKR. P. Rule 4003(c) constitutes an impermissible modification of substantive rights, carries significant logical appeal given its simplicity and given the plain language of 28 U.S.C. § 2072.

The Court, however, cannot escape certain countervailing considerations. First, in *Raleigh*, the Supreme Court quickly turned to the Federal Rules of Bankruptcy Procedure to determine whether a burden of proof was articulated. 530 U.S. 15 at 22, n.2 ("The legislative history indicates that the burden of proof on the issue of establishing claims was left to the Rules of Bankruptcy Procedure. The Bankruptcy Rules are silent on the burden of proof for claims; while Federal Rule of Bankruptcy Procedure 3001(f) provides that a proof of claim (the name for the proper form for filing a claim against a debtor) is 'prima facie evidence of the validity and amount of the claim,' this rule does not address the burden of proof when a trustee disputes a claim. The Rules thus provide no additional guidance."). The Supreme Court, by writing "that the burden of proof on the issue of establishing claims was left to the Rules of Bankruptcy Procedure," acknowledges that Congress may delegate its authority to set the burden of proof. Indeed, delegation of Congressional authority when an "intelligible principle" is articulated has long been a feature of the American government. *See, e.g., Mistretta v. U.S.*, 488 U.S. 361, 372 (1989) ("Applying this 'intelligible principle' test to congressional delegations, our jurisprudence has been driven by a practical understanding that in our increasingly complex society, replete with ever changing and more technical problems, Congress simply cannot do its job absent an ability to delegate power under broad general directives."). As *Mistretta* makes clear, the Supreme Court rarely interferes with the exercise of delegated legislative authority. *Id.* at 373 ("[W]e have upheld, again without deviation, Congress' ability to delegate power under broad standards.").

This observation finds support in a Bankruptcy Appellate Panel decision from 2010:

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... **Christy Carmen Hammond**

Chapter 7

As the Supreme Court has recognized, bankruptcy exemptions are authorized and regulated by Congress in § 522 of the Bankruptcy Code. Although state law may control the ‘nature and extent’ of state law exemptions, subject to the limitations set forth in the Bankruptcy Code, the manner in which such exemptions are to be claimed, set apart, and awarded, is regulated and determined by the federal courts, as a matter of procedure in the court of bankruptcy administration, as to which they are not bound or limited by state decisions or statutes. Because Congress has regulated the allowance of exemptions in bankruptcy, the Code and Rules may alter burdens of proof relating to exemptions, even if those burdens are part of the "substantive" rights under state law. In implementing the provisions of § 522(l), Rule 4003(c) places the burden of proof on the objecting party.

In re Nicholson, 435 B.R. 622, 633 (B.A.P. 9th Cir. 2010) (partially abrogated on other grounds). In support of the above excerpt, *In re Nicholson* cited the Supreme Court’s statement that "Congress of course may do what it likes with entitlements in bankruptcy," and the Advisory Committee Note to Rule 4003(c) which states that "This rule is derived from § 522(l) of the Code." *Id.*; see also 9 COLLIER’S ON BANKRUPTCY ¶ 4003.04 (16th ed. 2019) ("[T]he better-reasoned decisions recognize that the rule simply reflects the burden placed on an objector by section 522(l), a federal statute that overrides state law on this issue under the Supremacy Clause.").

While the Court does not conclude that the approach represented by *In re Nicholson* is the better-reasoned approach, for multiple reasons outlined below, the Court concludes that the presence of a legitimate argument that FED. R. BANKR. P. Rule 4003(c) is still valid forces this Court to continue applying the rule.

First, the Supreme Court drafts the Federal Rules of Bankruptcy Procedure. *Raleigh* was decided in 2000, so the Supreme Court has had nineteen years, during which time there have been many rule changes, to modify or eliminate

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... **Christy Carmen Hammond**

Chapter 7

FED. R. BANKR. P. Rule 4003(c). It has not done so. Additionally, the Supreme Court, in *Raleigh*, stated that the burden of proof has long been considered "substantive" --- citing pre-World War 2 cases in support of the proposition. Those cases long predate FED. R. BANKR. P. Rule 4003(c), yet the Supreme Court drafted the rule despite the presence of those cases. Given these observations and the ambiguity regarding the continuing validity of FED. R. BANKR. P. Rule 4003(c), this Court would be remiss to invalidate a binding rule of bankruptcy procedure on the basis that the Supreme Court violated its own caselaw. This is especially so when, to this Court's knowledge, every Court of Appeal that has cited the burden of proof for an objection to a homestead exemption has continued to refer to FED. R. BANKR. P. Rule 4003(c) even after *Raleigh*.

Rather, this Court agrees with the analysis set forth in *In re Weatherspoon*, 605 B.R. 472, 482 (Bankr. S.D. Ohio 2019):

Although *Raleigh* was decided in the context of an objection to a proof of claim and did not involve Bankruptcy Rule 4003(c), some bankruptcy courts have questioned the continued viability of the rule in light of the Supreme Court's holding in that case. These cases are well-reasoned, and Ohio courts place the burden of proof on the party claiming the exemption. Thus, it could be argued that here the Debtor should shoulder the burden of proving the exemption was properly claimed. But even if decisions such as *Tallerico* are correctly decided, it is not for this Court to determine that *Raleigh* overruled *Zingale* by implication; instead, it must follow *Zingale* until the Supreme Court or the Sixth Circuit overrules it.

If trial courts disregard binding precedent and binding legal provisions on the basis that they have been implicitly overruled, especially when there are legitimate arguments to the contrary, judicial hierarchy and the entire doctrine of legal precedent would be undermined.

II. *Merits*

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

Here, as stated by Trustee, CAL. CODE CIV. P. § 704.730(a)(3)(B) provides a \$175,000 homestead exemption for "[a] person physically or mentally disabled who as a result of that disability is unable to engage in substantial gainful employment." Regarding the preliminary requirement, whether her husband is disabled, Trustee states "Schedules I and J do not give any indication that Mr. Hammond was disabled as of the Petition Date. . . Debtor included unauthenticated documents and inadmissible hearsay testimony that Mr. Hammond is disabled currently, but no evidence that suggests he was disabled on October 17, 2017." [Dkt. No. 49, pgs. 4-5]. This line of argument is insufficient given that the Court has concluded it should assign Trustee the burden of proof.

Trustee's primarily focuses on the second requirement – whether Mr. Hammond's disability renders him unable to engage in substantial gainful employment. Citing *In re Gilman*, 544 B.R. 184, 199 (Bankr. C.D. Cal. 2016), Trustee argues the following:

The *Gilman* court disallowed the enhanced disability exemption because even though the debtor had established she was disabled, the court found she earned or had the capacity to earn at least \$1,000 per month. Similarly, this Court can assess whether, on the Petition Date, Mr. Hammond had the ability to earn at least \$1,170 per month. Schedule I reflects a gross income of \$1,000 per month for Mr. Hammond, but the only evidence in support of this figure is Schedule I. It is very possible that he was or could have been earning at least \$170 more per month. Also, there is reference in the hearsay testimony attached to the Turnover Opposition that Mr. Hammond is or was pursuing further education, which would presumably increase his earning capacity.

[Dkt. No. 49, pg. 6]. As pointed out in the opposition, this argument falls short of meeting Trustee's burden of proof.

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

Nevertheless, Trustee's argument raises a legitimate question regarding Debtor's eligibility to claim the enhanced homestead exemption under CAL. CODE CIV. P. § 704.730(a)(3)(B). Specifically, the Court notes that Mr. Hammond's income is close to the threshold used in *In re Gilman* to determine substantial gainful activity, and it appears Mr. Hammond may have been enrolled in educational courses that may have caused a temporary reduction in earning potential unrelated to his disability.

TENTATIVE RULING

The Court is inclined to set an evidentiary hearing to determine whether Mr. Hammond had the capacity to engage in substantial gainful employment as of the petition date.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

**#10.00 CONT Motion for Order Compelling Debtor to Vacate and Turnover Real Property
HOLDING DATE**

From: 11/13/19, 12/18/19, 5/20/20, 9/9/20,11/4/20, 2/2/20,1/6/21

Also #9

EH ____

(Tele. appr. Douglas Plazak, rep. Plaintiff, Robert Whitmore)

Docket 40

Tentative Ruling:

11/13/19

BACKGROUND

On October 16, 2017, Christy Hammond ("Debtor") filed a Chapter 7 voluntary petition. Among the assets of the estate is certain real property located at 5918 Ridgeway Dr., Chino Hills, CA 91709 (the "Property"). On January 29, 2018, Debtor obtained a discharge.

On April 23, 2018, the Chapter 7 Trustee filed a notice of assets, subsequently employing an attorney, and a real estate broker. Debtor opposed Trustee's request to hold a real estate broker, and the Court approved the application after a hearing held on March 27, 2019.

On October 16, 2019, Trustee filed (1) a motion for turnover of property (the "Motion");

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

and (2) an adversary complaint against Kenneth Hammond seeking turnover of property from Debtor's non-filing spouse. The Motion requests that the Court order the occupants to vacate the Property within twenty days, while outlining certain permitted actions in the event that the occupants do not timely vacate the Property.

On October 30, 2019, Debtor filed her opposition to the Motion. Debtor's primary argument is that administration of the Property will not produce a consequential benefit to the estate. According to Trustee, the value of the Property is \$600,000-\$615,000, the Property is encumbered by security interests totaling \$402,000, Debtor claimed a homestead exemption in the amount of \$100,000, and costs of sale/repairs would total \$63,000. These figures would produce nonexempt equity in the range of \$35,000 to \$50,000. In Debtor's opposition she asserts that Trustee understates the needed repairs by \$52,960. Debtor also contends that Trustee overstates the fair market value of the Property by \$50,000-\$65,000. Finally, Debtor has increased her homestead exemption from \$100,000 to \$175,000 pursuant to an amended Schedule C filed October 30, 2019 [Dkt. No. 44]. Debtor also raises various procedural and equitable arguments in her opposition.

On November 6, 2019, Trustee filed a reply. Of particular note is that Trustee states that it will file an objection to Debtor's amended homestead exemption.

DISCUSSION

11 U.S.C. § 542(a) states:

Except as provided in subsection (c) or (d) of this section, an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

The standard for a turnover action is well established:

"To prevail in a turnover action under § 542, the party seeking turnover must establish (1) that the property is or was in the possession, custody or control of an entity during the pendency of the case, (2) that the property may be used by the trustee in accordance with § 363 or exempted by the debtor under § 522; and (3) that the property has more than inconsequential value or benefit to the estate."

In re Bailey, 380 B.R. 486, 490 (B.A.P. 6th Cir. 2008); *see also In re Newman*, 487 B.R. 193 (B.A.P. 9th Cir. 2013). Here, the parties dispute the third prong of the turnover standard identified above.

The Court need not address the parties' dispute regarding the fair market value of the Property because Debtor's amended Schedule C, filed October 30, 2019, increased Debtor's homestead exemption by \$75,000. Because Trustee's own calculation results in realizable equity in the range of \$35,000 to \$50,000, Debtor's increased claimed homestead exemption eliminates all realizable equity in the subject property. Pursuant to FED. R. BANKR. P. Rule 1009(a), Debtor has a right to amend her schedules "as a matter of course" until the case is closed. And, pursuant to FED. R. BANKR. P. Rule 4003(c), the party objecting to a claimed exemption has the burden of proof. Therefore, in the absence of a formal objection, the Court must assume that Debtor's amended homestead exemption is valid. If Debtor's amended homestead exemption is valid, then the Property does not have consequential value to the bankruptcy estate.

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for Trustee to file an objection to

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Christy Carmen Hammond
Debtor's amended homestead exemption.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

Adv#: 6:19-01144 Whitmore v. Hammond

#11.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01144. Complaint by Robert S. Whitmore against Kenneth Hammond. (Charge To Estate) \$350.00 (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Unexecuted Summons) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))),91 (Declaratory judgment))

HOLDING DATE

From: 12/18/19, 5/20/20, 9/9/20, 11/4/20, 12/2/20,1/6/21

EH ____

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Defendant(s):

Kenneth Hammond

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#12.00 CONT. Planitiff's Motion For Summary Judgment

From: 11/18/20

Also #13

EH__

(Tele. appr. Jiyeon Kim, rep. Defendant Joshua Park)

Docket 47

Tentative Ruling:

- NONE LISTED -

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):

Vivian Kim

Represented By
Jiyeon Kym
Jiyeon Kym

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon
Vivian Kim

Represented By
Jiyoung Kym

Chapter 7

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, February 3, 2021

Hearing Room 303

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#13.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01210. Complaint by Vivian Kim against Young Jin Yoon, Hyunmyung Park, Joshua Park. false pretenses, false representation, actual fraud)),(72 (Injunctive relief - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Kym, Jiyoung)

Also #12

From: 12/12/18, 1/9/19, 7/31/19, 10/16/19, 3/11/20, 7/15/20, 9/14/20, 9/15/20,10/18/20

EH__

(Tele. appr. Jiyoung Kim, rep. Defendant Joshua Park)

Docket 1

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon

Chapter 7

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, February 3, 2021

Hearing Room 303

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#14.00 Plaintiff's motion and joint motion for 1) Issuance of order to show cause why Defendant Marc Anthony Capoccia should not be held in contempt for failure to abide by and comply with the Court's October 7, 2020, order granting Plaintiff's motion to compel; 2) Strike Defendant's answer filed on February 26, 2020

Also #14 & 15

EH__

(Tele. appr. Daren Schlecter, rep. Plaintiff, Canyon Springs Enterprises dba RSH Construction Services)

(Tele. Todd Turoci, rep. Defendant, Marc Anthony Capoccia)

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Movant(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Marc Anthony Capoccia

Chapter 7

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

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 3, 2021

Hearing Room 303

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#15.00 Order to Show Cause why Marc Anthony Capoccia should not be held in contempt for 1) Willful Violation of Court's October 7, 2020 order to pay sanctions and to submit further discovery responses; 2) failure to attend December 2, 2020 status conference

Also #14 & 16

EH__

(Tele. appr. Daren Schlecter, rep. Plaintiff, Canyon Springs Enterprises dba RSH Construction Services)

(Tele. Todd Turoci, rep. Defendant, Marc Anthony Capoccia)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Marc Anthony Capoccia

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 3, 2021

Hearing Room 303

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#16.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01012. Complaint by Canyon Springs Enterprises dba RSH Construction Services, a California corporation against Marc Anthony Capoccia. 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)) (Schlecter, Daren)

From: 3/25/20, 4/1/20,12/2/20

Also #14 & 15

(Tele. appr. Daren Schlecter, rep. Plaintiff, Canyon Springs Enterprises dba RSH Construction Services)

(Tele. Todd Turoci, rep. Defendant, Marc Anthony Capoccia)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Marc Anthony Capoccia

Chapter 7

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

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 3, 2021

Hearing Room 303

2:00 PM

6:19-19387 Corinne Lara Ramirez

Chapter 7

Adv#: 6:20-01006 Eggleston et al v. Ramirez

#17.00 Defendant's Motion to Dismiss First Amended Complaint for Failure to State a Claim based on Failure to Plead Fraud with particularity

Also #18

EH__

(Tele. appr. Tyler Brown, rep. Plaintiff, Eggleston et al)

(Tele. appr. Scott Talkov, rep. Defendant, Corinne Lara Ramirez)

Docket 72

Tentative Ruling:

2/3/2021

Service Proper
Opposition Filed

BACKGROUND

On October 24, 2019, Corinne Lara Ramirez ("Defendant") filed a Chapter 7 voluntary petition. On October 5, 2020 the order of discharge was entered closing the bankruptcy case on October 6, 2020.

While the bankruptcy was still proceeding, on January 22, 2020, David Eggleston, Karin Doerr, Richard Alvarado, and Yan Sum Alvarado ("Plaintiffs") filed a non-dischargeability complaint ("Complaint") against Defendant pursuant to 11 U.S.C. § 523(a)(2)(A) and (a)(6). On October 2, 2020, Plaintiffs filed a motion for leave to amend. The hearing was held on November 18, 2020, in which the Court orally granted the Plaintiff's request. On December 1, 2020, Plaintiffs filed the first amended complaint ("FAC").

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

On December 3, 2020, the Court entered an order granting Defendant's motion to dismiss as to the § 523(a)(6) second cause of action and denying Defendant's motion as to the § 523(a)(2)(A) first cause of action. The Plaintiff was granted leave to amend the first cause of action, and the FAC become the governing complaint. Defendant were given a deadline to respond by December 23, 2020

On December 23, 2020, Defendant filed the instant motion to dismiss arguing the allegations in the FAC do not meet the heightened pleading requirement of FED. R. CIV. P. Rule 9(b). On January 13, 2021, Plaintiffs filed an opposition. Plaintiffs contend that the factual allegations meet the elements required by § 523(a)(2)(A).

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 (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 (2009) (quoting *Twombly*, 550 U.S. at 570). 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. NON-DISCHARGEABILITY STANDARD

11 U.S.C. § 523(a)(2)(A) states:

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT...

Corinne Lara Ramirez

Chapter 7

- (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).

III. *RULE 9(B) STANDARD*

Plaintiff appears to cite to *In re Druckemiller*, 177 B.R. 859 (Bankr. N.D. Ohio 1994) for the proposition that so long as the allegations align with the elements of the § 523(a)(2)(A), FED. R. CIV. P. Rule 9(b) does not apply to § 523(a)(2)(A). This is incorrect. The *Druckemiller* court never considered the application of FED. R. CIV. P. Rule 9(b) and the issue there was whether a debt was dischargeable, not whether a complaint for dischargeability was particularly pled. *See Druckemiller*, 177 B.R. at 859-62.

As Defendants argue, 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).

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."

"In order to properly plead fraud with particularity, the complaint must allege the time, and content of the fraudulent representation such that a defendant can prepare an adequate response to the allegations." *In re Kimmel*, 2008 WL 5076380 at *1. The heightened pleading standard is commonly cited as requiring the allegations to identify "the who, what, when, where, and how of the misconduct charged." *See, e.g. U.S. v.*

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

United Healthcare Ins. Co., 848 F.3d 1161, 1167 (9th Cir. 2016); [*Ebeid ex rel. United States v. Lungwitz*](#), 616 F.3d 993, 998 (9th Cir. 2010); [*Vess v. Ciba-Geigy Corp. USA*](#), 317 F.3d 1097, 1106 (9th Cir. 2003).

IV. ANALYSIS

Plaintiff's FAC contains four different groups of representations:

1. Defendant Corinne Lara Ramirez made the follow material misrepresentations of fact (1) that the Defendant Corinne Lara Ramirez and her business partners were knowledgeable and experience in the wine business, including the production, marketing, accounting, and distribution of wine, all of which would be undertaken by The Company; (FAC ¶ 3).
2. (2) that The Company already had assets, including wine in three tanks, which wine was represented by Defendant Corrina[sic] Lara Ramirez and her business partners to be worth at least \$300,000.00. (FAC ¶ 3).
3. Following this investment, Defendant Corinne Lara Ramirez represented that The Company was in good financial condition and profitable. When Plaintiffs Richard Alvarado and Yan Sum Alvarado asked to see The Company's financial statements, Defendant Corinne Lara Ramirez represented that there were not ready, but would be provided later. (FAC ¶ 5).
4. Plaintiffs David Eggleston and Karin Doerr purchased a combined five membership interest for \$100,000 based on the statements made by Defendant Corinne Lara Ramirez about the Company's financial condition....they were told that these loans would be immediately repaid. (FAC ¶ 6).

All these representations lack the detail to satisfy FED. R. CIV. P. Rule 9(b)'s particularity requirement. Beyond these allegations, no information regarding the circumstances of these statements is provided in the FAC. With respect to the first group, to whom, specifically, did Defendant make those statements and in what context were they made; were they made via phone call, were they made at a business meeting? Exactly when were they made? The Court has the same issue with the second group of representations. With respect to the third and fourth groups, it is unclear when Plaintiff made their investments and at what point Defendant made representations that the company was in good financial condition, or when and how they were told that their loans would be immediately repaid.

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

The FAC is also disorganized and vague as to how the one date included in the FAC relates to the alleged misrepresentations. Although paragraph 2 of the FAC provides that on July 21, 2015 Defendant solicited the Plaintiffs to invest, it is difficult to determine whether that was the date of all the representations, and in any case the FAC lacks the dates for the alleged subsequent misrepresentations. This is just another example of how the FAC fails to show with "particularity the circumstances constituting fraud or mistake." *See* FED. R. CIV. P. Rule 9(b)

As Plaintiff has generally not pleaded the "who, what, when, where, and how of the misconduct charged," the Court cannot find that there is enough specificity for Defendant to "prepare an adequate response to the allegations." *See In re Kimmel*, 2008 WL 5076380 at *1.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT the motion with leave to amend.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Corinne Lara Ramirez

Represented By
Natalie A Alvarado

Defendant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Movant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Plaintiff(s):

David Eggleston

Represented By
Tyler H Brown

Karin Doerr

Represented By
Tyler H Brown

Richard Alvarado

Represented By
Tyler H Brown

Yan Sum Alvarado

Represented By
Tyler H Brown

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 3, 2021

Hearing Room 303

2:00 PM

6:19-19387 Corinne Lara Ramirez

Chapter 7

Adv#: 6:20-01006 Eggleston et al v. Ramirez

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01006. Complaint by David Eggleston, Karin Doerr, Richard Alvarado, Yan Sum Alvarado against Corinne Lara Ramirez. (d),(e)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

Also #17

From 10/7/20, 10/14/20,11/18/20

EH__

(Tele. appr. Tyler Brown, rep. Plaintiff, Eggleston et al)

(Tele. appr. Scott Talkov, rep. Defendant, Corinne Lara Ramirez)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corinne Lara Ramirez

Represented By
Natalie A Alvarado

Defendant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Plaintiff(s):

David Eggleston

Represented By
Tyler H Brown

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Karin Doerr

Represented By
Tyler H Brown

Richard Alvarado

Represented By
Tyler H Brown

Yan Sum Alvarado

Represented By
Tyler H Brown

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 3, 2021

Hearing Room 303

2:00 PM

6:19-19674 James Dimitri Tsirtsis

Chapter 7

Adv#: 6:20-01032 Whitmore v. Tsirtsis et al

#19.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01032. Complaint by Robert S. Whitmore against James Dimitri Tsirtsis, Pota N. Tsirtsis, Christos Minoudis, Maria Minoudis, Angelo D. Tsirtsis. (Charge To Estate \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer))

*Complaint dismissed as to Defendants Christos Minoudis and Maria Minoudis on 9/22/20, (doc. 26)

*Complaint dismissed as to Defendant James Dimitri Tsirtsis on 10/30/20, (doc.29)

From: 5/27/20, 7/1/20, 10/18/20

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 2/17/21 BY ORDER
ENTERED 1/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Dimitri Tsirtsis

Represented By
Donald W Sieveke

Defendant(s):

James Dimitri Tsirtsis

Represented By
Elliott H Stone

Pota N. Tsirtsis

Represented By
Brad A Mokri

Christos Minoudis

Represented By
Brad A Mokri

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

CONT... James Dimitri Tsirtsis

Chapter 7

Maria Minoudis

Michelle A Marchisotto

Represented By
Brad A Mokri
Michelle A Marchisotto

Angelo D. Tsirtsis

Represented By
Brad A Mokri

Plaintiff(s):

Robert S. Whitmore

Represented By
Michelle A Marchisotto

Trustee(s):

Robert Whitmore (TR)

Represented By
Michelle A Marchisotto

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

Wednesday, February 3, 2021

Hearing Room 303

2:00 PM

6:20-16066 Amjad Yousef Salem

Chapter 7

Adv#: 6:20-01192 Price v. Salem et al

#20.00 Status Conference RE: [1] Adversary case 6:20-ap-01192. Complaint by David Price against Amjad Yousef Salem, Lina Amjad Salem. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Weil, David)

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amjad Yousef Salem

Represented By
Brian J Soo-Hoo

Defendant(s):

Amjad Yousef Salem

Pro Se

Lina Amjad Salem

Pro Se

Joint Debtor(s):

Lina Amjad Salem

Represented By
Brian J Soo-Hoo

Plaintiff(s):

David Price

Represented By
David Weil

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 3, 2021

Hearing Room 303

2:00 PM

6:20-16402 Maria Elvia Hernandez

Chapter 7

Adv#: 6:20-01185 Anderson v. Oceana Gwen, LLC et al

#21.00 Status Conference RE: [1] Adversary case 6:20-ap-01185. Complaint by Karl T. Anderson against Oceana Gwen, LLC, Emmanuel Andrade. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

EH__

(Tele. appr. Tinho Mang, rep. Trustee, Karl Anderson)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Defendant(s):

Oceana Gwen, LLC

Pro Se

EMMANUEL ANDRADE

Pro Se

Plaintiff(s):

Karl T. Anderson

Represented By
Tinho Mang

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

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

Thursday, February 4, 2021

Hearing Room 303

11:00 AM

6:16-14457 Milorad Mileusnic and Sonja Mileusnic

Chapter 13

#1.00 Debtors' Motion for Authority to Sell or Refinance Real Property under LBR 3015-1(p)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jenny Doling, rep. Debtor, Milorad & Sonja Mileusnic)

(Tele. appr. John Ellis, rep. creditor USA, IRS)

Docket 108

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Milorad Mileusnic

Represented By
Jenny L Doling

Joint Debtor(s):

Sonja Mileusnic

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, February 4, 2021

Hearing Room 303

11:00 AM

6:18-16996 Gabriel Cruz

Chapter 13

#2.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 72

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley
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**

Thursday, February 4, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#3.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Exhibits 1 Through 4 and Proof of Service

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Summer Shaw, rep. Debtors, Evan & Elton Parker-Calderon)

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
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 4, 2021

Hearing Room 303

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#4.00 Motion to Convert Case From Chapter 7 to 13 under U.S.C. §706(a)

EH__

Docket 27

***** VACATED *** REASON: CONTINUED TO 3/31/21 @ 11:00 A.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack

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

Thursday, February 4, 2021

Hearing Room 303

11:00 AM

6:20-17479 Francisco Ralph Prado and Martha Prado

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Francisco Ralph Prado

Represented By
Carey C Pickford

Joint Debtor(s):

Martha Prado

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17489 Karisma Brieon Crain

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 12/4/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karisma Brieon Crain

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17561 Kent D. Moore

Chapter 13

#7.00 Debtor's Motion to Avoid Junior Lien with Pnc Mortgage

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Terrence Fantauzzi rep. Debtor, Kent Moore)

(Tele. appr. Nancy Lee, rep. creditor, PNC Bank)

Docket 18

Tentative Ruling:

2/4/21

Service: Proper

Opposition: Non-Opposition by lienholder

The Court, having reviewed the motion, notice appearing proper, good cause appearing, and the affected lienholder having filed a conditional non-opposition to the motion, the Court is inclined to GRANT the motion, avoiding the junior lien of PNC Bank, National Association, effective 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):

Kent D. Moore

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, February 4, 2021

Hearing Room 303

11:00 AM

6:20-17561 Kent D. Moore

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Terrence Fantauzzi rep. Debtor, Kent Moore)

(Tele. appr. Nancy Lee, rep. creditor, PNC Bank)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kent D. Moore

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, February 4, 2021

Hearing Room 303

11:00 AM

6:20-17604 Theresa P. Salaz

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Keith Nguyen, rep. Debtor, Theresa Salaz)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Theresa P. Salaz

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, February 4, 2021

Hearing Room 303

11:00 AM

6:20-17606 Gregory Johnson

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Austin Nagel, rep. creditor, The Bank of New York Mellon)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Johnson

Represented By
Andy 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, February 4, 2021

Hearing Room 303

11:00 AM

6:20-17657 Juan Manuel Sanchez Tejada

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Manuel Sanchez Tejada

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, February 4, 2021

Hearing Room 303

11:00 AM

6:20-17670 Lee Ann Bradshaw

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Robert Chen, rep. Debtor, Lee Ann Bradshaw)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lee Ann Bradshaw

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 4, 2021

Hearing Room 303

11:01 AM

6:16-10972 Jose Ignacio Vega and Rosalba Ruiz Quinonez

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 72

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/25/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ignacio Vega

Represented By
Todd L Turoci

Joint Debtor(s):

Rosalba Ruiz Quinonez

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, February 4, 2021

Hearing Room 303

11:01 AM

6:16-11312 Elizabeth M Molinari

Chapter 13

#14.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Yelena Gurevich, rep. Debtor, Elizabeth Molinari)

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth M Molinari

Represented By
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, February 4, 2021

Hearing Room 303

11:01 AM

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

Chapter 13

#15.00 CONT. Trustee's Motion to Dismiss Case

From: 1/21/21

EH__

Docket 211

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/26/21

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, February 4, 2021

Hearing Room 303

11:01 AM

6:17-12118 Veronica A Mendoza

Chapter 13

#16.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 85

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, February 4, 2021

Hearing Room 303

11:01 AM

6:17-12647 Joseph V. Lessa and Nichole Alyce Lessa

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/25/21**

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, February 4, 2021

Hearing Room 303

11:01 AM

6:17-19027 Jaime Villalobos and Jennifer Villalobos

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtors, Jaime & Jennifer Villalobos)

Docket 124

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, February 4, 2021

Hearing Room 303

11:01 AM

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

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Andy Warshaw, rep. Debtors, Alfredo Manzo Arrieta and Mayte Hernandez-Arrieta)

Docket 158

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, February 4, 2021

Hearing Room 303

11:01 AM

6:18-12819 Adrian Lopez and Patricia Lopez

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/3/21

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, February 4, 2021

Hearing Room 303

11:01 AM

6:18-16996 Gabriel Cruz

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley
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**

Thursday, February 4, 2021

Hearing Room 303

11:01 AM

6:18-19093 Yolanda Williams

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtor, Yolanda Williams)

Docket 100

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, February 4, 2021

Hearing Room 303

11:01 AM

6:18-20402 Frank T. Moore

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joselina Medrano, rep. Debtor, Frank Moore)

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Frank T. Moore

Represented By

Patricia M Ashcraft - SUSPENDED BK -
Gregory 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, February 4, 2021

Hearing Room 303

11:01 AM

6:19-10956 Anthony Santiago Ramos and Lena Marie Ramos

Chapter 13

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

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Kristin Lamar, rep. Debtors, Anthony and Lena Ramos)

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Santiago Ramos

Represented By
Kristin R Lamar

Joint Debtor(s):

Lena Marie Ramos

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, February 4, 2021

Hearing Room 303

11:01 AM

6:19-16065 Iris M Gonzalez

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 32

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/25/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Iris M Gonzalez

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, February 4, 2021

Hearing Room 303

11:01 AM

6:19-16544 Rudy Michael Castillo and Monica Michelle Castillo

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy Michael Castillo

Represented By
Nicholas M Wajda

Joint Debtor(s):

Monica Michelle Castillo

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, February 4, 2021

Hearing Room 303

11:01 AM

6:19-18569 Edwin Briones and Gabriela Sandez

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Kevin Tang, rep. Debtors, Edwin Briones and Gabriela Sandez)

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin Briones

Represented By
Kevin Tang

Joint Debtor(s):

Gabriela Sandez

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, February 4, 2021

Hearing Room 303

11:01 AM

6:19-19300 Nicholas A. Asamo

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Stephen Smyth, rep. Debtor, Nicholas Asamo)

Docket 39

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas A. Asamo

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, February 4, 2021

Hearing Room 303

11:01 AM

6:19-19726 Pedro Jimenez and Christine Jimenez

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pedro Jimenez

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Christine Jimenez

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, February 4, 2021

Hearing Room 303

11:01 AM

6:20-10675 Michael D Guffa

Chapter 13

#30.00 Trustee's Motion to Dismiss Case

EH__

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/20/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael D Guffa

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 4, 2021

Hearing Room 303

11:01 AM

6:20-12298 Christian Howard

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Christian Howard)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christian Howard

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, February 4, 2021

Hearing Room 303

11:01 AM

6:15-20023 Zachary Lee Nowak

Chapter 13

#32.00 Trustee's Motion to Dismiss Case

EH__

Docket 165

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/28/21**

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, February 4, 2021

Hearing Room 303

11:01 AM

6:20-16075 Margarita Barham

Chapter 13

#32.10 Trustee's Motion to Dismiss Case

EH__

Docket 34

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/26/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita Barham

Represented By
Christopher Hewitt
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**

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Subaru Impreza WRX VIN No.JF1VA1B68H9824660

MOVANT: JPMORGAN CHASE BANK, N.A.

EH __

(Tele. appr. Wendy Locke, rep. creditor, JPMorgan Chase Bank)

Docket 41

Tentative Ruling:

2/9/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from § 1301(a) co-debtor stay
- GRANT relief from 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):

Miguel Pinedo

Represented By
James G. Beirne

Joint Debtor(s):

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Miguel Pinedo and Laura Pinedo

Chapter 13

Laura Pinedo

Represented By
James G. Beirne

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

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 9, 2021

Hearing Room 303

11:00 AM

6:19-17527 Michael Lewis Jackson and Samantha Kim Jackson

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 30884 Windflower Lane, Murrieta, CA 92563 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Freedom Mortgage Corporation)

Docket 39

Tentative Ruling:

2/9/2021

Service: Proper

Opposition: None

Movant to apprise Court of status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael Lewis Jackson

Represented By
Anthony B Vigil

Joint Debtor(s):

Samantha Kim Jackson

Represented By
Anthony B Vigil

Movant(s):

Freedom Mortgage Corporation

Represented By
John D Schlotter

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

**CONT... Michael Lewis Jackson and Samantha Kim Jackson
Dane W Exnowski**

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 9, 2021

Hearing Room 303

11:00 AM

6:20-12027 Dana Edward Pettus and Andrea Lynn Doster

Chapter 13

#3.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: 2014 Honda Pilot, VIN: 5FNYP3H24EB016526

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Robert Chen, rep. Debtors, Dana Pettus and Andrea Doster)

(Tele. appr. Sheryl Ith, rep. creditor, GM Financial)

Docket 43

Tentative Ruling:

2/9/2021

Service: Proper

Opposition: None

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

- (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 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 good or proceeds in question;
- (7) whether the litigation in another

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

CONT...

Dana Edward Pettus and Andrea Lynn Doster

Chapter 13

forum would prejudice the interests of other creditors, the creditor's committee and other interested parties; (8) whether the judgment claim arising from the foreign action is subject to equitable subordination; (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 and the "balance of hurt."

In re Roger, 539 B.R. 837, 844-45 (C.D. Cal. 2015). In *Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

Id. at 845 (quotations and citations omitted). As is typically the case, "[t]he

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Dana Edward Pettus and Andrea Lynn Doster Chapter 13

record does not indicate that *Curtis* factors 3, 4, [] 6, 8, or 9 are at issue in this case, nor do the parties argue to the contrary." *Id.*

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting Movant relief from the automatic stay. Specifically, while the eleventh factor may weigh against granting relief from stay, because no proceeding has of yet been commenced, the remainder of the factors weigh in favor of relief from stay being granted because Movant "seeks recovery primarily from third parties and agrees that the stay will remain in effect as to the enforcement of any resulting judgment against the Debtor." Because Movant is not seeking to recover from Debtors or the bankruptcy estate, granting relief from stay will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT waiver of Rule 4001(a)(3) stay
- GRANT request under ¶¶ 2 and 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):

Dana Edward Pettus

Represented By
Raj T Wadhvani

Joint Debtor(s):

Andrea Lynn Doster

Represented By
Raj T Wadhvani

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, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Dana Edward Pettus and Andrea Lynn Doster

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 9, 2021

Hearing Room 303

11:00 AM

6:20-17415 Jon Wesley Mcdowell and Lisa Ann Mcdowell

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Kia Sorento

MOVANT: CARVANA, LLC

EH____

(Tele. appr. Merdaud Jafarnia, rep. creditor, Carvana, LLC)

Docket 17

Tentative Ruling:

2/9/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Jon Wesley Mcdowell and Lisa Ann Mcdowell
(emphasis added).

Chapter 7

Here, Debtors' timely-filed statement of intention does not address the subject collateral. As the deadline for filing or amending the statement of intention passed pursuant to 11 U.S.C. § 521(a)(2) (A) prior to the filing of the late statement of intention, the automatic stay terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jon Wesley Mcdowell	Pro Se
---------------------	--------

Joint Debtor(s):

Lisa Ann Mcdowell	Pro Se
-------------------	--------

Movant(s):

Carvana, LLC	Represented By Erica T Loftis Pacheco
--------------	--

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, February 9, 2021

Hearing Room 303

11:00 AM

6:20-17529 Victor Lopez

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2011 TOYOTA SIENNA, VIN: 5TDX K3DC 6BS0 75736

MOVANT: MECHANICS BANK

EH__

(Tele. appr. Vincent Frounjan, rep. creditor, Mechanics Bank)

Docket 23

Tentative Ruling:

2/9/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 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):

Victor Lopez

Represented By
Stephen K Moran

Movant(s):

MECHANICS BANK

Represented By
Vincent V Frounjan

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Victor Lopez

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, February 9, 2021

Hearing Room 303

11:00 AM

6:20-18086 Rosa Gonzalez Olivera

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Silverado 1500, VIN: 3GCPCREC3JG102547

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, GM Financial)

Docket 9

Tentative Ruling:

2/9/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Rosa Gonzalez Olivera

Represented By
Christopher Hewitt

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, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Rosa Gonzalez Olivera

Chapter 7

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, February 9, 2021

Hearing Room 303

11:00 AM

6:21-10028 Lucy Arzate

Chapter 7

#7.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 5007 Prairie Run Road, Eastvalle, California 91752

MOVANT: W-WORLD USA, LLC

From: 2/2/21

CASE DISMISSED ON 1/25/21

EH__

(Tele. appr. creditor, W-World USA)

Docket 9

Tentative Ruling:

2/2/2021

Service: Improper

Opposition: None

Judge Houle's self-calendaring procedures provide that: "Telephonic notice of the date, time and place of the hearing on the motion must be given to all parties entitled to receive notice not later than 5 court days prior to the hearing, and proof of service of such telephonic notice must be filed not later than 3 court days prior to the hearing." Local Rule 4001-1(c)(1)(A) provides that: "If the motion seeks relief from the stay to proceed with an unlawful detainer action involving a residential property with a month-to-month tenancy, tenancy at will, or a tenancy terminated by an unlawful detainer judgment, the movant must serve only the debtor and debtor's attorneys." Here, Movant not having provided telephonic notice to Debtor, notice is improper. Therefore, the Court is inclined to DENY the motion without prejudice.

APPEARANCES REQUIRED.

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

Tuesday, February 9, 2021

Hearing Room 303

11:00 AM

CONT... Lucy Arzate

Chapter 7

Party Information

Debtor(s):

Lucy Arzate

Represented By
Thinh V Doan

Movant(s):

W-WORLD USA, LLC

Represented By
Julian K Bach

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 10, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#1.00 CONT Trustee's Final Report and Applications for Compensation
(Holding Date)

From: 4/1/20, 5/13/20, 9/9/20,10/14/20,12/16/20

EH ____

Docket 464

Tentative Ruling:

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, February 10, 2021

Hearing Room 303

11:00 AM

6:18-17820 Maria Fabiola Marroquin

Chapter 7

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

EH__

Docket 57

Tentative Ruling:

2/10/2021

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and 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: \$ 3,250
Trustee Expenses: \$ 149.21

Counsel Fees: \$10,000
Counsel Expenses: \$585.80

Court Costs: \$350

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):

Maria Fabiola Marroquin

Represented By
Mark A Mellor

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, February 10, 2021

Hearing Room 303

11:00 AM

CONT... Maria Fabiola Marroquin

Chapter 7

Robert P Goe
Thomas J Eastmond
Rafael R Garcia-Salgado

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

Wednesday, February 10, 2021

Hearing Room 303

11:00 AM

6:19-14204 Joseph Ramirez and Adriana Ramirez

Chapter 7

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

EH__

Docket 29

Tentative Ruling:

2/10/2021

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: \$ 875.00
Trustee Expenses: \$ 206.45

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):

Joseph Ramirez

Represented By
Richard L Barrett

Joint Debtor(s):

Adriana Ramirez

Represented By
Richard L Barrett

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, February 10, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#4.00 CONT. Defendants' Motion For Summary Judgment

From: 1/6/21,1/27/21

EH__

Docket 10

Tentative Ruling:

2/10/2021

At the conclusion of the hearing on January 27, 2021, the remaining issue focused on the respective burdens of Plaintiff and Defendant regarding Defendant's affirmative defense of good faith. Again, Cal. Civ. Code Section 3439.08(a) provides that "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee." In the Makar action, the evidence presented by Defendant in support of the good faith affirmative defense states in its entirety as follows:

"I never knew nor had any reason to believe that Bastorous, his wife or any of his entities were involved in fraudulent activities until after he filed for bankruptcy. I would never have invested money with him had I known he was intending to steal my investment."

Plaintiff directs the Court to *Nautilus, Inc., v. Chao Chen Yang et al.*, 217 Cal. Rptr. 3d 458, 461 (Cal. Ct. App. 2017), for the proposition that Defendant's burden required him, at a minimum, to provide testimony refuting that Defendant: (1) had fraudulent intent; (2) colluded with a person who was engaged in the fraudulent conveyance; (3) actively participated in the fraudulent conveyance; or (4) had actual knowledge of facts showing knowledge of the transferor's fraudulent intent. In other words, Plaintiff asserts that Defendant's declaration fails because it does not address

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

each of the specific elements set forth in *Nautilus*. In *Nautilus*, however, the Court did not address the defendant's evidentiary burden in moving for summary judgement as to good faith, nor is *Nautilus* binding on the issue.

As discussed above, the standard for summary judgment is that the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

Thus, Defendant has the burden to establish the defense of good faith. The question remains: Is the Defendant's testimony sufficient to meet their burden on summary judgment, or did Defendant have to specifically recite and refute each of the *Nautilus* elements? In this case, the Court is inclined to find the *Nautilus* analysis thoughtful as to the elements a defendant would need to prove to establish a finding of good faith. That does not mean, however, that the Defendant had to refute those elements verbatim as part of its burden of production on summary judgment, nor does Plaintiff present any authority to that effect. Here Defendant's testimony establishes that he did not know about the fraudulent activity, nor did he have reason to believe there was fraudulent activity, and that if he was aware of Bastorous' intent he would not have invested. Given that factual presentation, with the understanding that the Plaintiff has not presented any evidence to establish a material fact as to any of the disjunctive *Nautilus* good faith tests, the Court cannot find that there remains any question of fact as to Defendant's good faith. In other words, it appears to the Court that the *Nautilus* tests for good faith are subsumed within, and satisfied by, Defendant's testimony. Therefore, reviewing that evidence in light of *Nautilus*, the Court finds

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that Makar's testimony satisfies the *Nautilus* court's required showing. As such, the Court is inclined to adopt the prior tentative ruling in its entirety and GRANT summary judgment in favor of Defendant Makar, otherwise DENYING summary judgment as to the remaining Defendants.

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from FIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. *Statute of Limitations*

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); see also *Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); see also *RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simply stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue,

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, February 10, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#5.00 CONT. Defendant John 20/20 Enterprises, Inc.'s Motion For Summary Judgment

From: 1/6/21,1/27/21

EH__

Docket 22

Tentative Ruling:

2/10/2021

At the conclusion of the hearing on January 27, 2021, the remaining issue focused on the respective burdens of Plaintiff and Defendant regarding Defendant's affirmative defense of good faith. Again, Cal. Civ. Code Section 3439.08(a) provides that "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee." In the Makar action, the evidence presented by Defendant in support of the good faith affirmative defense states in its entirety as follows:

"I never knew nor had any reason to believe that Bastorous, his wife or any of his entities were involved in fraudulent activities until after he filed for bankruptcy. I would never have invested money with him had I known he was intending to steal my investment."

Plaintiff directs the Court to *Nautilus, Inc., v. Chao Chen Yang et al.*, 217 Cal. Rptr. 3d 458, 461 (Cal. Ct. App. 2017), for the proposition that Defendant's burden required him, at a minimum, to provide testimony refuting that Defendant: (1) had fraudulent intent; (2) colluded with a person who was engaged in the fraudulent conveyance; (3) actively participated in the fraudulent conveyance; or (4) had actual knowledge of facts showing knowledge of the transferor's fraudulent intent. In other

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

words, Plaintiff asserts that Defendant's declaration fails because it does not address each of the specific elements set forth in *Nautilus*. In *Nautilus*, however, the Court did not address the defendant's evidentiary burden in moving for summary judgment as to good faith, nor is *Nautilus* binding on the issue.

As discussed above, the standard for summary judgment is that the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

Thus, Defendant has the burden to establish the defense of good faith. The question remains: Is the Defendant's testimony sufficient to meet their burden on summary judgment, or did Defendant have to specifically recite and refute each of the *Nautilus* elements? In this case, the Court is inclined to find the *Nautilus* analysis thoughtful as to the elements a defendant would need to prove to establish a finding of good faith. That does not mean, however, that the Defendant had to refute those elements verbatim as part of its burden of production on summary judgment, nor does Plaintiff present any authority to that effect. Here Defendant's testimony establishes that he did not know about the fraudulent activity, nor did he have reason to believe there was fraudulent activity, and that if he was aware of Bastorous' intent he would not have invested. Given that factual presentation, with the understanding that the Plaintiff has not presented any evidence to establish a material fact as to any of the disjunctive *Nautilus* good faith tests, the Court cannot find that there remains any question of fact as to Defendant's good faith. In other words, it appears to the Court that the *Nautilus* tests for good faith are subsumed within, and satisfied by, Defendant's

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

testimony. Therefore, reviewing that evidence in light of *Nautilus*, the Court finds that Makar's testimony satisfies the *Nautilus* court's required showing. As such, the Court is inclined to adopt the prior tentative ruling in its entirety and GRANT summary judgment in favor of Defendant Makar, otherwise DENYING summary judgment as to the remaining Defendants.

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

The defendants in the Actions are investors who received prepetition payment from Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from FIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. *Statute of Limitations*

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); see also *Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); *see also RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simply stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue,

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, February 10, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01057 Pringle v. Makar

#6.00 CONT. Defendant's Motion For Summary Judgment

From: 1/6/21,1/27/21

EH__

Docket 12

Tentative Ruling:

2/10/2021

At the conclusion of the hearing on January 27, 2021, the remaining issue focused on the respective burdens of Plaintiff and Defendant regarding Defendant's affirmative defense of good faith. Again, Cal. Civ. Code Section 3439.08(a) provides that "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee." In the Makar action, the evidence presented by Defendant in support of the good faith affirmative defense states in its entirety as follows:

"I never knew nor had any reason to believe that Bastorous, his wife or any of his entities were involved in fraudulent activities until after he filed for bankruptcy. I would never have invested money with him had I known he was intending to steal my investment."

Plaintiff directs the Court to *Nautilus, Inc., v. Chao Chen Yang et al.*, 217 Cal. Rptr. 3d 458, 461 (Cal. Ct. App. 2017), for the proposition that Defendant's burden required him, at a minimum, to provide testimony refuting that Defendant: (1) had fraudulent intent; (2) colluded with a person who was engaged in the fraudulent conveyance; (3) actively participated in the fraudulent conveyance; or (4) had actual knowledge of facts showing knowledge of the transferor's fraudulent intent. In other words, Plaintiff asserts that Defendant's declaration fails because it does not address

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

each of the specific elements set forth in *Nautilus*. In *Nautilus*, however, the Court did not address the defendant's evidentiary burden in moving for summary judgment as to good faith, nor is *Nautilus* binding on the issue.

As discussed above, the standard for summary judgment is that the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

Thus, Defendant has the burden to establish the defense of good faith. The question remains: Is the Defendant's testimony sufficient to meet their burden on summary judgment, or did Defendant have to specifically recite and refute each of the *Nautilus* elements? In this case, the Court is inclined to find the *Nautilus* analysis thoughtful as to the elements a defendant would need to prove to establish a finding of good faith. That does not mean, however, that the Defendant had to refute those elements verbatim as part of its burden of production on summary judgment, nor does Plaintiff present any authority to that effect. Here Defendant's testimony establishes that he did not know about the fraudulent activity, nor did he have reason to believe there was fraudulent activity, and that if he was aware of Bastorous' intent he would not have invested. Given that factual presentation, with the understanding that the Plaintiff has not presented any evidence to establish a material fact as to any of the disjunctive *Nautilus* good faith tests, the Court cannot find that there remains any question of fact as to Defendant's good faith. In other words, it appears to the Court that the *Nautilus* tests for good faith are subsumed within, and satisfied by, Defendant's testimony. Therefore, reviewing that evidence in light of *Nautilus*, the Court finds

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that Makar's testimony satisfies the *Nautilus* court's required showing. As such, the Court is inclined to adopt the prior tentative ruling in its entirety and GRANT summary judgment in favor of Defendant Makar, otherwise DENYING summary judgment as to the remaining Defendants.

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from FIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. Statute of Limitations

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); see also *Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); *see also RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simply stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue,

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ayad Makar

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, February 10, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#7.00 CONT. Defendants' Motion For Summary Judgment

From: 1/6/21,1/27/21

EH__

Docket 10

Tentative Ruling:

2/10/2021

At the conclusion of the hearing on January 27, 2021, the remaining issue focused on the respective burdens of Plaintiff and Defendant regarding Defendant's affirmative defense of good faith. Again, Cal. Civ. Code Section 3439.08(a) provides that "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee." In the Makar action, the evidence presented by Defendant in support of the good faith affirmative defense states in its entirety as follows:

"I never knew nor had any reason to believe that Bastorous, his wife or any of his entities were involved in fraudulent activities until after he filed for bankruptcy. I would never have invested money with him had I known he was intending to steal my investment."

Plaintiff directs the Court to *Nautilus, Inc., v. Chao Chen Yang et al.*, 217 Cal. Rptr. 3d 458, 461 (Cal. Ct. App. 2017), for the proposition that Defendant's burden required him, at a minimum, to provide testimony refuting that Defendant: (1) had fraudulent intent; (2) colluded with a person who was engaged in the fraudulent conveyance; (3) actively participated in the fraudulent conveyance; or (4) had actual knowledge of facts showing knowledge of the transferor's fraudulent intent. In other words, Plaintiff asserts that Defendant's declaration fails because it does not address

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

each of the specific elements set forth in *Nautilus*. In *Nautilus*, however, the Court did not address the defendant's evidentiary burden in moving for summary judgment as to good faith, nor is *Nautilus* binding on the issue.

As discussed above, the standard for summary judgment is that the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); see also FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. See *Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. See *Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

Thus, Defendant has the burden to establish the defense of good faith. The question remains: Is the Defendant's testimony sufficient to meet their burden on summary judgment, or did Defendant have to specifically recite and refute each of the *Nautilus* elements? In this case, the Court is inclined to find the *Nautilus* analysis thoughtful as to the elements a defendant would need to prove to establish a finding of good faith. That does not mean, however, that the Defendant had to refute those elements verbatim as part of its burden of production on summary judgment, nor does Plaintiff present any authority to that effect. Here Defendant's testimony establishes that he did not know about the fraudulent activity, nor did he have reason to believe there was fraudulent activity, and that if he was aware of Bastorous' intent he would not have invested. Given that factual presentation, with the understanding that the Plaintiff has not presented any evidence to establish a material fact as to any of the disjunctive *Nautilus* good faith tests, the Court cannot find that there remains any question of fact as to Defendant's good faith. In other words, it appears to the Court that the *Nautilus* tests for good faith are subsumed within, and satisfied by, Defendant's testimony. Therefore, reviewing that evidence in light of *Nautilus*, the Court finds

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

that Makar's testimony satisfies the *Nautilus* court's required showing. As such, the Court is inclined to adopt the prior tentative ruling in its entirety and GRANT summary judgment in favor of Defendant Makar, otherwise DENYING summary judgment as to the remaining Defendants.

1/27/21

GENERAL BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020 [Dkt. No. 115]. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed forty-five avoidance actions, including the four avoidance actions at issue here: (1) *Pringle (TR) v. Bebawy & Nakhil* (6:20-ap-1053-MH); (2) *Pringle (TR) v. Makar* (6:20-ap-1057-MH); (3) *Pringle (TR) v. John 20/20 Enters, Inc. & Awad* (6:20-ap-1076-MH); and (4) *Pringle (TR) v. Labibs* (6:20-ap-1081-MH) (individually, the "Bebawy Action," the "Makar Action," the "John 20/20 Action," and the "Labib Action"; collectively, the "Actions").

Each of the complaints generally allege that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used for a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

The defendants in the Actions are investors who received prepetition payment from

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Debtors. Specifically, the complaint alleges that: (1) defendants in the Bebawy Action received \$223,166.66; (2) defendants in the Makar Action received \$131,542.72; (3) defendants in the John 20/20 Action received \$40,417; and (4) defendants in the Labib Action received \$20,000.

Each of the defendants employed Corfield Feld LLP as counsel in the respective adversary proceedings. On November 20, 2020, defendants in the Actions filed motions for summary judgment that were materially similar. Defendants argue that: (1) the claims in the complaint are barred by the statute of limitations; and (2) defendants received payment for value and acted in good faith.

On December 7, 2020, the Court continued the four summary judgments hearings, specially setting the matters for hearing on January 27, 2021. On January 6, 2021, Trustee filed an opposition to the motion for summary judgment in each of the Actions. Trustee argues that there are genuine issues of material fact remaining in each of the Actions, specifically with regard to whether defendants took the transfers in good faith and provided reasonable equivalent value for the transfers. On January 13, 2021, defendants filed a reply in each of the Actions. Defendants also filed evidentiary objections in each of the Actions.

FACTUAL BACKGROUND

In the Bebawy Action, the defendants transferred \$400,000 to Professional Investment Group, LLC ("PIG") in 2014. On May 27, 2014, defendants received three secured notes and accompanying deeds of trust with assignments of rent, two for \$100,000 and one for \$200,000. On May 27, 2015, defendants received a payment from PIG in the amount of \$223,166.66. After defendants filed a lawsuit against Debtors, a settlement was reached; the settlement was only partially performed by Debtors, with an additional \$40,000 payment being made to defendants.

In the Makar Action, defendant transferred \$475,000 to PIG in 2012-2013. On May 27, 2014, defendant received a deed of trust and an assignment of rents related to certain real property located in Rancho Cucamonga; defendant executed a reconveyance of the deed on October 14, 2015. On October 30, 2015, defendant received a payment from PIG in the amount of \$131,542.72

In the John 20/20 Action, defendant's principals assert that they transferred \$100,000 to USA Investment Group, LLC in 2012. The principals then transferred this investment to their corporation, the defendant in the John 20/20 Action. During 2014-2015, defendant received \$40,417 from PIG.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

In the Labibs Action, defendants transferred \$100,000 to one of Debtors' business entities in 2012. In 2014-2015, defendants received \$20,000 from FIG.

EVIDENTIARY OBJECTION

As a preliminary matter, the Court evaluates the evidentiary objections submitted by defendants and overrules all evidentiary objections. The Court notes that none of the objected to statements are necessary to the Court's holding at this time, and defendants may renew any of the evidentiary objections at a future time.

STANDARD FOR SUMMARY JUDGMENT

When seeking summary judgment, the moving party has the burden of establishing (1) the absence of a genuine issue of material fact and (2) they are entitled to judgment as a matter of law. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986); *see also* FED. R. BANKR. P. Rule 7056. 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). 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 and all reasonable doubt as to the existence of a genuine issue of fact should be resolved against the moving party. *See Hector v. Wiens*, 533 F.2d 429, 432 (9th Cir. 1976). Where different ultimate inferences may be drawn, summary judgment is inappropriate. *See Sankovich v. Insurance Co. of N. Am.*, 638 F.2d 136, 140 (9th Cir. 1981).

DISCUSSION

A. Statute of Limitations

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Defendants first argument is that the Actions are barred by the statute of limitations. Noting that 11 U.S.C. § 548(a)(1) has a lookback period of two years, and that the transfers at issues in the Actions occurred more than two years prior to the petition date, defendants argue that "the Trustee has no viable claim against Defendants under 11 U.S.C. § 548."

While the complaints at issue briefly refer to 11 U.S.C. § 548(a)(1), the Actions are really claims under CAL. CIV. CODE § 3439, 11 U.S.C. § 544(b) and 11 U.S.C. § 550. Specifically, the Uniform Voidable Transactions Act provides for a statute of limitations of four years pursuant to CAL. CIV. CODE § 3439.09, and Trustee may utilize state law to seek to avoid transfers under 11 U.S.C. § 544(b). Trustee acknowledges that the statute of limitations has run on claims to the extent brought under 11 U.S.C. § 548. [Dkt. No. 19, pg. 7, n.2].

In reviewing the complaints, the causes of action are not drafted clearly. While the first claim for relief references 11 U.S.C. § 544(b) in the heading and in ¶¶ 27 and 31, the second claim for relief only references 11 U.S.C. § 544(b) in ¶ 34. The reference to § 550 and the California Civil Code statutes, couple with the reference to § 544 in ¶ 34, however, is sufficient to construe those claims as brought under § 544, and, as such, are not barred by the statute of limitations.

B. Good Faith Affirmative Defense

As noted by Trustee, "[t]he Defendants do not challenge any of the elements of the Trustee's claim for actual fraud under California law pursuant to CAL. CIV. CODE § 3439.04(a)(1)." [Dkt. No. 19, pg. 7, lines 20-21]. Instead, defendants' second, and primary, argument is that summary judgment is appropriate pursuant to CAL CIV. CODE § 3439.08(a), which provides: "A transfer or obligation is not voidable under paragraph (1) of subdivision (a) of Section 3439.04, against a person that took in good faith and for a reasonably equivalent value given the debtor or against any subsequent transferee or obligee."

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

I. Reasonably Equivalent Value

Regarding reasonably equivalent value, defendants' position is clear – they received less than their initial investment. Citing *Donell v. Kowell*, 533 F.3d 762 (9th Cir. 2008), defendants argue that they can only be liable for funds received in excess of their initial investment; here, there were no such profits. The opposition filed by Trustee includes the following quotation from *Donnell*:

[F]ederal courts have generally followed a twostep process [to determine if a debtor received reasonably equivalent value.] First, to determine whether the investor is liable, courts use the so-called 'netting rule.' Amounts transferred by the Ponzi scheme perpetrator to the investor are netted against the initial amounts invested by that individual. If the net is positive, the receiver has established liability, and the court then determines the actual amount of liability, which may or may not be equal to the net gain, depending on factors such as whether transfers were made within the limitations period or whether the investor lacked good faith. If the net is negative, the good faith investor is not liable because payments received in amounts less than the initial investment, being payments against the good faith losing investor's as-yet unsatisfied restitution claim against the Ponzi scheme perpetrator, are not avoidable within the meaning of UFTA.

Id. at 771 (citation omitted); *see also Bronston for J.W. James & Assocs. v. Razaghi*, 2008 WL 11342596 at *2 (C.D. Cal. 2008) ("If the net is positive, the receiver has established liability, which may or may not be equal to the investor's gains. If the net is negative, there is no recovery, provided the investor acted in 'good faith' at all relevant times.").

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

In light of the "netting rule" articulated above, and in accordance with the general principles behind the approach, the Court analyzes defendants' claims that reasonably equivalent value was provided and reaches the following conclusions:

1. In the Bebawy Action, the Court concludes that there remains a genuine issue of material fact whether reasonably equivalent value was provided. Specifically, in determining whether the net is positive or negative, the Court notes that three deeds of trust appear to have been transferred to the defendants. Therefore, it is not necessarily accurate to conclude that defendants merely received \$263,166.66 on their \$400,000 investment because it is unclear whether defendants are still the holder of the deeds of trust or whether those deeds of trust have value.

The Court notes that the settlement agreement provided as Exhibit H to the motion contemplates a payment of \$40,000 in return for a release of one deed of trust, and a second payment of \$215,000 in release for the other two deeds of trust. The moving papers indicate that this first payment was made, implying that one deed of trust was released, but assert that the second payment was not made, implying that the other two deeds of trust were not released. Paragraph 8 of the declaration of Amgad Bebawy indicates that a lawsuit for a breach of the settlement was filed, and settled, but a copy of this second settlement was not filed with the Court, nor its terms disclosed. Additionally, that paragraph implies that Debtors did not perform under the second settlement prior to filing bankruptcy. As a result, it would appear that defendants have received \$263,166.66 plus two deeds of trust for their initial investment of \$400,000.

2. In the Makar Action, Trustee does not appear to offer any evidence or argument to controvert the assertion that the defendant provided reasonably equivalent value.

3. In the John 20/20 Action, the Court concludes that there remains a genuine issue of material fact whether defendant provided any value. Specifically, as noted in Trustee's opposition papers, it appears that the original investment, upon which defendant was paid some money, was made by defendant's CEO. Specifically, the declaration of defendant's CEO includes the statement that "[t]his investment which began as a personal investment was later transferred to our corporation." [Dkt. No. 25, ¶ 2]. For

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

that reason, and for the reasons stated in detail in the opposition, the Court concludes that defendant has not established that no genuine issue of material fact exists with regard to reasonably equivalent value.

4. In the Labibs Action, the Court concludes that there remains a genuine issue of material fact, namely whether an alter ego remedy would be appropriately imposed so that the Labibs payment to one of Debtors' entities would constitute value received by the entity that actually transferred money to the Labibs. The Court notes that the first uncontroverted fact in docket 12 – "In 2012, Defendants invested \$100,000 with Mark Bastorous through his company, Professional Investment Group, LLC – is controverted by its own claimed supporting evidence, which indicates that an investment was made in USA Investment LLC. Therefore, in accordance with the caselaw outline in footnote 5 of Trustee's opposition, the Court concludes that there remains a genuine issue of material fact.¹

II. Good Faith

The second requirement for an affirmative defense under CAL. CIV. CODE § 3439.08 is that the defendant(s) took in good faith. The California Court of Appeals has held that "a transferee cannot benefit from the good faith defense if that transferee had fraudulent intent, colluded with a person who was engaged in the fraudulent conveyance, actively participated in the fraudulent conveyance, or had *actual knowledge of facts showing knowledge of the transferor's fraudulent intent.*" *Nautilus, Inc. v. Yang*, 11 Cal. App. 5th 33, 37 (Cal. Ct. App. 2017) (emphasis in original); see also *RPB SA v. Hyla, Inc.*, 2020 WL 6723491 at *12 (C.D. Cal. 2020) ("*Nautilus, Inc.* supports the view that a transferee does not act in good faith if he has actual knowledge of facts which would suggest to a reasonable person that the transfer was fraudulent.") (quotation omitted).

In response to each of the defendants' general declarations that they had no knowledge of the Debtors' fraudulent activities, the Trustee presents the following in the opposition papers:

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

1. In the Bebawy action, Trustee asserts, but does not provide any evidence to support the assertion, that Amgad Bebawy was a construction manager at one of Debtors' business. Trustee asserts that Mr. Bebawy "may have had access to information about Debtors' and/or Related Entities financial condition." The only relevant evidence in support of the opposition is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut Mr. Bebawy's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simple stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the Bebawy Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

2. In the Makar Action, Trustee has not provided any evidence to rebut Mr. Makar's declaration that he had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Therefore, the Court concludes that defendant in the Makar action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

3. In the John 20/20 Action and the Labibs Action, the only relevant evidence in support of the opposition to a finding that defendants took in good faith is a single sentence that provides: "My firm is still collecting and analyzing documents and other information to determine if the Defendant received the Transfers in good faith."

The Court agrees with the arguments in the reply that Trustee has not provided any admissible evidence to rebut the declarations that defendants had no knowledge of or reason to believe that Debtors were engaged in fraudulent activities. Trustee cannot create a genuine issue of material fact by simply stating it is still analyzing whether defendants took in good faith, especially when Trustee has not taken any action to seek a continuance of the hearing (which has already been continued by the Court once). *See* FED. R. CIV. P. Rule 56(c) (a party asserting that a fact is genuinely disputed must support the assertion by citing to the record); FED. R. CIV. P. Rule 56(d) (providing that Court may continue the hearing if a nonmovant "shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition"); *see also Matsushita Elec. Industrial Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) ("In the language of the Rule, the nonmoving party must come forward with specific facts showing that there is a genuine issue for trial. Where the record taken as a whole could not lead a rational trier of fact to find for the non-moving party, there is no genuine issue for trial.") (citations omitted). Therefore, defendants having provided some evidence that they acted in good faith, and there being nothing in the record that would support a conclusion to the contrary, the Court concludes that defendants in the John 20/20 Action and the Labibs Action have satisfactorily established the good faith element of CAL. CIV. CODE § 3439.08.

TENTATIVE RULING

The Court is inclined to GRANT the motion as to the Makar Action and DENY the motion as to the other three actions

Given that the third claim for relief is conditioned on success on one of the first two claims for relief, the Court is inclined enter judgment in favor of the defendant in the Makar Action.

To the extent Trustee wishes to seek leave to amend any of the complaints at issue,

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

the Court will require a properly noticed and served motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, February 10, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01052 Pringle v. Saber et al

#8.00 Plaintiff's Motion for Default Judgment against Defendants Am Saber and Yousria Mikhail Guirguis Pursuant to Federal Rule of Civil Procedure 55, as incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1

EH__

Docket 12

Tentative Ruling:

2/10/2021

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda (collectively, "Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. Dkt. 115. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Am Saber & Yousria Mikhail Guirguis (collectively, "Defendants"). Trustee's complaint contained three causes of action: (1) actual fraudulent transfer; (2) constructive fraudulent transfer; and (3) recovery of avoided transfers.

The complaint generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$16,500 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On January 12, 2021, Trustee filed a motion for default judgment against Defendants, only requesting judgment as to the first and third causes of action.

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

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

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, Defendant was served at 18700 Yorba Linda Blvd., Apt. 97, Yorba Linda, CA 92886-4176. It does not appear there is any information in the record that would establish that this is a proper service address for Defendants, or that would indicate how Trustee determined that the address used was a valid service address for Defendants .

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, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). 11 U.S.C. § 544(b)(1) provides that a "trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor." And CAL. CIV. CODE § 3439.04(a)(1) provides:

- (a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

Here, Debtors' bankruptcy estate was consolidated with a variety of entities, include PIG, and, as such, the adequately alleged transfer from PIG to Defendants constitutes a transfer of Debtors' property. The subject transfers, occurring during 2015, occurred within four years of the bankruptcy filing, and, pursuant to the claims register in Debtors' bankruptcy case, a creditor existed at the time the subject transfers were made.

Regarding intent, the Ninth Circuit in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a) (1) or a state's equivalent to that section." 525 F.3d 700, 704 (9th Cir. 2008). Here, the Court finds that the uncontroverted allegations in the complaint, taken as true, are sufficient to establish the existence of a Ponzi scheme, and, therefore, that Debtors' actual intent to defraud has been established.

While the Ninth Circuit's "netting rule," restricts the recovery in the context of a Ponzi scheme, that reduction is part of a good faith affirmative defense that has not been raised by Defendants here. *See, e.g., Donell v. Kowell*, 533 F.3d 762, 771 (9th Cir. 2008) ("Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered 'return of principal.' However, there is a 'good faith' defense that permits an innocent winning investor to retain funds up to the amount of the initial outlay.").

For the reasons stated in the motion for default judgment and the complaint, the Court finds that recovery and preservation of the avoided transfers, under 11 U.S.C. §§ 550 and 551, respectively, is appropriate.

TENTATIVE RULING

Conditioned upon Trustee providing a representation regarding attempts to verify

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

service upon Defendants, the Court is inclined to GRANT the motion, entering judgment on the first and third claims for relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Am Saber

Pro Se

Yousria Mikhail Guirguis

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, February 10, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:18-01064 Gerges et al v. Bastorous et al

#9.00 CONT Status Conference: 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, 11/14/18, 1/30/19, 2/27/19, 6/12/19, 7/10/19, 1/15/20, 4/22/20, 9/30/20, 11/18/20,1/13/21

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 1/15/21**

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, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

Mona Gerges

Represented By
Louis J Esbin

Rafat 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, February 10, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#10.00 Defendant's motion To Permit Late Filing [FRBP 9006(b)]

EH__

Docket 23

Tentative Ruling:

2/10/2021

The instant adversary proceeding was commenced on September 21, 2020 by Phillips Chiropractic, Inc. ("Plaintiff") against Donyel Johnson ("Defendant"). Local Rule 9011-2(a) provides:

A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

Nor can this rule be circumvented by an assignment of the claim. *See, e.g., Zapata v. McHugh*, 893 N.W. 2d 720 (Neb. 2017) (providing detailed analysis and collecting cases). Therefore, Plaintiff's *pro se* prosecution of the instant adversary proceed is impermissible. *See, e.g., Reading Int'l, Inc. v. Malulani Group, Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016) ("A corporation must be represented by counsel."); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law."). Plaintiff's *pro se* prosecution being impermissible, the Court intends to issue an order to show cause why the case should not be dismissed.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Donyel Betrice Johnson

Chapter 7

In light of the foregoing, the Court intends to continue: (1) Plaintiff's motion for leave to amend the complaint; (2) Defendant's motion to dismiss the complaint; and (3) Defendant's motion to permit a late filing to coincide; and (4) the status conference to coincide with a hearing on the Court's order to show cause.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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, February 10, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#11.00 Plaintiff's Motion for Leave to File Second Amended Complaint

EH____

Docket 14

Tentative Ruling:

2/10/2021

The instant adversary proceeding was commenced on September 21, 2020 by Phillips Chiropractic, Inc. ("Plaintiff") against Donyel Johnson ("Defendant"). Local Rule 9011-2(a) provides:

A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

Nor can this rule be circumvented by an assignment of the claim. *See, e.g., Zapata v. McHugh*, 893 N.W. 2d 720 (Neb. 2017) (providing detailed analysis and collecting cases). Therefore, Plaintiff's *pro se* prosecution of the instant adversary proceed is impermissible. *See, e.g., Reading Int'l, Inc. v. Malulani Group, Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016) ("A corporation must be represented by counsel."); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law."). Plaintiff's *pro se* prosecution being impermissible, the Court intends to issue an order to show cause why the case should not be dismissed.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Donyel Betrice Johnson

Chapter 7

In light of the foregoing, the Court intends to continue: (1) Plaintiff's motion for leave to amend the complaint; (2) Defendant's motion to dismiss the complaint; and (3) Defendant's motion to permit a late filing to coincide; and (4) the status conference to coincide with a hearing on the Court's order to show cause.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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, February 10, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#12.00 Defendant's Motion to Dismiss Adversary Proceeding

EH__

Docket 19

Tentative Ruling:

2/10/2021

The instant adversary proceeding was commenced on September 21, 2020 by Phillips Chiropractic, Inc. ("Plaintiff") against Donyel Johnson ("Defendant"). Local Rule 9011-2(a) provides:

A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

Nor can this rule be circumvented by an assignment of the claim. *See, e.g., Zapata v. McHugh*, 893 N.W. 2d 720 (Neb. 2017) (providing detailed analysis and collecting cases). Therefore, Plaintiff's *pro se* prosecution of the instant adversary proceed is impermissible. *See, e.g., Reading Int'l, Inc. v. Malulani Group, Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016) ("A corporation must be represented by counsel."); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law."). Plaintiff's *pro se* prosecution being impermissible, the Court intends to issue an order to show cause why the case should not be dismissed.

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

Wednesday, February 10, 2021

Hearing Room 303

2:00 PM

CONT... Donyel Betrice Johnson

Chapter 7

In light of the foregoing, the Court intends to continue: (1) Plaintiff's motion for leave to amend the complaint; (2) Defendant's motion to dismiss the complaint; and (3) Defendant's motion to permit a late filing to coincide; and (4) the status conference to coincide with a hearing on the Court's order to show cause.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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, February 10, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#13.00 CONT. Status Conference re: Complaint by Phillips Chiropractic, Inc. against Donyel Betrice Johnson . (d),(e)) ,(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

*Another Summons issued per Plaintiff request on 10/14/20

*Another Summons issued per Plaintiff request on 12/7/20

From: 11/25/20,12/2/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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**

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

6:18-11520 Kiia Chree Wilson

Chapter 13

#1.00 CONT. Debtor's Motion for Relief from order entered as a result of fraud, misrepresentation, or misconduct by an opposing party, reinstatement of the protective order of April 17, 2020, and for attorney's fees

From: 12/3/20,12/15/20,1/5/21

EH__

Docket 84

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kiia Chree Wilson

Represented By
Gordon L Dayton

Movant(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**

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2164 E. Alondra Street Ontario, California 91764

MOVANT: SPECIALIZED LOAN SERVICING LLC

From: 1/5/21

EH__

Docket 36

Tentative Ruling:

1/5/2021

**Service: Proper
Opposition: Debtor**

The Court notes that there is no evidence from Debtor as to efforts to remedy the unpermitted patio structure. Parties to apprise the Court of the status of repairs pursuant to the UHC Notice and Order-Repair, and of any adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Miguel Pinedo

Represented By
James G. Beirne

Joint Debtor(s):

Laura Pinedo

Represented By
James G. Beirne

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

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

CONT... Miguel Pinedo and Laura Pinedo

Chapter 13

Movant(s):

Specialized Loan Servicing LLC

Represented By
John Rafferty
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 16, 2021

Hearing Room 303

11:00 AM

6:18-14773 Juan I. Gallardo

Chapter 13

#3.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 205 Sheridan Street Corona, CA 92882

MOVANT: U.S. BANK NATIONAL ASSOCIATION

From: 1/12/21

EH__

Docket 42

Tentative Ruling:

1/12/2021

Service: Proper
Opposition: Debtor

Parties to apprise the Court of the status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan I. Gallardo

Represented By
Tina H Trinh

Movant(s):

U.S. Bank National Association, not

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 16, 2021

Hearing Room 303

11:00 AM

6:19-14828 Portia Wondaline Barmes

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6635 Cathy Place, Riverside, CA 92504

MOVANT: AJAX MORTGAGE LOAN TRUST 2019-E, MORTGAGE BACK SECURITIES, SERIES 2910-E BY U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE

EH__

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Portia Wondaline Barmes

Represented By
Dana Travis

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Reilly D Wilkinson
Joshua L Scheer

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 16, 2021

Hearing Room 303

11:00 AM

6:20-16072 Darrell L. Washington

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14604 Adobe Place, Victorville, CA 92394

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

Docket 39

Tentative Ruling:

2/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from Rule 4001(a)(3) stay
- GRANT request under ¶¶ 2, 3 and 12
- DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Darrell L. Washington

Represented By
Gary S Saunders

Movant(s):

Nationstar Mortgage LLC

Represented By
Darlene C Vigil

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

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

CONT... Darrell L. 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, February 16, 2021

Hearing Room 303

11:00 AM

6:20-16674 Efren Valenzuela

Chapter 13

#6.00 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 23

Tentative Ruling:

2/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from 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):

Efren Valenzuela

Represented By
Edgar P Lombera

Movant(s):

TOYOTA MOTOR CREDIT

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 16, 2021

Hearing Room 303

11:00 AM

CONT... Efren Valenzuela

Chapter 13

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

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

6:20-18035 Les Robert Buzbee and Wendy Jane Buzbee

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Forest River Stealth Travel Trailer

MOVANT: BANK OF THE WEST

EH__

Docket 11

Tentative Ruling:

2/16/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

(emphasis added).

Here, Debtor's statement of intention states that Debtors intend to "retain" and "undecided." This is not an option listed in § 362(h)(1)(A), and would appear similar to selecting "ride-through," an option that is not available in this circuit. *See In re Dumont*,

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

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

CONT... Les Robert Buzbee and Wendy Jane Buzbee Chapter 7

581 F.3d 1104 (2009). Debtor was required to select to either abandon or redeem the property, or to enter into a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the deadline for filing or amending the statement of intention has passed pursuant to 11 U.S.C. § 521(a)(2) (A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Les Robert Buzbee

Represented By
Stephen H Darrow

Joint Debtor(s):

Wendy Jane Buzbee

Represented By
Stephen H Darrow

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

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, February 16, 2021

Hearing Room 303

11:00 AM

6:21-10036 Rodolfo Rios, Jr.

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations Real Property Re: 1468 Pluto Court, Beaumont, CA 92223

MOVANT: BROKER SOLUTIONS INC.

EH__

Docket 10

Tentative Ruling:

2/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- DENY relief from stay pursuant to 11 U.S.C. § 362(d)(2) because the motion asserts that there is equity in the subject property
- GRANT relief from Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2 and 3
- DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 Rios Jr.

Represented By
Christopher J Langley

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

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

CONT... Rodolfo Rios, Jr.

Chapter 7

Movant(s):

Broker Solutions Inc. dba New

Represented By

Erin M McCartney

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, February 16, 2021

Hearing Room 303

11:00 AM

6:21-10095 Carlos Alanis, Jr.

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Silverado 1500, VIN: 3GCPCREC9JG416915

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

Docket 8

Tentative Ruling:

2/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from 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):

Carlos Alanis Jr.

Represented By
Aaron Lloyd

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, February 16, 2021

Hearing Room 303

11:00 AM

CONT... Carlos Alanis, Jr.

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, February 16, 2021

Hearing Room 303

11:00 AM

6:18-20002 Tanyua Alicia Gates-Holmes

Chapter 13

#10.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 23631 Rhea Drive Moreno Valley, California 92557

MOVANT: DEUTSCHE BANK

From: 2/2/21

EH__

Docket 117

***** VACATED *** REASON: ORDER GRANTING ADEQUATE PROTECTION ENTERED 2/12/21**

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: Debtor

Movant to apprise the Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Tanyua Alicia Gates-Holmes

Represented By
John F Brady

Movant(s):

Deutsche Bank National Trust

Represented By
Kirsten Martinez

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

Tuesday, February 16, 2021

Hearing Room 303

11:00 AM

CONT... Tanyua Alicia Gates-Holmes

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 16, 2021

Hearing Room 303

11:00 AM

6:21-10530 Christine Marlo

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 4 Della Cava Ln, Lake Elsinore 92532

MOVANT: HOME EXPO FINANCIAL, INC.

EH__ .

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christine Marlo

Represented By
Bruce A Boice

Movant(s):

Home Expo Financial, As Trustee of

Represented By
William E Windham

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 17, 2021

Hearing Room 303

11:00 AM

6:13-10775 Nereo Gomez

Chapter 7

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

EH__

(Tele. appr. Howard Grobstein, chapter 7 trustee)

(Tele. appr. Nancy Zamora, Bankruptcy Counsel for chapter 7 trustee)

Docket 56

Tentative Ruling:

2/17/2021

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: \$ 7,043.09

Trustee Expenses: \$ 0.00

Attorney Fees: \$ 26,865

Attorney Costs: \$ 1,566.68

Accountant Fees: \$ 2,423.50

Accountant Costs: \$ 28.50

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, February 17, 2021

Hearing Room 303

11:00 AM

CONT... Nereo Gomez

Chapter 7

Debtor(s):

Nereo Gomez

Represented By
John F Brady
Luis E Lopez

Trustee(s):

Howard B Grobstein (TR)

Represented By
Nancy H Zamora
Luis E Lopez

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

Wednesday, February 17, 2021

Hearing Room 303

11:00 AM

6:13-14986 David Wayne Wakefield and Elise Wakefield

Chapter 7

#2.00 Motion re: Objection of chapter 7 trustee Howard Grobstein to proof of claim number 19-1 filed by Kenneth R. Charlton

EH__

(Tele. appr. Alan Forsley, rep. Howard Grobstein, chapter 7 trustee)

Docket 296

Tentative Ruling:

2/17/21

BACKGROUND:

On March 20, 2013, David & Elise Wakefield filed a Chapter 7 voluntary petition. On February 12, 2014, Kenneth Charlton ("Creditor") filed a proof of claim for an unsecured claim in the amount of \$447,935.21 ("Claim 19"). On October 18, 2019, Creditor filed an amended proof of claim, reducing the amount of \$220,881.50.

On January 12, 2021, Trustee filed an objection to Claim 19. Trustee asserts that the amended proof of claim was filed as Claim 21, and is, therefore, a duplicate claim that was intended to supersede Claim 19. The Court's Claim Register, however, already identifies the amended proof of claim as amending Claim 19 – although there is a notation that says the claim was originally filed as Claim 21. Therefore, this claim objection appears moot.

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

Wednesday, February 17, 2021

Hearing Room 303

11:00 AM

CONT... David Wayne Wakefield and Elise Wakefield

Chapter 7

TENTATIVE RULING

The Court is inclined to OVERRULE the objection as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

David Wayne Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Joint Debtor(s):

Elise Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Trustee(s):

Howard B Grobstein (TR)

Represented By
Alan W Forsley

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

Wednesday, February 17, 2021

Hearing Room 303

11:00 AM

6:20-11302 RJL Sports Protection Inc.

Chapter 7

#3.00 Order to Show Cause why Debtor and its authorized person Chi Zhang should not be held in contempt for violation of turnover order, sanctioned, and ordered to turn over corporate documents

EH __

(Tele. appr. Brandon Iskander, rep. trustee, Charles Daff)

Docket 37

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

RJL Sports Protection Inc.

Represented By
Kevin Liu - SUSPENDED -

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#4.00 CONT Pre-Trial Conference RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20

(Holding date)

EH__

(Tele. appr. Charles Schrader, pro se Plaintiff)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi

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, February 17, 2021

Hearing Room 303

2:00 PM

CONT... Narinder Sangha

Chapter 7

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01308 Revere Financial Corporation v. BWI CONSULTING, LLC et al

#5.00 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))

Also #6, 8, 9

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, 11/28/18, 2/27/19, 5/29/19, 8/28/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20,12/2/20

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 2/12/21**

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

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

BLACK AND WHITE INK Pro Se

MEHRAN DEVELOPMENT Pro Se

Plaintiff(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 17, 2021

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Revere Financial Corporation v. OIC MEDICAL CORPORATION, a

#6.00 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))

Also #5, 8, 9

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, 12/19/18, 3/27/19, 6/12/19, 7/31/19, Advanced 3/4/20, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/28/20, 11/25/20,12/2/20

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 2/12/21**

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

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

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

Plaintiff(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 17, 2021

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 Pre-Trial 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))(Fraley, Franklin)

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, 4/25/18, 2/27/18, 6/12/19, 1/29/20, 5/27/20, 9/30/20, 10/26/20, 2/12/20

EH__

Docket 1

***** VACATED *** REASON: ORDER ENTERED CONTINUING TO 6/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

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

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

Wednesday, February 17, 2021

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, February 17, 2021

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

#8.00 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)

Also #5, 6, 9

From: 4/25/18, 6/13/18, 8/22/18, 10/31/18, 7/31/19, 9/11/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20, 12/2/20

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 2/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw
Thomas J Eastmond
Marc C Forsythe

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Jerry Wang

Represented By
Franklin R Fraley Jr
Anthony J Napolitano

Trustee(s):

Helen R. Frazer (TR)

Represented By
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 17, 2021

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

#9.00 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, 12/19/18,
3/27/19, 5/8/19, 6/12/19, 7/31/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20,
11/25/20,12/2/20

Also #5, 6, 8

EH____

Docket 333

***** VACATED *** REASON: CONTINUED TO 4/28/21 @ 2:00 P.M. BY
ORDER ENTERED 2/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Trustee(s):

Helen R. Frazer (TR)

Represented By
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 17, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:19-01080

United States Trustee for the Central District of v. Bastorous et al

#10.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01080. Complaint by United States Trustee for the Central District of California, Region 16 against Mark Bastorous, Bernadette Shenouda. (Fee Not Required). with adversary cover sheet Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Green, Everett)

From: 7/17/19, 8/28/19, 10/2/19, 10/7/20

EH__

Docket 1

***** VACATED *** REASON: ADVERSARY DISMISSED ON 11/13/20**

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):

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, February 17, 2021

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, February 17, 2021

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, 10/3/18, 1/9/19, 1/30/19, 2/27/19, 7/3/19, 7/17/19, 10/16/19, 3/4/20, 11/4/20

EH__

(Tele. appr. Robert Goe, rep. Defendant, Vance Johnson)

Docket 1

***** VACATED *** REASON: ORDER APPROVING STIPULATION TO DISMISS ENTERED 12/14/20**

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, February 17, 2021

Hearing Room 303

2:00 PM

6:19-19674 James Dimitri Tsirtsis

Chapter 7

Adv#: 6:20-01032 Whitmore v. Tsirtsis et al

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01032. Complaint by Robert S. Whitmore against James Dimitri Tsirtsis, Pota N. Tsirtsis, Christos Minoudis, Maria Minoudis, Angelo D. Tsirtsis. (Charge To Estate \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer))

*Complaint dismissed as to Defendants Christos Minoudis and Maria Minoudis on 9/22/20, (doc. 26)

*Complaint dismissed as to Defendant James Dimitri Tsirtsis on 10/30/20, (doc.29)

From: 5/27/20, 7/1/20, 10/18/20,2/3/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/17/21 BY ORDER
ENTERED 2/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Dimitri Tsirtsis

Represented By
Donald W Sieveke

Defendant(s):

James Dimitri Tsirtsis

Represented By
Elliott H Stone

Pota N. Tsirtsis

Represented By
Brad A Mokri

Christos Minoudis

Represented By
Brad A Mokri

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

CONT... James Dimitri Tsirtsis

Chapter 7

Maria Minoudis

Michelle A Marchisotto

Represented By
Brad A Mokri
Michelle A Marchisotto

Angelo D. Tsirtsis

Represented By
Brad A Mokri

Plaintiff(s):

Robert S. Whitmore

Represented By
Michelle A Marchisotto

Trustee(s):

Robert Whitmore (TR)

Represented By
Michelle A Marchisotto

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

6:20-11944 Ronald V. Cruz

Chapter 7

Adv#: 6:20-01112 Cruz v. Cruz

#13.00 CONT Status Conference RE: [3] Amended Complaint First Amended Complaint by William H Brownstein on behalf of Patricia Marlen Cruz against all defendants. (RE: related document(s)1 Adversary case 6:20-ap-01112. Complaint by Patricia Marlen Cruz against Ronald V. Cruz. 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)),(64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decree)),(91 (Declaratory judgment)) filed by Plaintiff Patricia Marlen Cruz). (Brownstein, William)

From: 8/19/20

EH__

(Tele. appr. William Brownstein, rep. Plaintiff, Patricia Cruz)

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald V. Cruz

Represented By
Walter Scott

Defendant(s):

Ronald V. Cruz

Represented By
Walter Scott

Plaintiff(s):

Patricia Mooneyen Cruz

Represented By
William H Brownstein

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

CONT... Ronald V. Cruz

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**

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

6:20-13417 Eddie C. DeGracia, Jr.

Chapter 7

Adv#: 6:20-01106 Daff v. DeGracia

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01106. Complaint by Charles W. Daff against Satoko DeGracia. (Charge To Estate - \$350.00). FOR: 1. Avoidance of Intentional Fraudulent Transfers and Recovery of Same [11 U.S.C. §§ 544, 548, 550, 551; CAL. CIV. CODE §§ 3439.04, 3439.07, 3439.08]; 2. Avoidance of Constructive Fraudulent Transfers and Recovery of Same [11 U.S.C. §§ 544, 548, 550, 551; CAL. CIV. CODE §§ 3439.04, 3439.05, 3439.07, 3439.08, 3439.09]; 3. Disallowance of Claims [11 U.S.C. §502(d)]; 4. Unjust Enrichment [11 U.S.C. § 105]; 5. Declaratory Relief [11 U.S.C. §§ 541, 544, 548; FRBP 7001(9)]; and 6. Turnover of Property of the Estate [11 U.S.C. § 542] Nature of Suit: (01 (Determination of removed claim or cause)),(13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)) (Iskander, Brandon)

From: 7/22/20, 8/19/20, 10/28/20,12/23/20

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 2/4/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eddie C. DeGracia Jr.

Represented By
James D. Hornbuckle

Defendant(s):

Satoko DeGracia

Represented By
Scott Talkov

Plaintiff(s):

Charles W. Daff

Represented By

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

Wednesday, February 17, 2021

Hearing Room 303

2:00 PM

CONT... Eddie C. DeGracia, Jr.

Chapter 7

Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry and Ticor Title Company of California

Chapter 13

#1.00 Ticor Title Company of California and Sheri M. Kanesaka, Esq. Motion to Reopen Chapter 13 Case

EH__

Docket 231

Tentative Ruling:

2/18/2021

BACKGROUND

On July 28, 2016, Luevina Henry ("Debtor") filed a Chapter 13 voluntary petition. Debtor's bankruptcy case and related adversary proceeding had a long and convoluted procedural history, involving multiple appears. During the majority of these proceedings, Debtor proceeded in *pro se*.

On August 18, 2016, the Court granted relief from stay to John L. Baker ("Baker") to proceed with a family court action pending in state court. On July 11, 2017, a judgment was entered in the divorce action providing for the sale of certain real property located at 8512 Vienna Dr., Corona, CA. On August 24, 2017, Debtor filed a *pro se* appeal to the Bankruptcy Appellate Panel, although it is not clear what she was appealing. The next day, Debtor commenced an adversary proceeding against a variety of defendants for: (1) violation of the automatic stay; and (2) violation of civil rights.

The BAP appeal was ultimately dismissed on June 27, 2018, for lack of jurisdiction. On July 25, 2018, Debtor's bankruptcy case was dismissed. Debtor subsequently unsuccessfully attempted to vacate the dismissal of the bankruptcy case and prosecute the adversary proceeding. Both the main bankruptcy case and the adversary

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

CONT... Luevina Henry and Ticor Title Company of California Chapter 13

proceeding were closed on May 13, 2020, after the dismissal of all defendants to the adversary proceeding.

Between October 23, 2019 and November 7, 2019, Debtor filed three notices in the dismissed bankruptcy case, all of which could fairly be characterized as a notice of entry of judgment. The first three sentences of docket number 228 state:

Debtor Luevina Hery is notifying all parties that the U.S. Bankruptcy Appellate Panel of the Ninth Circuit issued a separate Judgment in the Chapter 13 on 6/27/2018 against all parties known and unknown who violated the Chapter 13 bankruptcy stay. This Notice includes the names of all parties that are known so far who violated the Chapter 13 bankruptcy stay, Case No.: 6:16-bk-16720-MJ. Money Judgment and liens will be recorded against all parties, Title 28 U.S.C. § 1962 Lien, and registered with the Franchise Tax Board and the California Secretary of State.

[Dkt. No. 228, pg. 1, liens 21-28] (parentheticals omitted, formatting altered).
As noted, the judgment issued by the BAP dismissed Debtor's appeal.

On January 7, 2021, Ticor Title Company of California & Sheri Kanesaka (collectively, "Movants") filed a motion to reopen the bankruptcy case. Movants are among the many individuals or entities that Debtor asserts the BAP issued a judgment against. Movants assert that: "Debtor filed a false and fraudulent document with the Court purporting to create a lien or judgment against the Moving Parties. This can significantly impact Moving Parties' business affairs, credit, and other matters.

On January 15, 2021, Debtor filed an objection to the motion to reopen and requested that Movants be sanctioned for "bad faith, perjury and fraud." On February 4, 2021, the Chapter 13 Trustee filed a notice of joinder in the

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

CONT... Luevina Henry and Ticor Title Company of California

Chapter 13

motion to reopen. On February 8, 2021, Debtor filed another response.

The Court notes that the attachments to Debtor's objection indicate that Debtor recorded both Dkt. No 228, and the same document filed in the BAP proceeding, with the Riverside County Recorder's Office, purporting to create a lien again a variety of individuals or entities.

DISCUSSION

11 U.S.C. § 350 provides that a bankruptcy case may be reopened for cause. Local Rule 5010 provides that a motion to reopen a bankruptcy case may be ruled on without a hearing. As such, it is a summary proceeding.

Here, it is not entirely clear from the moving papers what steps Movants or the Chapter 13 Trustee intend to take if the case is reopened. The Court notes, however, that at least one of the documents underlying a purported lien recorded in the Riverside County Recorder's Office is a pleading filed in the instant bankruptcy case. It appearing that Movants want to file a motion to strike docket number 228 and/or to seek an order interpreting docket number 228, the Court is inclined to find that cause has been shown to reopen the case.

TENTATIVE RULING

The Court is inclined to GRANT the motion, reopening the bankruptcy case.

APPEARANCES REQUIRED.

Party Information

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

CONT... Luevina Henry and Ticor Title Company of California

Chapter 13

Debtor(s):

Luevina Henry

Pro Se

Movant(s):

Ticor Title Company of California

Represented By
Sheri Kanesaka

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 18, 2021

Hearing Room 303

11:00 AM

6:16-17737 Oraib Innabi

Chapter 13

#2.00 Chapter 13 Trustee's Motion for order denying discharge and dismissing case

EH__

Docket 99

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oraib Innabi

Represented By
Julie J Villalobos

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, February 18, 2021

Hearing Room 303

11:00 AM

6:16-18546 Alexis I Barahona

Chapter 13

#3.00 Debtor's Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #4

EH__

Docket 123

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis I Barahona

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Alexis I Barahona

Represented By
Christopher J Langley
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**

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

6:16-18546 Alexis I Barahona

Chapter 13

#4.00 CONT. Trustee's Motion to Dismiss Case

Also #3

From: 1/21/21

EH__

Docket 120

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis I Barahona

Represented By
Christopher J Langley
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**

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#5.00 CONT. Trustee's Motion to Dismiss Case

Also #6

From: 1/21/21

EH__

Docket 92

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
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**

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#6.00 CONT. Debtors' Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #5

From: 1/21/21

EH__

Docket 95

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Yolanda Denise Moore

Represented By
Christopher J Langley
Michael Smith

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

CONT... Joe Wallace Brown and Yolanda Denise Moore

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 18, 2021

Hearing Room 303

11:00 AM

6:18-16064 Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

#7.00 CONT. Trustee's Motion for order denying discharge

From: 1/7/21

EH__

Docket 92

Tentative Ruling:

1/7/2021

BACKGROUND

In the instant motion (Dkt. No. 92), filed December 15, 2020, Trustee seeks to dismiss Case 6:18-bk-16064 filed under Chapter 13 by Michael D. Wickham and JoAnn Y. Wickham ("Debtors") with an order denying discharge.

Although Debtors have completed all the plan payments designated to be paid through the Trustee, they have defaulted in paying their mortgage directly to Lakeview Loan Servicing, LLC ("Lender"). In its response to Trustee's notice of final cure payment, Lender asserts that Debtor is \$11,295.07 in post-petition arrears since June 1, 2020. (Dkt. No. 92, Attachment 1).

DISCUSSION

As a preliminary matter, the Court does not formally "deny" a discharge for failure to make payments. Rather, if Debtor has not satisfied the requirements for receiving a discharge, the Court would dismiss the case rather than enter a discharge. Therefore, the Court will construe Trustee's motion as a request to dismiss the case under 11 U.S.C. § 1307.

Here, Debtors have materially defaulted under the terms of the plan by failing to make mortgage payments. Therefore, it is proper for the Court to dismiss the case.

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

CONT... Michael D. Wickham and JoAnn Y. Wickham

Chapter 13

TENTATIVE RULING

Notice appearing proper, good cause appearing, and no opposition having been filed, the Court is inclined to GRANT the motion to the extent of dismissing the case.

APPEARANCES REQUIRED.

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):

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, February 18, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#8.00 CONT. Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Exhibits 1 Through 4 and Proof of Service

Also #9

From: 2/4/21

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Movant(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw
Summer M Shaw

Elton Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw

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

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

CONT... M Evan Parker-Calderon and Elton Parker-Calderon

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 18, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#9.00 Motion for Authority to Incur Debt [personal property]

Also #8

EH__

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Movant(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw
Summer M Shaw

Elton Parker-Calderon

Represented By
Summer M Shaw
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, February 18, 2021

Hearing Room 303

11:00 AM

6:19-18569 Edwin Briones and Gabriela Sandez

Chapter 13

#10.00 Debtors' Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

Docket 71

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin Briones

Represented By
Kevin Tang

Joint Debtor(s):

Gabriela Sandez

Represented By
Kevin Tang

Movant(s):

Edwin Briones

Represented By
Kevin Tang
Kevin Tang

Gabriela Sandez

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, February 18, 2021

Hearing Room 303

11:00 AM

6:20-17707 Shawn Hawkins Cole

Chapter 13

#11.00 Confirmation of chapter 13 plan

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Shawn Hawkins Cole

Represented By
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, February 18, 2021

Hearing Room 303

11:00 AM

6:20-17746 Kayla Marie McDade

Chapter 13

#12.00 Confirmation of chapter 13 plan

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kayla Marie McDade

Represented By
Jacqueline D Serrao

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 18, 2021

Hearing Room 303

11:00 AM

6:20-17820 Gilmar E. Bautista and Nadia Bautista

Chapter 13

#13.00 Confirmation of chapter 13 plan

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gilmar E. Bautista

Represented By
Michael Smith

Joint Debtor(s):

Nadia Bautista

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**

Thursday, February 18, 2021

Hearing Room 303

11:00 AM

6:20-17827 Jaime Zermeno and Lorena Zermeno

Chapter 13

#14.00 Confirmation of chapter 13 plan

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Zermeno

Represented By
Paul Y Lee

Joint Debtor(s):

Lorena Zermeno

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 18, 2021

Hearing Room 303

11:00 AM

6:20-17836 Ching Perng Tu

Chapter 13

#15.00 Confirmation of chapter 13 plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 12/28/20**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ching Perng Tu

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 18, 2021

Hearing Room 303

11:01 AM

6:15-22392 Donald Leroy Woodruff

Chapter 13

#16.00 Trustee's Motion to Dismiss Case (Tax returns/refunds)

EH__

Docket 132

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
1/28/21**

Tentative Ruling:

- NONE LISTED -

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**

Thursday, February 18, 2021

Hearing Room 303

11:01 AM

6:16-11312 Elizabeth M Molinari

Chapter 13

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

Also #18

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth M Molinari

Represented By
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, February 18, 2021

Hearing Room 303

11:01 AM

6:16-11312 Elizabeth M Molinari

Chapter 13

#18.00 CONT. Trustee's Motion to Dismiss Case (Delinquency)

Also #17

From: 1/7/21,2/4/21

EH__

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth M Molinari

Represented By
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, February 18, 2021

Hearing Room 303

11:01 AM

6:17-19027 Jaime Villalobos and Jennifer Villalobos

Chapter 13

#19.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21

EH__

Docket 124

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, February 18, 2021

Hearing Room 303

11:01 AM

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

Chapter 13

#20.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21

EH__

Docket 158

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, February 18, 2021

Hearing Room 303

11:01 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/8/21**

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, February 18, 2021

Hearing Room 303

11:01 AM

6:18-16178 Eriberto A. Sandoval

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 110

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley
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

Thursday, February 18, 2021

Hearing Room 303

11:01 AM

6:18-16996 Gabriel Cruz

Chapter 13

#23.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21

EH__

Docket 71

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/10/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley
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**

Thursday, February 18, 2021

Hearing Room 303

11:01 AM

6:18-17886 Ricky Antonio Scott and Shemida Shiloni Scott

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 58

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/10/21**

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, February 18, 2021

Hearing Room 303

11:01 AM

6:18-19093 Yolanda Williams

Chapter 13

#25.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21

EH__

Docket 100

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, February 18, 2021

Hearing Room 303

11:01 AM

6:19-10052 Dwayne J. Williams and Dana S. Williams

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 82

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/10/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dwayne J. Williams

Represented By
Michael Jay Berger

Joint Debtor(s):

Dana S. Williams

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, February 18, 2021

Hearing Room 303

11:01 AM

6:19-14467 David Patrick Hale

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Patrick Hale

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, February 18, 2021

Hearing Room 303

11:01 AM

6:19-19300 Nicholas A. Asamo

Chapter 13

#28.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21

EH__

Docket 39

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/10/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nicholas A. Asamo

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, February 18, 2021

Hearing Room 303

11:01 AM

6:20-11786 Paul Trevino

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/1/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Trevino

Represented By
Christopher J Langley
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**

Thursday, February 18, 2021

Hearing Room 303

11:01 AM

6:20-12307 Pamela M Bradford

Chapter 13

#30.00 CONT. Trustee's Motion to Dismiss Case

From: 1/21/21

EH__

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Pamela M Bradford

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, February 18, 2021

Hearing Room 303

11:01 AM

6:20-12376 Merle Roger Johnson

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Merle Roger Johnson

Represented By
Arlene M Tokarz

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 18, 2021

Hearing Room 303

11:01 AM

6:20-16072 Darrell L. Washington

Chapter 13

#32.00 Trustee's Motion to Dismiss Case

EH__

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell L. Washington

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, February 18, 2021

Hearing Room 303

1:30 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#33.00 Motion to Use Cash Collateral On An Interim And Final Basis, To Transact Business In The Ordinary Course And Directing General Contractors To Pay The Debtor In The Ordinary Course

EH__

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Thursday, February 18, 2021

Hearing Room 303

1:30 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#34.00 Motion For Order Authorizing Debtor To Negotiate Joint Checks; Points And Authorities

EH__

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Thursday, February 18, 2021

Hearing Room 303

1:30 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#35.00 Motion to Authorize Debtor to Pay Prepetition Priority Employee Wages;
Memorandum of Points and Authorities

EH__

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#1.00 Motion to Withdraw as Debtors' Bankruptcy Counsel

(Placed on calendar by order entered 2/17/21)

Also #2

EH__

(Tele. appr. Dane Exnowski, rep. moving party, Nationstar Mortgage LLC)

(Tele. appr. Alla Tenina, rep. Debtor, Rodolfo Aguiar)

Docket 88

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**

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14950 Deerfield St, Victorville, CA 92394 Under 11 U.S.C. § 362.

Also #1

MOVANT: NATIONSTAR MORTGAGE

From: 2/2/21

EH__

(Tele. appr. Dane Exnowski, rep. moving party, Nationstar Mortgage LLC)

(Tele. appr. Alla Tenina, rep. Debtor, Rodolfo Aguiar)

Docket 84

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar Chapter 13

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 Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski
Arnold L Graff

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 2, 2021

Hearing Room 303

11:00 AM

6:18-16815 Javier Ortega

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13759 Lighthouse Court, Fontana, CA 92336 Under 11 U.S.C. § 362

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Nationstar Mortgage LLC)

Docket 52

Tentative Ruling:

3/3/2021

Service: Proper

Opposition: Debtors (late)

Movant to apprise Court of the status of arrears and adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Javier Ortega

Represented By

Alon Darvish - SUSPENDED BK -
Ghada Helena Philips

Movant(s):

Nationstar Mortgage LLC D/B/A

Represented By

Melissa Licker
Dane W Exnowski
John D Schlotter

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Javier Ortega

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 2, 2021

Hearing Room 303

11:00 AM

6:19-10052 Dwayne J. Williams and Dana S. Williams

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8392 Saddle Creek Dr, Riverside, California 92509-7107 with Proof of Service

MOVANT: SELECT PORTFOLIO SERVICING INC.

EH__

(Tele. appr. Michael Berger, rep. Debtors Dwayne and Dana Williams)

(Tele. appr. Wendy Locke, rep. creditor, Select Portfolio Servicing Inc.)

Docket 90

***** VACATED *** REASON: CONTINUED TO 4/6/21 BY ORDER
ENTERED 3/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dwayne J. Williams

Represented By
Michael Jay Berger

Joint Debtor(s):

Dana S. Williams

Represented By
Michael Jay Berger

Movant(s):

Select Portfolio Servicing Inc., as

Represented By
Joseph C Delmotte

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 2, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Hyundai Elantra, VIN: KMHD04LB8JU482499

MOVANT: HYUNDAI LEASE TITLING TRUST

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Hyundai Lease Titling Trust)

Docket 55

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from 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):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

Movant(s):

Hyundai Lease Titling Trust

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, March 2, 2021

Hearing Room 303

11:00 AM

6:19-16881 Juan Manuel Andrade and Cecilia R Andrade

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 BMW I3 VIN No.WBY1Z2C55FV555484 with Proof of Service

MOVANT: ALLY FINANCIAL

EH__

(Tele. appr. Wendy Locke, rep. creditor, Ally Financial)

Docket 75

Tentative Ruling:

3/2/2021

Service: Proper
Opposition: None

11 U.S.C. § 362(c)(4)(i) provides that

if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case

Here, Juan Andrade had two previous Chapter 13 cases dismissed in the year preceding the instant bankruptcy case. Debtors not having filed a motion to impose the automatic stay, the automatic stay did not arise in this case. Therefore, the automatic stay never having arisen in this case, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Juan Manuel Andrade and Cecilia R Andrade

Chapter 13

Debtor(s):

Juan Manuel Andrade

Represented By
J.D. Cuzzolina

Joint Debtor(s):

Cecilia R Andrade

Represented By
J.D. Cuzzolina

Movant(s):

Ally Financial

Represented By
Joseph C Delmotte

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 2, 2021

Hearing Room 303

11:00 AM

6:19-20408 Juan Carlos De La Cruz and Claudia Veronica De La Cruz Chapter 13

#7.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 3465 Tipperary Way, Riverside, CA 92506

MOVANT: LAKEVIEW LOAN SERVICING, LLC

From: 12/15/20,1/19/21

EH__

Docket 72

***** VACATED *** REASON: ORDER ENTERED 2/25/21 CONTINUING TO 4/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos De La Cruz

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Claudia Veronica De La Cruz

Represented By
Sanaz Sarah Bereliani

Movant(s):

Lakeview Loan Servicing, 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, March 2, 2021

Hearing Room 303

11:00 AM

6:20-17765 Kim Malveo Jones

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Kia Sorento, VIN: 5XYPG4A33HG243527

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance LLC)

Docket 10

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative requests under ¶¶ 11 and 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):

Kim Malveo Jones

Represented By
Daniel King

Movant(s):

TD Auto Finance LLC

Represented By

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Kim Malveo Jones

Chapter 7

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, March 2, 2021

Hearing Room 303

11:00 AM

6:20-18105 Meredith Gina Gonzalez

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Jeep Grand Cherokee, VIN: 1C4RJEAG3KC572727

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance)

Docket 9

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... **Meredith Gina Gonzalez**
(emphasis added).

Chapter 7

Here, Debtor's statement of intention does not address the subject collateral. As the deadline for filing or amending the statement of intention passed pursuant to 11 U.S.C. § 521(a)(2) (A), the automatic stay terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as moot.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Meredith Gina Gonzalez

Represented By
Paul Y Lee

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

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 2, 2021

Hearing Room 303

11:00 AM

6:20-18125 Gale Webb

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Jeep Renegade VIN No.ZACCJABT6GPE37450 with Proof of Service

MOVANT: JPMORGAN CHASE BANK

EH__

(Tele. appr. Wendy Locke, rep. creditor, JPMorgan Chase Bank)

Docket 11

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-DENY request for relief pursuant to 11 U.S.C. § 362(d)(2) because the motion asserts there is equity in the subject property

-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):

Gale Webb

Represented By
Carey C Pickford

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 2, 2021

Hearing Room 303

11:00 AM

CONT... Gale Webb

Chapter 7

Josephine E Salmon

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 2, 2021

Hearing Room 303

11:00 AM

6:21-10269 Jonathan R. Valle

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Chevrolet Silverado 1500 3GCPCREC6FG320151

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, GM Financial)

Docket 12

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from 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):

Jonathan R. Valle

Represented By
Michael Jay Berger

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, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Jonathan R. Valle

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 2, 2021

Hearing Room 303

11:00 AM

6:21-10517 Howard E Terrell

Chapter 13

#12.00 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate .

MOVANT: HOWARD E. TERRELL

EH__

(Tele. appr. Diane Weifenbach, rep. moving party, U.S. Bank, National Association as Legal Title Trustee for Truman 2016 SC6 Title)

Docket 7

Tentative Ruling:

3/2/2021

Service: Improper

Opposition: U.S. Bank

The Court, having reviewed the motion and the opposition of U.S. Bank, is inclined to DENY the motion on both procedural and substantive grounds. The Court notes that: (1) the motion was not served on creditors; (2) the motion contains no declaration of Debtor or any material evidence; and (3) the motion does not contain any valid argument to rebut the presumption under 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa) that the case was filed in bad faith. For those reasons, and the reasons set forth in the opposition filed as docket number 17, the Court is inclined to DENY the motion.

APPERANCES REQUIRED.

Party Information

Debtor(s):

Howard E Terrell

Represented By
Anthony P Cara

Movant(s):

Howard E Terrell

Represented By

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Howard E Terrell

Anthony P Cara

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 2, 2021

Hearing Room 303

11:00 AM

6:21-10522 Larell Dionta Travis

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Dodge Journey, VIN: 3C4PDCGG9HT684665

MOVANT: TD AUTO FINANCE

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance)

Docket 7

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative requests 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):

Larell Dionta Travis

Represented By
Vernon R Yancy

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, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Larell Dionta Travis

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 2, 2021

Hearing Room 303

11:00 AM

6:21-10621 Erik L. Liebherr

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

EH__

Docket 13

Tentative Ruling:

3/2/2021

Service: Proper
Opposition: None

The Court, having reviewed the motion, notice appearing proper and no opposition having been filed, is inclined to find that Debtor has presented sufficient evidence to rebut the statutory presumption of bad faith arising under 11 U.S.C. § 362(c)(3)(C)(i)(II)(aa), and is inclined to CONTINUE the automatic stay as to all creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Erik L. Liebherr

Represented By
Joseph Arthur Roberts

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 2, 2021

Hearing Room 303

11:00 AM

6:20-16072 Darrell L. Washington

Chapter 13

#15.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14604 Adobe Place, Victorville, CA 92394

MOVANT: NATIONSTAR MORTGAGE LLC

From: 2/16/21

EH__

(Tele. appr. Tran Nguyen, rep. Debtor, Darrell Washington)

(Tele. appr. Darlene Vigil, rep. creditor, Nationstar Mortgage LLC)

Docket 39

Tentative Ruling:

2/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶¶ 2, 3 and 12

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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**

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Darrell L. Washington

Chapter 13

Debtor(s):

Darrell L. Washington

Represented By
Gary S Saunders

Movant(s):

Nationstar Mortgage 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, March 2, 2021

Hearing Room 303

11:00 AM

6:17-17722 Joseph Daniel Coleman and Rosalinda Maria Coleman

Chapter 13

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 947 West Marshall Boulevard San Bernardino, CA 92405

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

Docket 53

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests under ¶¶ 2, 3 and 12

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 Daniel Coleman

Represented By
Nathan Fransen

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

Tuesday, March 2, 2021

Hearing Room 303

11:00 AM

CONT... Joseph Daniel Coleman and Rosalinda Maria Coleman

Chapter 13

Joint Debtor(s):

Rosalinda Maria Coleman

Represented By
Nathan Fransen

Movant(s):

Deutsche Bank National Trust

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 2, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#17.00 CONT. Motion For Order Authorizing Debtor To Distribute Joint Checks; Points And Authorities

Also #2

From: 2/18/21

EH__

(Tele. appr. Steven Fox, rep. Debtor, DW Trim Inc.)

(Tele. appr. Thomas Fawkes, rep. creditor, Huttig Building Products, Inc.)

(Tele. appr. Steven Imhoof, rep. interested party, FH II, LLC)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Richard Sieving, rep. creditor, Jeld-wen Inc., American Building Supply Inc.)

(Tele. Michael Williams, rep. creditor, Pardee Homes)

(Tele. appr. Doug Willis, in Propria Persona)

(Tele. appr. Christopher Demint, rep. client, DW Trim, Inc.)

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

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

Tuesday, March 2, 2021

Hearing Room 303

2:00 PM

CONT... DW Trim, Inc.

Chapter 11

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Tuesday, March 2, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#18.00 Motion to Assume Lease or Executory Contract Motion For Order Authorizing Debtor To Assume Executory Contracts, To Cure Deficiencies and To Perform Under Prepetition Executory Construction Contracts

(OST signed 2/24/21)

EH__

(Tele. appr. Steven Fox, rep. Debtor, DW Trim Inc.)

(Tele. appr. Thomas Fawkes, rep. creditor, Huttig Building Products, Inc.)

(Tele. appr. Steven Imhoof, rep. interested party, FH II, LLC)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Richard Sieving, rep. creditor, Jeld-wen Inc., American Building Supply Inc.)

(Tele. Michael Williams, rep. creditor, Pardee Homes)

(Tele. appr. Doug Willis, in Propria Persona)

(Tele. appr. Christopher DeMint, rep. client, DW Trim, Inc.)

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By

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

Tuesday, March 2, 2021

Hearing Room 303

2:00 PM

CONT...

DW Trim, Inc.

Steven R Fox

Chapter 11

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

Wednesday, March 3, 2021

Hearing Room 303

10:00 AM

6:20-17210 Jay Carl Jones and Merry Jones

Chapter 7

#1.00 Reaffirmation Agreement Between Debtor and Exeter Finance LLC, in the amount of \$16,110.93 re: 2017 Chevrolet Truck Equinox

EH__

Docket 21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jay Carl Jones

Represented By
Allison F Tilton

Joint Debtor(s):

Merry Jones

Represented By
Allison F Tilton

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, March 3, 2021

Hearing Room 303

10:00 AM

6:20-17497 Gabriel P Den Hartog and Todd A Den Hartog

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Partners Federal Credit Union, in the amount of \$10,637.57 re 2015 Toyota Prius

EH__

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel P Den Hartog

Represented By
Gary J Holt

Joint Debtor(s):

Todd A Den Hartog

Represented By
Gary J Holt

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, March 3, 2021

Hearing Room 303

10:00 AM

6:20-17809 Ashley Lauren Darling

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Community Choice Credit Union,
in the amount of \$22,240.74, re: 2017 Jeep Patriot

EH__

Docket 10

***** VACATED *** REASON: NOTICE OF RESCISSION FILED BY
DEBTOR ON 2/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ashley Lauren Darling

Represented By
Aaron Lloyd

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 3, 2021

Hearing Room 303

10:00 AM

6:20-17837 Edgar A Vazquez

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and Matco Tools, in the amount of \$212.86, re: professional tools

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edgar A Vazquez

Represented By
Matthew D. Resnik

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, March 3, 2021

Hearing Room 303

10:00 AM

6:20-18148 Felisa Jean Cole

Chapter 7

#5.00 Reaffirmation Agreement Between Debtor and Consumer Portfolio Services, in the amount of \$20,501.71 re: 2019 Kia Optima

EH____

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felisa Jean Cole

Represented By
Allison F Tilton

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, March 3, 2021

Hearing Room 303

11:00 AM

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

Chapter 7

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

EH__

Docket 148

Tentative Ruling:

3/3/2021

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: \$ 1,909.65
Trustee Expenses: \$ 380.40

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):

James Leonard Blow Jr.

Represented By
Jonathan D Doan

Joint Debtor(s):

Amanda Joyce Atkinson-Blow

Represented By
Jonathan D Doan

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, March 3, 2021

Hearing Room 303

11:00 AM

6:18-10589 Norman B March, Jr.

Chapter 7

#7.00 Motion to Avoid Lien Judicial Lien with Mr. Crane

EH__

*Placed on calendar by order signed on 2/2/21

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Norman B March Jr.

Represented By
Brian J Soo-Hoo
Richard L. Sturdevant

Movant(s):

Norman B March Jr.

Represented By
Brian J Soo-Hoo
Brian J Soo-Hoo
Brian J Soo-Hoo
Richard L. Sturdevant
Richard L. Sturdevant
Richard L. Sturdevant

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 3, 2021

Hearing Room 303

11:00 AM

6:18-19465 Joseph F. Mark

Chapter 7

#8.00 Trustee's motion for order disallowing Claim 19 of Citibank

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph F. Mark

Represented By
Keith Q Nguyen

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, March 3, 2021

Hearing Room 303

11:00 AM

6:19-11166 Nancy L Mata-Ramos

Chapter 7

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

EH__

Docket 43

Tentative Ruling:

3/3/2021

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Attorney 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 Fees: \$ 2,750.00
Trustee Expenses: \$ 86.16

Attorney Fees: \$7,544.50
Attorney Costs: \$209.40

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):

Nancy L Mata-Ramos

Pro Se

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, March 3, 2021

Hearing Room 303

11:00 AM

6:19-17429 David Valadez and Loretta Valadez

Chapter 7

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

EH__

Docket 44

Tentative Ruling:

3/3/2021

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: \$ 73.29

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 Valadez

Represented By
Marlin Branstetter

Joint Debtor(s):

Loretta Valadez

Represented By
Marlin Branstetter

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 3, 2021

Hearing Room 303

11:00 AM

6:19-19205 Enrique Benitez Bautista and Martha Alonso

Chapter 7

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

EH__

Docket 37

Tentative Ruling:

3/3/2021

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: \$ 1,257.92
Trustee Expenses: \$ 82.35

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):

Enrique Benitez Bautista

Represented By
Tristan L Brown

Joint Debtor(s):

Martha Alonso

Represented By
Tristan L Brown

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, March 3, 2021

Hearing Room 303

11:00 AM

6:19-20167 Oscar Manuel Alvarado Olivia and Maria Celia Monge De

Chapter 7

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

EH__

Docket 38

Tentative Ruling:

3/3/2021

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: \$ 1,520
Trustee Expenses: \$ 62.73

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):

Oscar Manuel Alvarado Olivia

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria Celia Monge De Alvarado

Represented By
Jaime A Cuevas Jr.

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 3, 2021

Hearing Room 303

11:00 AM

6:20-11274 Nelly Guadalupe Seneff

Chapter 7

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

EH__

Docket 40

Tentative Ruling:

3/3/2021

No opposition has been filed.
Service was Proper.

The applications for compensation of the Trustee and Attorney 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 Fees: \$ 1,086.74
Trustee Expenses: \$ 92.36

Attorney Fees: \$0.00
Attorney Costs: \$0.00

The Court notes that Trustee entered into a sale/settlement/compromise regarding the estate's interest in Debtor's residence, but failed to seek Court approval of the transaction. Therefore, Trustee having lacked authorization to engage in the transaction, and thus having failed to administer the estate in accordance with the Federal and Local Rules, the Court is inclined to disallow all attorney compensation and reduce Trustee's compensation to an amount calculated on distributions to the single unsecured creditor.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Nelly Guadalupe Seneff

Represented By

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

Wednesday, March 3, 2021

Hearing Room 303

11:00 AM

CONT... Nelly Guadalupe Seneff

Chapter 7

Todd L Turoci

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, March 3, 2021

Hearing Room 303

11:00 AM

6:20-16365 Irene Lopez

Chapter 7

#14.00 Chapter 7 Trustee's Motion to Approve Compromise with Debtor regarding sale of property

EH__

Docket 26

Tentative Ruling:

3/3/2021

BACKGROUND

On September 21, 2020, Irene Lopez ("Debtor") filed a Chapter 7 voluntary petition. On January 4, 2021, Debtor received a discharge.

On February 3, 2021, Trustee filed a notice of assets. On February 10, 2021, Trustee filed a stipulation with Debtor and a motion to approve compromise that requested approval of the terms of the stipulation.

The stipulation relates to certain real property located at 7637 Eastwood Ave., Rancho Cucamonga, CA 91730 (the "Property"). On the petition date, Debtor held a joint tenancy interest in the Property with her parents. Between August and October 2020, both of Debtor's parents passed away. On Schedule A, Debtor valued the Property at \$500,000. On Schedule D, Debtor listed two liens against the Property, aggregating \$329,115. Debtor claimed an exemption in the Property in the amount of \$175,000. Trustee asserts that the value of the Property is between \$525,000 and \$550,000.

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

Wednesday, March 3, 2021

Hearing Room 303

11:00 AM

CONT... Irene Lopez

Chapter 7

Pursuant to the stipulation, Debtor agrees to subordinate her claimed exemption to costs of sale and Trustee's compensation, and to \$50,000 in sale proceeds. Trustee agrees to cap real estate broker compensation at 4.5% of the Property's sale price and to waive any reinvestment requirement.

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 collection; (3) the complexity, expense, inconvenience and delay of litigation; and (4) the interest of creditors with deference to their reasonable expectations. *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.*

The instant compromise clearly meets the *A&C Properties* factors and is in the best interests of the estate. According to the motion, "the Trustee's sole waiver of claims relates to the Estate's contingent claim to recover the homestead exemption proceeds in the event that Debtor fails to comply with the homestead reinvestment requirement." But the motion also asserts that "[i]f the Homestead Exemption remained undisturbed, there would be insufficient estimated net equity in the Property available to pay for the administrative cost of selling the Property." In other words, it is likely that Trustee would not be able to sell the Property absent the stipulation, and,

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

Wednesday, March 3, 2021

Hearing Room 303

11:00 AM

CONT... Irene Lopez

Chapter 7

therefore, the contingent claim being waived by Trustee would not materialize. For that reason, the Court concludes that the proposal is in the best interests of the estate and satisfies all of the *A&C Properties* factors.

Additionally, the Court deems the absence of opposition to be consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

The Court is inclined to GRANT the motion, APPROVING the compromise.

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):

Irene Lopez

Represented By
Paul V Reza

Movant(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Chad V Haes

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Chad V Haes

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

Wednesday, March 3, 2021

Hearing Room 303

12:00 PM

6:21-11043 Wyatt Clancy Cheek

Chapter 7

#14.10 Application for Approval of Fee Waiver

EH__

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wyatt Clancy Cheek	Pro Se
--------------------	--------

Movant(s):

Wyatt Clancy Cheek	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, March 3, 2021

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 CONT. Planitiff's Motion For Summary Judgment

From: 11/18/20, 2/3/21

Also #16

EH__

Docket 47

Tentative Ruling:

- NONE LISTED -

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):

Vivian Kim

Represented By
Jiyoung Kym
Jiyoung Kym

Vivian Kim

Represented By

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

Wednesday, March 3, 2021

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon

Chapter 7

Jiyoung Kym

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, March 3, 2021

Hearing Room 303

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#16.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01210. Complaint by Vivian Kim against Young Jin Yoon, Hyunmyung Park, Joshua Park. false pretenses, false representation, actual fraud)),(72 (Injunctive relief - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Kym, Jiyoung)

Also #15

From: 12/12/18, 1/9/19, 7/31/19, 10/16/19, 3/11/20, 7/15/20, 9/14/20, 9/15/20,10/18/20,2/3/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, March 3, 2021

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon

Chapter 7

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, March 3, 2021

Hearing Room 303

2:00 PM

6:20-11490 Niels Erik Topping

Chapter 7

Adv#: 6:20-01123 Thompson v. Topping

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01123. Complaint by Greg Thompson against Niels Erik Topping . 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: 9/2/20, 10/7/20, 10/14/20, 12/2/20

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Niels Erik Topping Pro Se

Defendant(s):

Niels Erik Topping Pro Se

Joint Debtor(s):

Sonja Haupt Topping Pro Se

Plaintiff(s):

Greg Thompson Represented By
John G Dickman

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, March 4, 2021

Hearing Room 303

11:00 AM

6:19-15980 Jonathon Keith Stoner and Jacqueline Belinda Stoner

Chapter 13

#1.00 Motion for Authority to Enter into Loan Modification with Existing Lender
Community Loan Servicing

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtors, Jonathon & Jacqueline Stoner)

Docket 91

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple

Joint Debtor(s):

Jacqueline Belinda Stoner

Represented By
Sundee M Teeple

Movant(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple
Sundee M Teeple

Jacqueline Belinda Stoner

Represented By
Sundee M Teeple
Sundee M Teeple
Sundee M Teeple

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

Thursday, March 4, 2021

Hearing Room 303

11:00 AM

CONT... Jonathon Keith Stoner and Jacqueline Belinda Stoner

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17886 Mena Sadat

Chapter 13

#2.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: ORDER DISMISSING CASE 2/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mena Sadat

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17898 Jose M Vazquez Javier

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose M Vazquez Javier

Pro Se

Trustee(s):

Rod (MH) Danielson (TR)

Pro Se

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

Thursday, March 4, 2021

Hearing Room 303

11:00 AM

6:20-17908 LENOIS STOVALL

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: ORDER DISMISSING CASE 1/4/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

LENOIS STOVALL

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17941 Maisha Tamu Mesa

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: ORDER DISMISSING CASE 1/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maisha Tamu Mesa

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17968 Bonifacio Taloma Bagaporo

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Daniel King, rep. Debtor, Bonifacio Bagaporo)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bonifacio Taloma Bagaporo

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 4, 2021

Hearing Room 303

11:00 AM

6:20-17981 Jack Kelly Jackson

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: ORDER DISMISSING CASE 2/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack Kelly Jackson

Pro Se

Trustee(s):

Rod (MH) Danielson (TR)

Pro Se

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

Thursday, March 4, 2021

Hearing Room 303

11:00 AM

6:20-18008 ADRIANA VARGAS

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: ORDER DISMISSING CASE 1/11/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

ADRIANA VARGAS

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, March 4, 2021

Hearing Room 303

11:01 AM

6:16-18546 Alexis I Barahona

Chapter 13

#9.00 CONT. Trustee's Motion to Dismiss Case

From: 1/21/21,2/18/21

EH__

Docket 120

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis I Barahona

Represented By
Christopher J Langley
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**

Thursday, March 4, 2021

Hearing Room 303

11:01 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#10.00 CONT. Trustee's Motion to Dismiss Case

From: 1/21/21,2/18/21

EH__

Docket 92

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
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**

Thursday, March 4, 2021

Hearing Room 303

11:01 AM

6:17-19027 Jaime Villalobos and Jennifer Villalobos

Chapter 13

#11.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21, 2/18/21

EH__

Docket 124

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

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, March 4, 2021

Hearing Room 303

11:01 AM

6:18-20200 Denise Cherie Darden

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Denise Cherie Darden

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 4, 2021

Hearing Room 303

11:01 AM

6:19-17274 Sherry L. Stokes

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joselina Medrano, rep. Debtor, Sherry Stokes)

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sherry L. Stokes

Represented By
Gregory 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, March 4, 2021

Hearing Room 303

11:01 AM

6:19-18080 Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtors, Jose & Maria Aguiar)

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose C Aguiar

Represented By
Dana Travis

Joint Debtor(s):

Maria Fatima Aguiar

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 4, 2021

Hearing Room 303

11:01 AM

6:19-18569 Edwin Briones and Gabriela Sandez

Chapter 13

#15.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin Briones

Represented By
Kevin Tang

Joint Debtor(s):

Gabriela Sandez

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 4, 2021

Hearing Room 303

11:01 AM

6:19-20022 Katina Deneen Edwards

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

Tentative Ruling:

- NONE LISTED -

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**

Thursday, March 4, 2021

Hearing Room 303

11:01 AM

6:20-16072 Darrell L. Washington

Chapter 13

#17.00 CONT. Trustee's Motion to Dismiss Case

From: 2/18/21

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darrell L. Washington

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 304 Calendar**

Thursday, March 4, 2021

Hearing Room 304

11:01 AM

6:18-13714 Jose Martinez and Aurora Martinez

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 81

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, March 4, 2021

Hearing Room 303

11:01 AM

6:19-20659 Larry W. Smith

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Terrence Fantauzzi, rep. Debtor, Larry Smith)

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry W. Smith

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, March 4, 2021

Hearing Room 303

11:01 AM

6:20-11946 Michelle Cadena Quinn

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 75

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, March 4, 2021

Hearing Room 303

11:01 AM

6:19-15665 Kenyaita Denise Washington

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenyaita Denise Washington

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, March 4, 2021

Hearing Room 303

11:01 AM

6:18-19360 Michael Rudy Holguin and Juana Patricia Holguin

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Daniel King, rep. Debtors, Michael & Juana Holguin)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Rudy Holguin

Represented By
Daniel King

Joint Debtor(s):

Juana Patricia Holguin

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 4, 2021

Hearing Room 303

11:01 AM

6:19-11911 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

Docket 103

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21

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 4, 2021

Hearing Room 303

11:01 AM

6:18-18415 Donna Denise Upton

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Seema Sood, rep. Debtor, Donna Upton)

Docket 99

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**

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

6:19-10047 Jose Antonio Contreras and Mayra Lorena Contreras

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 53242 Champlain St. Lake Elsinore CA 92532

MOVANT: ROSETTA CANYON COMMUNITY ASSOCIATION

EH__

(Tele. appr. Nicole Lilomaiaava, rep. creditor, Rosetta Canyon Community Association)

Docket 46

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed eleven assessment payments. Accordingly, the Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);

-GRANT request under ¶ 2

-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.

In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

Party Information

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

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

CONT... Jose Antonio Contreras and Mayra Lorena Contreras

Chapter 13

Debtor(s):

Jose Antonio Contreras

Represented By
A Mina Tran

Joint Debtor(s):

Mayra Lorena Contreras

Represented By
A Mina Tran

Movant(s):

Rosetta Canyon Community

Represented By
Erin A Maloney

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 9, 2021

Hearing Room 303

11:00 AM

6:19-13706 Salem Eid Massoud

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7415 Laurel Avenue, Fontana CA 92336

MOVANT: PANNYMAC LOAN SERVICING LLC

EH__

(Tele. appr. Christina Khil, rep. creditor, PennyMac Loan Services)

Docket 49

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

The Court, having reviewed and considered the motion, no opposition having been filed, finds cause exists where Debtor has missed four mortgage payments.

Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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.

In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

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

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

CONT... Salem Eid Massoud

Chapter 13

Party Information

Debtor(s):

Salem Eid Massoud

Represented By
Andy Nguyen

Movant(s):

PennyMac Loan Services, LLC

Represented By
Christina J Khil

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 9, 2021

Hearing Room 303

11:00 AM

6:19-15270 La Chatta P Hunter

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 26670 Tellis Place, Hemet, CA 92544

MOVANT: WILMINGTON TRUST NATIONAL ASSOCIATION

EH__

(Tele. appr. Eric Enciso, rep. creditor, Ocwen Loan Servicing)

Docket 51

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

The Court notes that Movant has not provided any evidence establishing that Debtor lacks equity in the property in support of its request for relief from stay pursuant to § 362(d)(2). Notwithstanding, having reviewed and considered the motion, no opposition having been filed, the Court finds cause exists where Debtor has missed three mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- DENY relief from stay pursuant to 11 U.S.C. § 362(d)(2);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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.

In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

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

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

CONT... La Chatta P Hunter

Chapter 13

Party Information

Debtor(s):

La Chatta P Hunter

Represented By
Daniel King

Movant(s):

Wilmington Trust 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 9, 2021

Hearing Room 303

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Toyota C-HR

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

(Tele. appr. Austin Nagel, rep. creditor, Toyota Motor Credit Corporation)

Docket 47

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);

-GRANT request under ¶ 2;

-GRANT waiver of FRBP 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):

Maria Elvia Hernandez

Represented By
Christopher J Langley

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 9, 2021

Hearing Room 303

11:00 AM

CONT... Maria Elvia Hernandez

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

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

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

6:21-10020 Sandalia Magdalena Gonzales

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Jeep Cherokee, VIN: 1C4PJLCB5JD615356

MOVANT: SANTANDER CONSUMER USA, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Santander Consumer USA, Inc.)

Docket 14

Tentative Ruling:

3/9/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY request for adequate protection in the alternative 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):

Sandalia Magdalena Gonzales

Represented By
Lauren Ross

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

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

CONT... Sandalia Magdalena Gonzales

Chapter 7

Movant(s):

Santander Consumer USA Inc. dba

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 9, 2021

Hearing Room 303

11:00 AM

6:21-10112 James Kevin Spry and Kelly Nicole Spry

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Ram 1500, VIN: 1C6RR6KT4JS141416

MOVANT: SANTANDER CONSUMER USA INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Santander Consumer USA, Inc.)

Docket 9

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, March 9, 2021

Hearing Room 303

11:00 AM

CONT... James Kevin Spry and Kelly Nicole Spry

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor has left the statement of intention as to the 2018 Ram 1500 blank. The Debtor was required to select to either surrender or retain the property. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention has passed pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Kevin Spry

Represented By
Carey C Pickford

Joint Debtor(s):

Kelly Nicole Spry

Represented By
Carey C Pickford

Movant(s):

Santander Consumer USA Inc. dba

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, March 9, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#7.00 Application for Compensation Third and Final Application for Allowance of Fees and Costs by Marshack Hays LLP as the Committee of Unsecured Creditor's General Counsel; Memorandum of Points and Authorities; and Declaration of David A. Wood in Support; with Proof of Service] for David Wood, Creditor Comm. Atty, Period: 9/30/2020 to 2/11/2021, Fee: \$28,720.50, Expenses: \$2,161.96

EH__

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Jerry Seelig, Patient Care Ombudsman)

(Tele. appr. David A. Wood, rep. Creditors' Committee)

Docket 923

Tentative Ruling:

3/9/2021

Service proper
No opposition filed

The third and final application for compensation of Marshack Hays LLP, Counsel for the Committee of Unsecured Creditors, has been set for hearing on the notice required by LBR 2016-1. Counsel seeks fees in the amount of \$28,720.50 and costs in the amount of \$2,161.96 for the period of September 3, 2020 through February 11, 2021. *See Dkt. 923.*

The Court previously allowed interim amounts of \$87,635 and \$56,032.50 in fees and \$1,176.05 and \$788.63 in costs for the two prior application periods with a twenty percent holdback on fees pending final approval. The Court, having reviewed the

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties Chapter 11

final fee application, finding amounts reasonable in light of the complexity of the case, the work of Counsel, the actual and potential recovery to the unsecured creditors, and the Committee's declaration in support of the application, is inclined to APPROVE, on a final basis, the total amount of fees and costs requested, including authorizing payment of the twenty-percent in fees held back, as follows:

Total Fees: \$ 172,338

Total Expenses: \$ 4,126.64

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):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#8.00 Third and Final Application for Allowance and Payment of Fees and Reimbursement of Expenses of Weiland Golden Goodrich LLP, Counsel for Debtor and Debtor-in- Possession; Declaration of David M. Goodrich, Debtor's Attorney, Period: 10/16/2020 to 12/27/2020, Fee: \$32095.00, Expenses: \$1366.57

EH__

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Jerry Seelig, Patient Care Ombudsman)

(Tele. appr. David A. Wood, rep. Creditors' Committee)

Docket 918

Tentative Ruling:

3/9/2021

Service proper
No opposition filed

The third and final application for compensation of Weiland Golden Goodrich LLP, Counsel for the Debtor, Vising Nurse Association of the Inland Counties, has been set for hearing on the notice required by LBR 2016-1. Counsel seeks fees in the amount of \$32,095 and costs in the amount of \$1,366.57, the total amount to be reduced by \$185 per stipulation with the US Trustee, for the period of October 16, 2020 through December 27, 2020. *See* Dkt. 934.

The Court previously allowed interim amounts of \$242,074 and \$290,185 in fees and \$4,230.61 and \$13,898.59 in costs for the two prior application periods with a twenty percent holdback on fees pending final approval. The Court, having reviewed the

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties Chapter 11

final fee application, finding amounts reasonable in light of the complexity of the case and the work of Counsel, is inclined to APPROVE, on a final basis, the total amount of fees and costs requested, including authorizing payment of the twenty-percent in fees held back, as follows:

Total Fees: \$ 564,169

Total Expenses: \$ 19,495.77

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):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#9.00 Application for Compensation / Second and Final Fee Application of the Patient Care Ombudsman, Jerry Seelig, for Compensation and Reimbursement of Expenses; Declaration of Jerry Seelig in Support Thereof for Jerry Seelig, Ombudsman Health, Period: 9/13/2018 to 2/1/2021, Fee: \$28,173.50, Expenses: \$570..00

EH__

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Jerry Seelig, Patient Care Ombudsman)

(Tele. appr. David A. Wood, rep. Creditors' Committee)

Docket 919

Tentative Ruling:

3/9/2021

Service proper
No opposition filed

The second and final application for compensation of Jerry Seeling, the patient care ombudsman has been set for hearing on the notice required by LBR 2016-1. Seeling seeks final approval of fees in the amount of \$28,173.50 and costs in the amount of \$570, which the Court has previously allowed subject to a twenty-percent fee holdback. The Court is inclined to APPROVE, on a final basis, the total amount of fees and costs requested, including authorizing payment of the twenty-percent in fees held back, as follows:

Total Fees: \$ 28,173.50
Total Expenses: \$ 570

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 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):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#10.00 Application for Compensation / Second and Final Fee Application of Seelig+Cussigh HCO LLC, Consultants to the Patient Care Ombudsman, for Compensation and Reimbursement of Expenses; Declaration of Richard Cussigh in Support Thereof for Jerry Seelig, Consultant, Period: 9/13/2018 to 2/1/2021, Fee: \$13,635.00, Expenses: \$908.00

EH__

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Jerry Seelig, Patient Care Ombudsman)

(Tele. appr. David A. Wood, rep. Creditors' Committee)

Docket 920

Tentative Ruling:

3/9/2021

Service proper
No opposition filed

The second and final application for compensation of Seelig+Cussigh, Consultants to the patient care ombudsman, has been set for hearing on the notice required by LBR 2016-1. Consultants seek final approval of fees in the amount of \$13,635 and costs in the amount of \$908, which the Court has previously allowed subject to a twenty-percent fee holdback. The Court is inclined to APPROVE, on a final basis, the total amount of fees and costs requested, including authorizing payment of the twenty-percent in fees held back, as follows:

Total Fees: \$ 13,635

Total Expenses: \$ 908

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

Tuesday, March 9, 2021

Hearing Room 303

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 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):

Visiting Nurse Association of the

Represented By
David M Goodrich
Beth Gaschen
Jennifer Vicente
Ryan W Beall
Steven T Gubner
Jason B Komorsky

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

Wednesday, March 10, 2021

Hearing Room 303

11:00 AM

6:18-14155 Alfredo Andrade and Daniela Andrade

Chapter 7

#1.00 Trustee's Notice of Motion and Motion Objecting to Debtors' Amended Exemptions

EH__

Docket 28

Tentative Ruling:

3/10/2021

BACKGROUND

On May 17, 2018, Alfredo & Daniela Andrade (collectively, "Debtors") filed a Chapter 7 voluntary petition. On August 1, 2018, Debtors amended Schedule B to list a class action lawsuit with an "unknown value." Debtors received a discharge on August 27, 2018.

On January 10, 2021, Debtors amended their schedules, listing on Schedule B two items related to the class action lawsuit, one valued at \$15,579.02 and the other, identified as "unpaid wages," valued at \$7,488.50. On Schedule C, Debtors exemption the former to the extent of \$10,055 and the latter at 75%.

Five days later, Debtors amended their schedules again. On Schedule B, Debtors combined the two separate entries into a single entry valued at \$23,067.52. On Schedule C, Debtors exempted the entirety of the \$23,067.52 pursuant to CAL. CODE CIV. P. § 703.140(b)(5) and 15 U.S.C. § 1673. On February 12, 2021, Trustee filed an objection to the exemption taken under 15 U.S.C. § 1673.

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

Wednesday, March 10, 2021

Hearing Room 303

11:00 AM

CONT... Alfredo Andrade and Daniela Andrade

Chapter 7

DISCUSSION

11 U.S.C. § 522(b)(1) provides, in pertinent part: "[A]n individual debtor may exempt from property of the estate the property listed in either paragraph (2) or, in the alternative, paragraph (3) of this subsection." 11 U.S.C. § 522(b)(3) allows a debtor to exempt "any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition." Trustee contends that 15 U.S.C. § 1673 is not a valid source of an exemption.

As noted by the courts in *Kokoszka v. Belford*, 417 U.S. 642 (1974), *Smith v. Frazier*, 421 B.R. 513 (S.D. Ill. 2009) ("Stated simply, once the Smiths sought bankruptcy protection, the Bankruptcy Code and applicable state and federal property exemption statutes governed their rights and remedies – not the limitation on garnishment of wages contained in 15 U.S.C. § 1673), and *In re Riendeau*, 293 B.R. 832 (D. Vt. 2002) (finding no merit in exemption claimed under 15 U.S.C. § 1673), a debtor in bankruptcy cannot use 15 U.S.C. § 1673 to claim an exemption.

The Tenth Circuit has previously held:

The issue of whether 15 U.S.C. § 1673 provides for an exemption in this case is governed by the Supreme Court's decision in *Kokoszka*. There, the Court instructed that § 1673 does not create an exemption in bankruptcy. Because the Supreme Court has instructed that § 1673 does not provide for an exemption in bankruptcy, that statutory provision has no bearing on this case.

In re Reinhart, 2011 WL 1048246 at *1 (10th Cir. 2011) (citation omitted).

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

Wednesday, March 10, 2021

Hearing Room 303

11:00 AM

CONT... Alfredo Andrade and Daniela Andrade

Chapter 7

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection, disallowing Debtors' exemption claimed under 15 U.S.C. § 1673.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Alfredo Andrade

Represented By
Paul Y Lee

Joint Debtor(s):

Daniela Andrade

Represented By
Paul Y Lee

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

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

Wednesday, March 10, 2021

Hearing Room 303

11:00 AM

6:20-14970 Abraham Llamas

Chapter 7

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

EH__

Docket 27

Tentative Ruling:

3/3/2021

No opposition has been filed.
Service was Improper

Notice of the hearing on the Trustee's final report was sent out on February 18, 2021, resulting in notice being short one day. Additionally, the Court notes that Trustee entered into a settlement regarding the estate's interest in Debtor's vehicles, but failed to seek Court approval of the transaction. To the extent Trustee proceeded under FED. R. BANKR. P. Rule 6004(d), such transaction still required notice to all creditors. Importantly, FED. R. BANKR. P. Rule 6004(d) only applies to sales *under* \$2,5000. Here, the sale was for the amount of \$2,500, which requires a motion and order. Therefore, Trustee having lacked authorization to engage in the transaction, and having failed to administer the estate in accordance with the Federal and Local Rules, the Court is inclined to disallow the requested compensation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Abraham Llamas

Represented By
Jaime A Cuevas Jr.

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, March 10, 2021

Hearing Room 303

11:00 AM

6:20-17655 Cody Michael Stowe and Brionna Christine Stowe

Chapter 7

#3.00 Debtor's Motion for Transfer of Venue

EH__

*Placed on calendar by order entered 2/26/21

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cody Michael Stowe

Represented By
Gary A Quackenbush

Joint Debtor(s):

Brionna Christine Stowe

Represented By
Gary A Quackenbush

Movant(s):

Cody Michael Stowe

Represented By
Gary A Quackenbush

Brionna Christine Stowe

Represented By
Gary A Quackenbush

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, March 10, 2021

Hearing Room 303

11:00 AM

6:20-18137 Kimberly Torrence

Chapter 7

#4.00 Debtor's Motion to vacate dismissal

EH__

*Debtor paid outstanding fees of \$300 on 2/24/21

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Torrence	Pro Se
-------------------	--------

Movant(s):

Kimberly Torrence	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, March 10, 2021

Hearing Room 303

2:00 PM

6:20-13525 Dimlux, LLC

Chapter 7

Adv#: 6:21-01002 Barghi v. Dimlux, LLC.

#5.00 Status Conference RE: [1] Adversary case 6:21-ap-01002. Complaint by Mansour Hossein Barghi against Dimlux, LLC.. (91 (Declaratory judgment))

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dimlux, LLC

Represented By
Donald Beury

Defendant(s):

Dimlux, LLC.

Pro Se

Plaintiff(s):

Mansour Hossein Barghi

Represented By
Fari B Nejadpour

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, March 16, 2021

Hearing Room 303

11:00 AM

6:19-10989 Steven Richard Bannow and Kristy Dale Bannow

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Nissan Versa, VIN: 3N1CN7AP6FL865072

MOVANT: SANTANDER CONSUMER USA INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Santander Consumer USA Inc.)

Docket 62

Tentative Ruling:

3/2/2021

Service: Proper

Opposition: Debtors

Movant to apprise Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Steven Richard Bannow

Represented By
Bryant C MacDonald

Joint Debtor(s):

Kristy Dale Bannow

Represented By
Bryant C MacDonald

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, March 16, 2021

Hearing Room 303

11:00 AM

**CONT... Steven Richard Bannow and Kristy Dale Bannow
Sheryl K Ith**

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 16, 2021

Hearing Room 303

11:00 AM

6:19-15368 Phillip Herrera and Mayra Herrera

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 23177 Harland Drive, Moreno Valley, CA 92557-5407

MOVANT: MIDFIRST BANK

EH__

(Tele. appr. Paul Lee, rep. Debtor, Phillip Herrera)

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Herrera

Represented By
Paul Y Lee

Joint Debtor(s):

Mayra Herrera

Represented By
Paul Y Lee

Movant(s):

MidFirst Bank

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 16, 2021

Hearing Room 303

11:00 AM

6:20-17279 Olga M De Gonzalez

Chapter 13

#3.00 CONT. Motion for Relief from Stay re Real Property located at 230-232 North Millard Avenue, Rialto, CA 92376

MOVANT: LAW OFFICES OF VAN NGHIEM

From: 12/9/20

CASE DISMISSED 11/23/20

EH__

Docket 16

***** VACATED *** REASON: WITHDRAWAL OF MOTION**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Olga M De Gonzalez

Represented By
Anthony P Cara

Movant(s):

Van M Nghiem

Represented By
Van M Nghiem

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 16, 2021

Hearing Room 303

11:00 AM

6:21-10235 Rikki Nikole Sapien

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Jeep Grand Cherokee, VIN: 1C4RJEAG2KC776628

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 8

Tentative Ruling:

3/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests 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):

Rikki Nikole Sapien

Represented By
Salvatore Bommarito

Movant(s):

Santander Consumer USA Inc. dba

Represented By
Sheryl K Ith

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

Tuesday, March 16, 2021

Hearing Room 303

11:00 AM

CONT... Rikki Nikole Sapien

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, March 16, 2021

Hearing Room 303

11:00 AM

6:21-10425 Gildardo Herrera Hernandez

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Harley-Davidson FLSTN Softail Deluxe

MOVANT: HARLEY-DAVIDSON CREDIT CORP.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Santander Consumer USA Inc.)

Docket 9

Tentative Ruling:

3/16/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests 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):

Gildardo Herrera Hernandez

Represented By
James P Doan

Movant(s):

Harley-Davidson Credit Corp, as

Represented By
Austin P Nagel

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

Tuesday, March 16, 2021

Hearing Room 303

11:00 AM

CONT... Gildardo Herrera 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, March 16, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#6.00 Order (1) Setting Scheduling Hearing and Case Management Conference and
(2) Requiring Status Report

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Wednesday, March 17, 2021

Hearing Room 303

10:00 AM

6:20-17497 Gabriel P Den Hartog and Todd A Den Hartog

Chapter 7

#1.00 CONT. Reaffirmation Agreement Between Debtor and Partners Federal Credit Union, in the amount of \$10,637.57 re 2015 Toyota Prius

From: 3/3/21

EH__

Docket 19

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel P Den Hartog

Represented By
Gary J Holt

Joint Debtor(s):

Todd A Den Hartog

Represented By
Gary J Holt

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, March 17, 2021

Hearing Room 303

11:00 AM

6:18-19465 Joseph F. Mark

Chapter 7

#2.00 CONT. Trustee's motion for order disallowing Claim 19 of Citibank

From: 3/3/21

EH__

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph F. Mark

Represented By
Keith Q Nguyen

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, March 17, 2021

Hearing Room 303

11:00 AM

6:20-18134 Krystin Janai Kilgore

Chapter 7

#3.00 Order to Show Cause re: Dismissal for Failure to Comply with Rule 1006(b)

EH__

Docket 16

***** VACATED *** REASON: INSTALLMENT FEES PAID IN FULL ON
3/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Krystin Janai Kilgore

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, March 17, 2021

Hearing Room 303

11:00 AM

6:21-10028 Lucy Arzate

Chapter 7

#4.00 Motion for Order Compelling Attorney to File Disclosure of Compensation Pursuant to 11 U.S.C. § 329 and FRBP 2016; Memorandum of Points and Authorities; Declaration of Mary H. Avalos In Support Thereof With Proof of Service

EH__

Docket 19

Tentative Ruling:

3/17/2021

Service proper
No opposition filed

BACKGROUND

On January 5, 2021, Lucy Arzate ("Debtor"), represented by counsel, Think V. Doan, filed a chapter 7 voluntary petition. On January 25, 2021, the Court dismissed Debtor retaining jurisdiction *inter alia* over motions related to sanctions and issues arising under 11 U.S.C. § 329.

On February 11, 2021, the United States Trustee ("UST") filed a motion for an order compelling attorney to file disclosure of compensation pursuant to 11 U.S.C. § 329 and FED. R. BANKR. P. Rule 2016.

DISCUSSION

Per the Court's dismissal order, the Court has retained jurisdiction over matters arising under § 329.

11 U.S.C. § 329 states in pertinent part:

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

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

Wednesday, March 17, 2021

Hearing Room 303

11:00 AM

CONT...

Lucy Arzate

Chapter 7

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.

11 U.S.C. § 329(a).

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 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, Think V. Doan, to file the required statement of attorney compensation. Pending UST's review of the disclosure of compensation, the Court continues to retain jurisdiction over matters related to 11 U.S.C. § 329.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lucy Arzate

Represented By
Think V Doan

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, March 17, 2021

Hearing Room 303

11:00 AM

6:20-18137 Kimberly Torrence

Chapter 7

#4.10 Motion to reopen chapter 7 case and reinstate bankruptcy case

EH__

Docket 29

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Torrence	Pro Se
-------------------	--------

Movant(s):

Kimberly Torrence	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, March 17, 2021

Hearing Room 303

11:00 AM

6:20-18137 Kimberly Torrence

Chapter 7

#4.20 CONT. Debtor's Motion to vacate dismissal

From: 3/10/21

EH__

*Debtor paid outstanding fees of \$300 on 2/24/21

Docket 25

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kimberly Torrence

Pro Se

Movant(s):

Kimberly Torrence

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, March 17, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#5.00 CONT Motion to Dismiss Adversary Proceeding

(HOLDING DATE)

From 9/30/20,1/13/21

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Plaintiff(s):

John P. Pringle

Represented By

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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, March 17, 2021

Hearing Room 303

2:00 PM

6:19-19674 James Dimitri Tsirtsis

Chapter 7

Adv#: 6:20-01032 Whitmore v. Tsirtsis et al

#6.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01032. Complaint by Robert S. Whitmore against James Dimitri Tsirtsis, Pota N. Tsirtsis, Christos Minoudis, Maria Minoudis, Angelo D. Tsirtsis. (Charge To Estate \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer))

*Complaint dismissed as to Defendants Christos Minoudis and Maria Minoudis on 9/22/20, (doc. 26)

*Complaint dismissed as to Defendant James Dimitri Tsirtsis on 10/30/20, (doc.29)

From: 5/27/20, 7/1/20, 10/18/20,2/3/21,2/17/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Dimitri Tsirtsis

Represented By
Donald W Sieveke

Defendant(s):

James Dimitri Tsirtsis

Represented By
Elliott H Stone

Pota N. Tsirtsis

Represented By
Brad A Mokri

Christos Minoudis

Represented By
Brad A Mokri
Michelle A Marchisotto

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT... James Dimitri Tsirtsis

Chapter 7

Maria Minoudis

Represented By
Brad A Mokri
Michelle A Marchisotto

Angelo D. Tsirtsis

Represented By
Brad A Mokri

Plaintiff(s):

Robert S. Whitmore

Represented By
Michelle A Marchisotto

Trustee(s):

Robert Whitmore (TR)

Represented By
Michelle A Marchisotto

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

6:20-11280 Phillip Carl Noble

Chapter 7

Adv#: 6:20-01103 Pavon-Arita v. Noble et al

#7.00 Pre-Trial Conference RE: [1] Adversary case 6:20-ap-01103. Complaint by Jose Eduardo Pavon-Arita against Phillip Carl Noble. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Bosse, Gregory)

From: 7/22/20,1/13/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Defendant(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Juana Julian Noble

Represented By
Todd L Turoci

Joint Debtor(s):

Juana Julian Noble

Represented By
Todd L Turoci

Plaintiff(s):

Jose Pavon-Arita

Represented By
Gregory L Bosse

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT... Phillip Carl Noble

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, March 17, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#8.00 CONT. Defendant's motion To Permit Late Filing [FRBP 9006(b)]

(Holding date) for OSC re Dismissal

Also #9, 10, 11, 12

From: 2/10/21

EH__

Docket 23

Tentative Ruling:

2/10/2021

The instant adversary proceeding was commenced on September 21, 2020 by Phillips Chiropractic, Inc. ("Plaintiff") against Donyel Johnson ("Defendant"). Local Rule 9011-2(a) provides:

A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

Nor can this rule be circumvented by an assignment of the claim. *See, e.g., Zapata v.*

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT... **Donyel Betrice Johnson**

Chapter 7

McHugh, 893 N.W. 2d 720 (Neb. 2017) (providing detailed analysis and collecting cases). Therefore, Plaintiff's *pro se* prosecution of the instant adversary proceed is impermissible. *See, e.g., Reading Int'l, Inc. v. Malulani Group, Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016) ("A corporation must be represented by counsel."); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law."). Plaintiff's *pro se* prosecution being impermissible, the Court intends to issue an order to show cause why the case should not be dismissed.

In light of the foregoing, the Court intends to continue: (1) Plaintiff's motion for leave to amend the complaint; (2) Defendant's motion to dismiss the complaint; and (3) Defendant's motion to permit a late filing to coincide; and (4) the status conference to coincide with a hearing on the Court's order to show cause.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Movant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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 17, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#9.00 CONT. Plaintiff's Motion for Leave to File Second Amended Complaint

(Holding date) for OSC re: Dismissal

Also #8,10,11,12

From: 2/10/21

EH____

Docket 14

Tentative Ruling:

2/10/2021

The instant adversary proceeding was commenced on September 21, 2020 by Phillips Chiropractic, Inc. ("Plaintiff") against Donyel Johnson ("Defendant"). Local Rule 9011-2(a) provides:

A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

Nor can this rule be circumvented by an assignment of the claim. *See, e.g., Zapata v.*

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT... **Donyel Betrice Johnson**

Chapter 7

McHugh, 893 N.W. 2d 720 (Neb. 2017) (providing detailed analysis and collecting cases). Therefore, Plaintiff's *pro se* prosecution of the instant adversary proceed is impermissible. *See, e.g., Reading Int'l, Inc. v. Malulani Group, Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016) ("A corporation must be represented by counsel."); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law."). Plaintiff's *pro se* prosecution being impermissible, the Court intends to issue an order to show cause why the case should not be dismissed.

In light of the foregoing, the Court intends to continue: (1) Plaintiff's motion for leave to amend the complaint; (2) Defendant's motion to dismiss the complaint; and (3) Defendant's motion to permit a late filing to coincide; and (4) the status conference to coincide with a hearing on the Court's order to show cause.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Movant(s):

Phillips Chiropractic, Inc.

Pro Se

Plaintiff(s):

Phillips Chiropractic, Inc.

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 17, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#10.00 CONT. Defendant's Motion to Dismiss Adversary Proceeding

(Holding Date) for OSC re Dismissal

Also #8, 9, 11, 12

From: 2/10/21)

EH__

Docket 19

Tentative Ruling:

2/10/2021

The instant adversary proceeding was commenced on September 21, 2020 by Phillips Chiropractic, Inc. ("Plaintiff") against Donyel Johnson ("Defendant"). Local Rule 9011-2(a) provides:

A corporation, a partnership including a limited liability partnership, a limited liability company, or any other unincorporated association, or a trust may not file a petition or otherwise appear without counsel in any case or proceeding, except that it may file a proof of claim, file or appear in support of an application for professional compensation, or file a reaffirmation agreement, if signed by an authorized representative of the entity.

Nor can this rule be circumvented by an assignment of the claim. *See, e.g., Zapata v.*

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT...

Donyel Betrice Johnson

Chapter 7

McHugh, 893 N.W. 2d 720 (Neb. 2017) (providing detailed analysis and collecting cases). Therefore, Plaintiff's *pro se* prosecution of the instant adversary proceed is impermissible. *See, e.g., Reading Int'l, Inc. v. Malulani Group, Ltd.*, 814 F.3d 1046, 1053 (9th Cir. 2016) ("A corporation must be represented by counsel."); *In re Highley*, 459 F.2d 554, 555 (9th Cir. 1972) ("A corporation can appear in a court proceeding only through an attorney at law."). Plaintiff's *pro se* prosecution being impermissible, the Court intends to issue an order to show cause why the case should not be dismissed.

In light of the foregoing, the Court intends to continue: (1) Plaintiff's motion for leave to amend the complaint; (2) Defendant's motion to dismiss the complaint; and (3) Defendant's motion to permit a late filing to coincide; and (4) the status conference to coincide with a hearing on the Court's order to show cause.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Movant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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 17, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#11.00 CONT. Status Conference re: Complaint by Phillips Chiropractic, Inc. against Donyel Betrice Johnson . (d),(e)) ,(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

(Holding date) for OSC re: Dismissal

Also #8, 9, 10, 12

*Another Summons issued per Plaintiff request on 10/14/20

*Another Summons issued per Plaintiff request on 12/7/20

From: 11/25/20,12/2/20,2/10/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

Pro Se

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

Wednesday, March 17, 2021

Hearing Room 303

2:00 PM

CONT... Donyel Betrice Johnson

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, March 17, 2021

Hearing Room 303

2:00 PM

6:20-14283 Donyel Betrice Johnson

Chapter 7

Adv#: 6:20-01163 Phillips Chiropractic, Inc. v. Johnson

#12.00 Order to Show Cause why the case should not be dismissed because plaintiff (1) Is not represented by counsel; and (2) Has not disclosed his legal name

Also #8, 9, 10, 11

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Defendant(s):

Donyel Betrice Johnson

Represented By
John D Sarai

Plaintiff(s):

Phillips Chiropractic, Inc.

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**

Thursday, March 18, 2021

Hearing Room 303

11:00 AM

6:15-16079 Tracy Lynne Crooks

Chapter 13

#1.00 CONT. Motion to Deem Debtor Owner of Unclaimed Funds

From: 1/21/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Tracy Crooks)

Docket 137

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracy Lynne Crooks

Represented By
Steven A Alpert

Movant(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**

Thursday, March 18, 2021

Hearing Room 303

11:00 AM

6:16-12963 Kenneth L Salser

Chapter 13

#2.00 Chapter 13 Trustee's Motion for Order Denying Discharge and Dismissing Case
EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
2/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth L Salser

Represented By
Michael Smith
Craig K Streed
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, March 18, 2021

Hearing Room 303

11:00 AM

6:17-16349 Richard Alan Alvarez and Diana Marie Alvarez

Chapter 13

#3.00 Trustee's Motion for Order Denying Discharge and Dismissing Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Robeert Firth, rep. Debtors, Richard and Diana Alvarez)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Alan Alvarez

Represented By
Robert L Firth

Joint Debtor(s):

Diana Marie Alvarez

Represented By
Robert L Firth

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, March 18, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#4.00 CONT. Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Exhibits 1 Through 4 and Proof of Service

Also #5

From: 2/4/21,2/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Summer Shaw, rep. Debtors, Evan and Elton Parker-Calderon)

Docket 48

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Movant(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw
Summer M Shaw

Elton Parker-Calderon

Represented By

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

Thursday, March 18, 2021

Hearing Room 303

11:00 AM

CONT... M Evan Parker-Calderon and Elton Parker-Calderon
Summer M Shaw
Summer M Shaw
Summer M Shaw

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 18, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#5.00 CONT.Motion for Authority to Incur Debt [personal property]

From: 2/18/21

Also #4

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Summer Shaw, rep. Debtors, Evan and Elton Parker-Calderon)

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Movant(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw
Summer M Shaw

Elton Parker-Calderon

Represented By

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

Thursday, March 18, 2021

Hearing Room 303

11:00 AM

CONT... M Evan Parker-Calderon and Elton Parker-Calderon
Summer M Shaw
Summer M Shaw
Summer M Shaw

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 18, 2021

Hearing Room 303

11:00 AM

6:20-17898 Jose M Vazquez Javier

Chapter 13

#6.00 CONT. Confirmation of Chapter 13 Plan

From: 3/4/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. David Lozano, rep. Debtor, Jose Vasquez Javier)

(Tele. appr. Jose Vazquez, Debtor)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose M Vazquez Javier

Represented By
David Lozano

Trustee(s):

Rod (MH) Danielson (TR)

Pro Se

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

Thursday, March 18, 2021

Hearing Room 303

11:00 AM

6:20-18048 Richard De Aragon

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Natalie Alvarado, rep. Debtor, Richard De Aragon)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard De Aragon

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, March 18, 2021

Hearing Room 303

11:00 AM

6:20-18113 Howard Edward Terrell

Chapter 13

#8.00 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; Memorandum of Points and Authorities; Declaration of Adela Salgado in Support Thereof with Proof of Service

EH__

Docket 24

***** VACATED *** REASON: ORDER APPROVING STIPULATION
ENTERED 3/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Howard Edward Terrell

Represented By
Arete R Kostopoulos

Movant(s):

United States Trustee (RS)

Represented By
Cameron C Ridley

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 18, 2021

Hearing Room 303

11:00 AM

6:20-18113 Howard Edward Terrell

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 1/27/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Howard Edward Terrell

Represented By
Arete R Kostopoulos

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 18, 2021

Hearing Room 303

11:00 AM

6:20-18117 Juana Flordeliza Phillips

Chapter 7

#10.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: CASE CONVERTED TO CHAPTER 7 ON
2/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juana Flordeliza Phillips

Represented By
Stephen L Burton

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, March 18, 2021

Hearing Room 303

11:00 AM

6:21-10022 Harold Salazar

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Harold Salazar

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, March 18, 2021

Hearing Room 303

11:01 AM

6:15-19058 Richard S. Gomez and Cara M. Gomez

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard S. Gomez

Represented By
James D. Hornbuckle

Joint Debtor(s):

Cara M. Gomez

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 18, 2021

Hearing Room 303

11:01 AM

6:17-13212 Liliana Martinez

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Liliana Martinez

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, March 18, 2021

Hearing Room 303

11:01 AM

6:18-19360 Michael Rudy Holguin and Juana Patricia Holguin

Chapter 13

#14.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21

Also #14.1

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Rudy Holguin

Represented By
Daniel King

Joint Debtor(s):

Juana Patricia Holguin

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 18, 2021

Hearing Room 303

11:01 AM

6:18-19360 Michael Rudy Holguin and Juana Patricia Holguin

Chapter 13

#14.10 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #14

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Rudy Holguin

Represented By
Daniel King

Joint Debtor(s):

Juana Patricia Holguin

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 18, 2021

Hearing Room 303

11:01 AM

6:18-20002 Tanyua Alicia Gates-Holmes

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 121

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/16/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanyua Alicia 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, March 18, 2021

Hearing Room 303

11:01 AM

6:18-20759 Elida Soto

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 65

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/15/21

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, March 18, 2021

Hearing Room 303

11:01 AM

6:19-14467 David Patrick Hale

Chapter 13

#17.00 CONT. Trustee's Motion to Dismiss Case

From: 2/18/21

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/16/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Patrick Hale

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 18, 2021

Hearing Room 303

11:01 AM

6:19-15980 Jonathon Keith Stoner and Jacqueline Belinda Stoner

Chapter 13

#18.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21,1/21/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtors, Jonathon and Jacqueline Stoner)

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple

Joint Debtor(s):

Jacqueline Belinda Stoner

Represented By
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, March 18, 2021

Hearing Room 303

11:01 AM

6:19-17274 Sherry L. Stokes

Chapter 13

#19.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21

EH__

Docket 79

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/15/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sherry L. Stokes

Represented By
Gregory 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, March 18, 2021

Hearing Room 303

11:01 AM

6:19-18080 Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

#20.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 45

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose C Aguiar

Represented By
Dana Travis

Joint Debtor(s):

Maria Fatima Aguiar

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 18, 2021

Hearing Room 303

11:01 AM

6:19-18289 Zackery B. Ogletree and Danielle Police

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 55

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/16/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zackery B. Ogletree

Represented By
James D. Hornbuckle

Joint Debtor(s):

Danielle Police

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 18, 2021

Hearing Room 303

11:01 AM

6:19-18332 Christopher Bryan Dennis

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. M. Wayne Tucker, rep. Debtor, Christopher Dennis)

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Bryan Dennis

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 18, 2021

Hearing Room 303

11:01 AM

6:19-18569 Edwin Briones and Gabriela Sandez

Chapter 13

#23.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21, 3/4/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Kevin Tang, rep. Debtor, Edwin Briones and Gabriela Sandez)

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin Briones

Represented By
Kevin Tang

Joint Debtor(s):

Gabriela Sandez

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 18, 2021

Hearing Room 303

11:01 AM

6:19-19922 Angela Clarice Atou

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Todd Turoci, rep. Debtor, Angela Atou)

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Clarice Atou

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, March 18, 2021

Hearing Room 303

11:01 AM

6:19-20562 Emmanuel Pastor and Razel Pastor

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/1/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Emmanuel Pastor

Represented By
Gary S Saunders

Joint Debtor(s):

Razel Pastor

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 18, 2021

Hearing Room 303

11:01 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 70

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, March 18, 2021

Hearing Room 303

11:01 AM

6:20-16283 Reggina Louise Gaines

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Justin Harelik, rep. Debtor, Regina Louis Gaines)

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reggina Louise Gaines

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, March 23, 2021

Hearing Room 303

12:00 PM

6:21-11383 Cynthia Lynne Levy

Chapter 7

#1.00 Application for Waiver of Filing Fees

EH__

(Tele. appr. Cynthia Levy)

Docket 6

Party Information

Debtor(s):

Cynthia Lynne Levy

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, March 23, 2021

Hearing Room 303

12:00 PM

6:21-11443 Daniel Mark Rondeau

Chapter 7

#2.00 Application for Waiver of Filing Fees

EH__

Docket 6

Party Information

Debtor(s):

Daniel Mark Rondeau

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 24, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#1.00 CONT Plaintiffs Motion For Summary Judgment

From 10/28/20, 11/10/20,12/9/20,12/22/20

EH__

(Tele. appr. Cara Hagan, rep. Defendant/Cross Defendant, Continental Capital)

(Tele. appr. Lawrence Kuhlman, rep. Defendant/Cross Defendant, Jesse Bojorquez)

(Tele. appr. Reid Winthrop, rep. Plaintiff Morschauser)

Docket 365

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
Lawrence J Kuhlman
Reid A Winthrop

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

Wednesday, March 24, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Stephen Collias

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Movant(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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 24, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#2.00 CONT Cross Complainants Motion For Summary Judgment

From 10/28/20,11/10/20,12/9/20,12/22/20

EH__

(Tele. appr. Cara Hagan, rep. Defendant/Cross Defendant, Continental Capital)

(Tele. appr. Lawrence Kuhlman, rep. Defendant/Cross Defendant, Jesse Bojorquez)

(Tele. appr. Reid Winthrop, rep. Plaintiff Morschauser)

Docket 379

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
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By

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

Wednesday, March 24, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Movant(s):

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ

Plaintiff(s):

William G Morschauer

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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

Wednesday, March 24, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

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, March 24, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#3.00 CONT Defendants' Motion For Summary Judgment

From 10/28/20,11/10/20,12/9/20,12/22/20

EH__

(Tele. appr. Cara Hagan, rep. Defendant/Cross Defendant, Continental Capital)

(Tele. appr. Lawrence Kuhlman, rep. Defendant/Cross Defendant, Jesse Bojorquez)

(Tele. appr. Reid Winthrop, rep. Plaintiff Morschauser)

Docket 364

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
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By

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

Wednesday, March 24, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Movant(s):

Continental Capital LLC

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Continental Capital LLC

Represented By
Cara J Hagan

Continental Capital LLC

Represented By
Cara J Hagan

Plaintiff(s):

William G Morschauer

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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 24, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#4.00 CONT Status Conference Hearing RE: Complaint by William G Morschauser against Continental Capital LLC , Stephen Collias , Jesse Bojorquez , American Business Investments , Mohammed Abdizadeh

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, 11/13/19, 12/17/19, 1/15/20, 2/12/20, 3/11/20, 8/19/20, 10/28/20, 11/10/20,12/9/20,12/22/20

EH ____

(Tele. appr. Cara Hagan, rep. Defendant , Continental Capital, LLC)

(Tele. appr. Lawrence Kuhlman, rep. Defendant/Cross Complainant, Jesse Bojorquez)

(Tele. appr. Reid Winthrop, rep. Plaintiff, Morschauser)

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
Lawrence J Kuhlman

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

Wednesday, March 24, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

	Reid A Winthrop
Stephen Collias	Represented By Cara J Hagan Lawrence J Kuhlman Reid A Winthrop
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
American Business Investments	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
Mohammed Abdizadeh	Pro Se

Plaintiff(s):

William G Morschauser	Represented By Hutchison B Meltzer Reid A Winthrop Cara J Hagan
-----------------------	--

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 24, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#5.00 CONT Status Conference RE: [29] Crossclaim/Cross-Complaint for: 1 conversion; 2 constructive trust; 3 unjust enrichment; 4 an accounting; 5 declaratory relief; and 6 primary and secondary indemnification and contribution by American Business Investments , Jesse Bojorquez against Stephen Collias , Continental Capital LLC

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, 11/13/19, 12/17/19, 1/15/20, 2/12/20, 3/11/20, 8/19/20, 10/28/20, 11/10/20,12/9/20,12/22/20

EH__

(Tele. appr. Cara Hagan, rep. Defendant/Cross Defendant, Continental Capital)

(Tele. appr. Lawrence Kuhlman, rep. Defendant/Cross Defendant, Jesse Bojorquez)

(Tele. appr. Reid Winthrop, rep. Plaintiff Morschauser)

Docket 29

Party Information

Debtor(s):

Devore Stop A General Partners

Represented By

Arshak Bartoumian - DISBARRED -
Newton W Kellam

Devore Stop

Represented By

Hutchison B Meltzer

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

Wednesday, March 24, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Defendant(s):

Continental Capital LLC

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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 30, 2021

Hearing Room 303

11:00 AM

6:17-20377 Deborah L Tafolla

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6777 Ridgeline Avenue, San Bernardino, CA 92407

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

(Tele. appr. Jennifer Wong, rep. creditor, Nationstar Mortgage LLC, d/b/a Mr. Cooper)

Docket 78

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court, having reviewed and considered the motion, finds cause exists where Debtor has missed five mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 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

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Deborah L Tafolla

Chapter 13

Debtor(s):

Deborah L Tafolla

Represented By
Christopher J Langley

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Angie M Marth
Christopher Giacinto
Jacky Wang
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, March 30, 2021

Hearing Room 303

11:00 AM

6:18-13906 Ruby Lee Frazier

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1928 Sycamore Hill Drive, Riverside, California 92506

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

EH__

(Tele. appr. Michael Franco, rep, Debtor, Ruby Lee Frazier)

Docket 134

***** VACATED *** REASON: STIPULATED ORDER GRANTED 3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruby Lee Frazier

Represented By
Michael D Franco

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

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 30, 2021

Hearing Room 303

11:00 AM

6:18-16815 Javier Ortega

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2009 GMC Acadia, VIN: 1GKER23D19J204517

Also #4

MOVANT: SANTANDER CONSUMER USA INC.

EH____

(Tele. appr. Sheryl Ith, rep. rep. creditor, Santander Consumer USA Inc.)

Docket 57

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court, finding cause where Debtor failed to make four car payments to Movant, is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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.

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Javier Ortega

Chapter 13

Party Information

Debtor(s):

Javier Ortega

Represented By
Alon Darvish - SUSPENDED BK -
Ghada Helena Philips

Movant(s):

Santander Consumer USA Inc.

Represented By
Jennifer H Wang
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, March 30, 2021

Hearing Room 303

11:00 AM

6:18-16815 Javier Ortega

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13759 Lighthouse Court, Fontana, CA 92336 Under 11 U.S.C. § 362

Also #3

From: 3/2/21

MOVANT: NATIONSTAR MORTGAGE LLC

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Nationstar Mortgage LLC)

Docket 52

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 3/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Javier Ortega

Represented By
Alon Darvish - SUSPENDED BK -
Ghada Helena Philips

Movant(s):

Nationstar Mortgage LLC D/B/A

Represented By
Melissa Licker
Dane W Exnowski
John D Schlotter

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 30, 2021

Hearing Room 303

11:00 AM

6:19-10047 Jose Antonio Contreras and Mayra Lorena Contreras

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 53242 Champlain St. Lake Elsinore CA 92532

From: 3/9/21

MOVANT: ROSETTA CANYON COMMUNITY ASSOCIATION

EH__

Docket 46

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 3/22/21**

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed eleven assessment payments. Accordingly, the Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);

-GRANT request under ¶ 2

-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.

In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Jose Antonio Contreras and Mayra Lorena Contreras

Chapter 13

Party Information

Debtor(s):

Jose Antonio Contreras

Represented By
A Mina Tran

Joint Debtor(s):

Mayra Lorena Contreras

Represented By
A Mina Tran

Movant(s):

Rosetta Canyon Community

Represented By
Erin A Maloney

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 30, 2021

Hearing Room 303

11:00 AM

6:19-15270 La Chatta P Hunter

Chapter 13

#6.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 26670 Tellis Place, Hemet, CA 92544

From: 3/9/21

MOVANT: WILMINGTON TRUST NATIONAL ASSOCIATION

EH__

(Tele. appr. Sean Ferry, rep. creditor, Ocwen Loan Servicing)

Docket 51

Tentative Ruling:

3/9/2021

Service: Proper

Opposition: None

The Court notes that Movant has not provided any evidence establishing that Debtor lacks equity in the property in support of its request for relief from stay pursuant to § 362(d)(2). Notwithstanding, having reviewed and considered the motion, no opposition having been filed, the Court finds cause exists where Debtor has missed three mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- DENY relief from stay pursuant to 11 U.S.C. § 362(d)(2);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request under ¶ 13 as MOOT;

APPEARANCES WAIVED. Movant to lodge order within seven days. If oral or

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... La Chatta P Hunter

Chapter 13

written opposition is presented at the hearing, the hearing may be continued.

In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

Party Information

Debtor(s):

La Chatta P Hunter

Represented By
Daniel King

Movant(s):

Wilmington Trust 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 30, 2021

Hearing Room 303

11:00 AM

6:19-19242 Franklin Rojas

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Toyota RAV4

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 49

***** VACATED *** REASON: STIPULATED ORDER ENTERED 3/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Franklin Rojas

Pro Se

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

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 30, 2021

Hearing Room 303

11:00 AM

6:19-20463 Christopher Monroe and Aysheh Spicer

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2584 West Fairview Drive, Rialto, CA 92377 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 67

***** VACATED *** REASON: STIPULATED ORDER ENTERED 3/18/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Monroe

Represented By
Paul Y Lee

Joint Debtor(s):

Aysheh Spicer

Represented By
Paul Y Lee

Movant(s):

Freedom Mortgage Corporation

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, March 30, 2021

Hearing Room 303

11:00 AM

6:20-16674 Efred Valenzuela

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: HARLEY-DAVIDSON CRUISER

MOVANT: LENDMARK FINANCIAL SERVICES, LLC

EH__

(Tele. appr. James MacLeod, rep. creditor, Lendmark Financial Services LLC)

Docket 27

Tentative Ruling:

3/30/2021

**Service: Proper
Opposition: None**

The Court notes that Movant has not provided any evidence establishing that Debtor lacks equity in the property in support of its request for relief from stay pursuant to § 362(d)(2). Notwithstanding, having reviewed and considered the motion, no opposition having been filed, the Court finds cause exists where Debtor missed four car payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- DENY relief from stay pursuant to 11 U.S.C. § 362(d)(2);
- GRANT waiver of FRBP 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):

Efred Valenzuela

Represented By

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Efren Valenzuela

Edgar P Lombera

Chapter 13

Movant(s):

LENDMARK FINANCIAL

Represented By
Donald T Dunning

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 30, 2021

Hearing Room 303

11:00 AM

6:20-18170 Karen Arely Santillan

Chapter 7

#10.00 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__

(Tele. appr. Kirsten Martinez, rep. creditor, Toyota Motor Credit)

Docket 11

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);

-GRANT request under ¶ 2;

-GRANT waiver of FRBP 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):

Karen Arely Santillan

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, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Karen Arely Santillan

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, March 30, 2021

Hearing Room 303

11:00 AM

6:21-10421 Angelina Vasquez

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Hyundai Elantra, VIN: KMHD84LF0HU148165

MOVANT: SANTANDER CONSUMER USA INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor Santander Consumer USA Inc.)

Docket 10

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

In relevant part, 11 U.S.C. § 362 states:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and *such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--*

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, *if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and*

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Angelina Vasquez

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor's statement of intention selects an option to retain the property and continue making payments based on the pre-bankruptcy loan agreement. This option is known as "ride-through" and is not available in this circuit, and as such Debtor cannot properly select it under the statute. *See In re Dumont*, 581 F.3d 1104 (2009). The Debtor was required to select to either surrender, redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention was February 28, 2021, the automatic stay at to the Hyundai Elantra has terminated as a matter of law. *See* 11 U.S.C. § 521(a)(2)(A). Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Angelina Vasquez

Represented By
Gary S Saunders

Movant(s):

Santander Consumer USA Inc.

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, March 30, 2021

Hearing Room 303

11:00 AM

6:21-10506 John Molina Soto, Jr

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Bentley Continental Flying Spur

MOVANT: LOGIX FEDERAL CREDIT UNION

EH__

(Tele. appr. Karel Rocha, rep. creditor, Logix Federal Credit Union)

(Tele. appr. Qais Zafari, rep. Debtor, John Soto, Jr.)

Docket 8

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: Debtor

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) *to file timely any statement of intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... John Molina Soto, Jr

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor submitted a blank statement of intention. Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention has passed on March 3, 2021 pursuant to 11 U.S.C. § 521(a)(2) (A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

John Molina Soto Jr

Represented By
Qais Zafari

Movant(s):

Logix Federal Credit Union

Represented By
Karel G Rocha

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 30, 2021

Hearing Room 303

11:00 AM

6:21-10768 Elizabeth Jean Burnett

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2012 Dodge Caravan .

Also #14

MOVANT: BANK OF THE WEST

EH__

(Tele. appr. Mary Tang, rep. creditor, Bank of the West)

Docket 7

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Elizabeth Jean Burnett

Pro Se

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Elizabeth Jean Burnett

Chapter 7

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

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, March 30, 2021

Hearing Room 303

11:00 AM

6:21-10768 Elizabeth Jean Burnett

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Starcraft TT

Also #13

MOVANT: BANK OF THE WEST

EH__

Docket 8

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Elizabeth Jean Burnett

Pro Se

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, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Elizabeth Jean Burnett

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, March 30, 2021

Hearing Room 303

11:00 AM

6:21-10803 Carlos Marquez

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Rogue

Also #16

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

(Tele. appr. Kirsten Martinez, rep, creditor, Nissan Motor Acceptance Corp.)

Docket 8

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 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):

Carlos Marquez

Represented By
Jaime A Cuevas Jr.

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Carlos Marquez

Chapter 7

Movant(s):

Nissan Motor Acceptance

Represented By
Kirsten Martinez

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 30, 2021

Hearing Room 303

11:00 AM

6:21-10803 Carlos Marquez

Chapter 7

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Nissan Kicks

Also #15

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

(Tele. appr. Kirsten Martinez, rep, creditor, Nissan Motor Acceptance Corp.)

Docket 9

Tentative Ruling:

3/30/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);

-GRANT request under ¶ 2;

-GRANT waiver of FRBP 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):

Carlos Marquez

Represented By
Jaime A Cuevas Jr.

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

Tuesday, March 30, 2021

Hearing Room 303

11:00 AM

CONT... Carlos Marquez

Chapter 7

Movant(s):

Nissan Motor Acceptance

Represented By
Kirsten Martinez

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 30, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

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

Also #18-24

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/12/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

Docket 7

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, March 30, 2021

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, March 30, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#18.00 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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

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

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

Tuesday, March 30, 2021

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, March 30, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#19.00 Motion By David M. Goodrich for Order: (1) Approving Disclosure Statement for Trustee's Plan of Liquidation; (2) Establishing Voting, Plan Confirmation, and Other Procedures; (3) Scheduling Plan Confirmation Hearing and Setting Other Related Dates and Deadlines; and (4) Providing Other Ancillary and Related Relief, with Proof of Service

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

Docket 528

Tentative Ruling:

- NONE LISTED -

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

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

Tuesday, March 30, 2021

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, March 30, 2021

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

#20.00 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))

(HOLDING DATE)

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/28/20, 1/13/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

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, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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

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, March 30, 2021

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,

#21.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/20/20, 9/30/20/1/13/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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
Steven Werth

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

Tuesday, March 30, 2021

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

#22.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

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, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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
Steven Werth

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

Tuesday, March 30, 2021

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

#23.00 CONT 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)

From: 7/10/18, 2/27/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

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, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Defendant(s):

The Blue Law Group, Inc, a

Represented By
Michael K Blue

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth
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, March 30, 2021

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,

#24.00 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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 3/4/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay, rep. Plaintiff, Cambridge Medical Funding Group II LLC)

(Tele. appr. Mark Horoupian, rep. trustee, David Goodrich)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

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, March 30, 2021

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

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

#25.00 Order (1) Post 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, 12/18/18, 2/26/19, 3/27/19, 5/1/19,
7/30/19, 9/17/19, 11/19/19, 2/4/20, 4/21/20, 9/8/20, 11/17/20

EH__

(Tele. appr. David Goodrich, rep. Debtor, Visiting Nurse Association)

**(Tele. appr. Elan Levey, rep. creditor, Department of Health and Human
Services)**

(Tele appr. Cameron Ridley, rep. United States Trustee)

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
Steven T Gubner
Jason B Komorsky

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

6:20-15400 Fasttrak Foods, LLC

Chapter 11

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

From: 9/29/20, 11/24/20,12/1/20

EH__

(Tele. appr. Lewis Adelson, rep. creditor, Tapatio Foods LLC)

(Tele. appr. Caroline Djang, rep. trustee, Caroline Djang)

(Tele. appr. Crystle Lindsey, rep. Debtor, Fasttrak Food LLC)

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fasttrak Foods, LLC

Represented By
Crystle Jane Lindsey
James R Selth
Daniel J Weintraub

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#27.00 First Interim Application for Compensation and Reimbursement of Expenses of Law Office of Donald W. Reid for Donald W Reid, Debtor's Attorney, Period: 12/8/2020 to 3/8/2021, Fees: \$14,790.00, Expenses: \$319.80.

EH__

(Tele. appr. Ali Matin, rep. United States Trustee)

Docket 51

Tentative Ruling:

3/30/2021

BACKGROUND

On December 8, 2020, Raman Enterprises LLC ("Debtor") filed a Chapter 11 voluntary petition. On December 23, 2020, Debtor filed an application to employ the Law Office of Donald W. Reid ("Counsel"). Payments to Counsel were proposed on a monthly basis. The Office of the United States Trustee ("UST") filed a limited objection to the proposed payment schedule.

On January 19, 2021, to address the UST's concerns, Counsel proposed to apply for fees through the regular procedures under 11 U.S.C. §§ 330, 331 with the exception that Counsel is permitted to apply for fees within 60 days of the petition date. In addition, the sole member, Dr. Daluvoy of the Debtor would deposit the necessary funds into the DIP account. On January 26, 2021, the Court entered an order granting the Firm's employment.

On February 5, 2021, the Court approved Debtor's application to employ a Broker to market real properties located in Barstow and Riverside, the only two assets in Debtor's estate.

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

On March 9, 2021, the Firm filed its first interim fee application, accompanied by Dr. Daluvoy's declaration of non-opposition, requesting \$15,109.80 in fees and expenses to cover the period of December 8, 2020 through February 23, 2021. On March 18, 2021, the Court entered an order approving a stipulation resolving the UST potential objection to Counsel's fee application requiring Counsel to file revised timesheets with the Court disaggregating time entries by March 23, 2021 and lower requested fees and expenses by \$870 to \$14,239.80.

DISCUSSION

The Court applies 11 U.S.C. § 330(a) to its review of Counsel's application for compensation. 11 U.S.C. § 330 provides:

11 U.S.C. § 330(a)(1)-(6) provides:

(a)(1) After notice to the parties in interest and the United States Trustee and a hearing, and subject to sections 326, 328, and 329, the court may award to a trustee, a consumer privacy ombudsman appointed under section 332, an examiner, an ombudsman appointed under section 333, or a professional person employed under section 327 or 1103 –

(A) reasonable compensation for actual, necessary services rendered by the trustee, examiner, ombudsman, professional person, or attorney and by any paraprofessional person employed by any such person; and

(B) reimbursement for actual, necessary expenses.

(2) The court may, on its own motion or on the motion of the United States Trustee, the United States Trustee for the District or Region, the trustee for the estate, or any other party in interest, award compensation that is less than the amount of compensation that is requested.

(3) In determining the amount of reasonable compensation to be

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

CONT...

Raman Enterprises LLC, a Nevada corporation

Chapter 11

awarded to an examiner, trustee under chapter 11, or professional person, the court shall consider the nature, the extent, and the value of such services, taking into account all relevant factors, including –

- (A) the time spent on such services;
- (B) the rates charged for such services;
- (C) whether the services were necessary to the administration of, or beneficial at the time at which the service was rendered toward the completion of, a case under this title;
- (D) whether the services were performed within a reasonable amount of time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed;
- (E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and
- (F) whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title.

(4)(A) Except as provided in subparagraph (B), the court shall not allow compensation for –

- (i) unnecessary duplication of services; or
- (ii) services that were not –
 - (I) reasonably likely to benefit the debtor’s estate; or
 - (II) necessary to the administration of the case. . . .

(5) The court shall reduce the amount of compensation awarded under this section by the amount of any interim compensation awarded under section 331, and, if the amount of such interim compensation exceeds the amount of compensation awarded under this section, may order the return of the excess to the estate.

(6) Any compensation awarded for the preparation of a fee application shall be based on the level and skill reasonably required to prepare the application.

More specifically, when examining an application for compensation, the Court should

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation
consider the following questions:

Chapter 11

First, were the services authorized? Second, were the services necessary or beneficial to the administration of the estate at the time they were rendered? Third, are the services adequately documented? Fourth, are the fees requested reasonable, taking into consideration the factors set forth in § 330(a)(3)? Finally, in making this determination, the court must take into consideration whether the professional exercised reasonable billing judgment. As stated in *In re Riverside-Linden Inv. Co.*, 925 F.2d 320, 321 (9th Cir. 1991), "when a cost benefit analysis indicates that the only parties who will likely benefit from a service are the trustee and his professionals," the service is unwarranted and a court does not abuse its discretion in denying fees for those services.

In re Mednet, 251 B.R. 103, 1089-09 (B.A.P. 9th Cir. 2003) (citation and footnote omitted).

Here, the Court notes that Counsel has revised the fee application to address the UST's objections, and no other party has opposed, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h). The Court, having review the application for compensation, finds that the services provided were: (1) authorized; (2) necessary or beneficial to the administration of the estate; (3) adequately documented; and (4) generally reasonable pursuant to the standards of § 330(a)(3).

TENTATIVE RULING

The Court is inclined to APPROVE the application in its entirety, awarding Counsel \$13,920 in fees and \$319.80 in costs.

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 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):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

Movant(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#28.00 Notice Setting/Increasing Insider Compensation

Also #29, 30

(OST entered 3/24/21)

EH__

(Tele. appr. Christopher Demint, rep. Client, DW Trim, Inc.)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Marshall Hogan, rep. client, William Lyon Homes, Inc. & RSI Communities, LLC) - LISTEN ONLY

(Tele. appr. Robert Kinas, rep. client, William Lyon Homes, Inc. & RSI Communities, LLC) - LISTEN ONLY

(Tele. appr. Elan Levey, rep. creditor, Claimant, Small Business Administration)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#29.00 CONT. Motion to Use Cash Collateral On An Interim And Final Basis, To Transact Business In The Ordinary Course And Directing General Contractors To Pay The Debtor In The Ordinary Course

Also #28, 30

(Final hearing)

From: 2/18/21

EH__

(Tele. appr. Christopher Demint, rep. Client, DW Trim, Inc.)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Marshall Hogan, rep. client, William Lyon Homes, Inc. & RSI Communities, LLC) - LISTEN ONLY

(Tele. appr. Robert Kinas, rep. client, William Lyon Homes, Inc. & RSI Communities, LLC) - LISTEN ONLY

(Tele. appr. Elan Levey, rep. creditor, Claimant, Small Business Administration)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

CONT... DW Trim, Inc.

Chapter 11

Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

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

Tuesday, March 30, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#30.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

Also #28, 29

From: 3/16/21

EH__

(Tele. appr. Christopher Demint, rep. Client, DW Trim, Inc.)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Marshall Hogan, rep. client, William Lyon Homes, Inc. & RSI Communities, LLC) - LISTEN ONLY

(Tele. appr. Robert Kinas, rep. client, William Lyon Homes, Inc. & RSI Communities, LLC) - LISTEN ONLY

(Tele. appr. Elan Levey, rep. creditor, Claimant, Small Business Administration)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

6:10-42994 Elizabeth Chacon

Chapter 7

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

EH__

(Tele. appr. John Pringle, chapter 7 trustee)

Docket 35

Tentative Ruling:

3/31/2021

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: \$ 1,288.69
Trustee Expenses: \$ 288.40

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):

Elizabeth Chacon

Represented By
Omar Zambrano

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 31, 2021

Hearing Room 303

11:00 AM

6:16-11635 Sam Daniel Dason and Greeta Sam Dason

Chapter 7

#2.00 Debtors' Motion For Contempt Against Juddy Olivares and Eric Panitz

EH__

(Tele. appr. Robert Goe, rep. creditor, Juddy Olivares)

Docket 239

Tentative Ruling:

3/31/2021

BACKGROUND

On February 26, 2016, Sam Daniel ("S. Dason") and Greeta Sam Dason ("G. Dason") (collectively, "Debtors") filed a Chapter 7 voluntary petition for relief. In Schedule A/B, Debtors listed an interest in their family residence, 22780 Vista Grande Way, Grand Terrace, California ("Property") and claimed a \$100,000 homestead exemption. On July 18, 2016, Debtors transferred their interest in the Property to the Dason Trust.

Prior to filing the Debtors' bankruptcy, Juddy Olivares ("Olivares") had filed a sexual harassment complaint against S. Dason in state court. On February 26, 2016, the state court issued its judgment in the amount of \$1,724,996.34 against S. Dason. On August 22, 2016, Olivares filed an adversary action seeking that the sexual harassment judgment be declared nondischargeable. On December 19, 2018, S. Dason stipulated to entry of judgment in the amount of \$500,000 in the nondischargeability action. Pursuant to a settlement agreement, S. Dason would pay down the judgment according to a payment schedule. Because of Covid-19, S. Dason states he was unable to keep up with the payments.

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Sam Daniel Dason and Greeta Sam Dason

Chapter 7

On August 22, 2018, Trustee filed a 9019 compromise motion seeking to abandon the estate's interest in the Property to the Debtors in exchange for G. Dason's payment of \$20,000. The Court approved the compromise pursuant to order entered on October 22, 2018. On November 16, 2018, Debtors, as trustees of the Dason Trust, transferred the Property out of the trust to G. Dason.

Debtors received their discharge on September 2, 2020.

On January 21, 2021, Olivares filed a complaint in Superior Court of California, County of San Bernardino to set aside fraudulent transfer of the Property based on actual fraud and for constructive trust. Her attorney in this action is Eric Panitz.

On March 9, 2021, Debtors filed the instant motion for order of contempt and judgment against Olivares and Eric Panitz arguing that the filing of the complaint violated the discharge order. Olivares filed an opposition on March 16, 2021.

DISCUSSION

Local Bankruptcy ("LBR") 9020-1 governs contempt proceedings. LBR 9020-1(a)-(c) states:

- (a) General. Unless otherwise ordered by the court, contempt proceedings are initiated by filing a motion that conforms with LBR 9013-1 and a lodged order to show cause. Cause must be shown by filing a written explanation why the party should not be held in contempt and by appearing at the hearing.
- (b) Motion. The motion must be served on the responding party which shall have 7 days to object to the issuance of the order.

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT...

Sam Daniel Dason and Greeta Sam Dason

Chapter 7

(c) Proposed Order to Explain in Writing and Appear at Hearing

- (1) The proposed order must clearly apprise the party to whom it is to be directed that such party must show cause by filing a written explanation, if there is an explanation, why that party should not be held in contempt for the allegedly contemptuous conduct and by appearing at the hearing.
- (2) In the proposed order:
 - (A) The allegedly contemptuous conduct must be clearly identified and not just by reference to the content of the motion.
 - (B) The possible sanctions and grounds for sanctions must be clearly identified.
- (3) The proposed order must have blank spaces in which the court may fill in the date, time, and location of the hearing, and the dates by which the written explanation must be filed and served.

Here, Debtors have not complied with LBR 9020-1 by failing to first apply to the Court for an order to show cause ("OSC"), including by not lodging a proposed OSC, and thus failing to provide Olivares and Panitz with the opportunity to respond and oppose the issuance of an OSC. The proper procedure having not been followed, the Court cannot issue an order of contempt.

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to DENY Debtors' motion.

APPEARANCES REQUIRED.

Party Information

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Sam Daniel Dason and Greeta Sam Dason

Chapter 7

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

Movant(s):

Sam Daniel Dason

Represented By
Robert G Uriarte
Robert G Uriarte

Greeta Sam Dason

Represented By
Robert G Uriarte

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 31, 2021

Hearing Room 303

11:00 AM

6:17-17749 Joshua Cord Richardson

Chapter 7

#3.00 Notice of Trustee's Final Report and Application for Compensation

EH__

Docket 124

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 3/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

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 31, 2021

Hearing Room 303

11:00 AM

6:18-13057 Desert Ice Castle, LLC

Chapter 7

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

EH__

(Tele. appr. Robert Goe, rep. trustee, Steven Speier)

Docket 112

Tentative Ruling:

3/31/2021

No opposition has been filed.
Service was proper.

The applications for compensation of the Trustee, and 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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 6,250

Trustee Expenses: \$ 71.40

Attorney Fees: \$ 38,044.66

Attorney Expenses: \$ 829.11

Accountant Fees: \$ 7,210.19

Accountant Expenses: \$ 580.31

Court Costs: \$ 350

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, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Desert Ice Castle, LLC

Chapter 7

Debtor(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, March 31, 2021

Hearing Room 303

11:00 AM

6:19-14470 Ralph D. Winn and Stacey A. Winn

Chapter 7

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

EH__

(Tele. appr. Melissa Davis Lowe, rep. trustee, Howard Grobstein)

Docket 69

Tentative Ruling:

3/31/2021

No opposition has been filed.
Service was proper.

The applications for compensation of the Trustee, and 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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 3,709.40
Trustee Expenses: \$ 0.00

Attorney Fees: \$ 16,453.50
Attorney Expenses: \$ 1,118.20

Accountant Fees: \$ 2,600.50
Accountant Expenses: \$ 58.20

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):

Ralph D. Winn

Represented By
Douglas A Plazak

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Ralph D. Winn and Stacey A. Winn

Chapter 7

Joint Debtor(s):

Stacey A. Winn

Represented By
Douglas A Plazak

Trustee(s):

Howard B Grobstein (TR)

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, March 31, 2021

Hearing Room 303

11:00 AM

6:20-11274 Nelly Guadalupe Seneff

Chapter 7

#6.00 Motion to approve compromise Motion of Trustee for Order: (1) Approving Settlement with Debtor; and (2) Authorizing Private Sale of Real Property to Debtor Subject to Liens; Memorandum of Points and Authorities; Declaration of Karl T. Anderson; and Request for Judicial Notice, with Proof of Service, Motion For Sale of Property of the Estate under Section 363(b)

EH__

(Tele. appr. Matthew Kennedy, rep. trustee, Karl Anderson)

Docket 44

Tentative Ruling:

3/31/2021

Service proper

No opposition filed

BACKGROUND

On February 19, 2020, Nelly Guadalupe Seneff ("Debtor") filed a Chapter 7 voluntary petition. On June 1, 2020, Debtor received a discharge. In her petition, Schedule A/B, Debtor listed an interest in the real property located at 8482 Running Gait Lane, Riverside, California ("Property"). Per Schedule C, Debtor claimed a homestead exemption of \$175,000 in the Property. The following liens encumber the Property: 1) Ditech Financial, LLC in the amount of \$232,335; 2) HERO in the amount of \$31,491.00; 3) Midland Funding, LLC in the amount of \$5,210.38.

Trustee and Debtor dispute the fair market value of the Property; Trustee contends it is worth between \$500,000 and \$515,000, but Debtor contends its value is only

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Nelly Guadalupe Seneff

Chapter 7

\$424,183. Debtor has already paid \$14,000 for the interest of Trustee in the property. Trustee and Debtor seek to enter a settlement agreement on this dispute.

On March 8, 2021, Trustee filed the instant motion for order approving the settlement with Debtor and authorizing the private sale of the Property subject to liens and sent out a notice of the sale of all the Trustee's right, title, and interest in the Property ("Compromise motion"). The purchase price will be \$189,000 consisting of the \$14,000 payment and \$175,000 credit towards the Debtor's homestead exemption.

Trustee submits that with the \$14,000 payment the estate has sufficient funds to pay all administrative expenses and the one timely filed, allowed unsecured claim of \$4,346.98 of Midland Funding, LLC. Approving the private sale and the settlement agreement would avoid additional costs related to the dispute and marketing of the Property. Additionally, Trustee believes that the costs incurred from marketing the Property and employing a broker would result in a smaller recovery for the estate than the proposed private sale.

DISCUSSION

1. Settlement Agreement

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:

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Nelly Guadalupe Seneff

Chapter 7

(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).

Because the settlement agreement would provide proceeds to pay all allowed, unsecured claims in full, and in the absence of any opposition, the Court concludes that the *A&C* factors weigh in favor of approval of the settlement to allow the private sale of the Property to Debtor. Because creditors will be paid in full, the settlement is in the best interest of the estate, and there does not appear to be any plausible benefit of continuing to dispute the value of the Property or sell it publicly, particularly where the net proceeds may result in a lesser recovery than the settlement.

2. Private Sale Pursuant to Settlement

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.

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... **Nelly Guadalupe Seneff**
830, 841 (Bankr. C.D. Cal.).

Chapter 7

As the Court stated above, the settlement will satisfy the allowed unsecured claims in the estate. Notice of the sale having been posted and served, there being no opposition, and the settlement appearing to be the best recovery for the state, the Court deems the compromise reasonable.

TENTATIVE RULING

The Court is inclined to GRANT the Compromise motion, allowing the sale based on the terms set forth in the settlement agreement.

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):

Nelly Guadalupe Seneff

Represented By
Todd L Turoci

Movant(s):

Karl T Anderson (TR)

Represented By
Robert A Hessling

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, March 31, 2021

Hearing Room 303

11:00 AM

6:20-14908 Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

#7.00 Chapter 7 Trustee's Motion to Estimate Unliquidated Claim No. 2 ;
Memorandum of Points and Authorities; Declaration in Support Thereof

EH__

(Tele. appr. Ori Blumenfeld, rep. trustee, Howard Grobstein)

Docket 46

Tentative Ruling:

3/31/2021

BACKGROUND

On July 20, 2020, Fury Investments, Inc. fdba Zelda's Nightclub ("Debtor") filed a Chapter 7 voluntary petition for relief. On September 1, 2020, movant J.J.D.C. filed a motion for relief from stay to pursue an action for wrongful death in a non-bankruptcy forum. The Court granted the motion pursuant to order entered on November 5, 2020.

On February 26, 2021, Trustee filed the instant motion seeking the Court estimate unliquidated Claim 2 filed by J.J.D.C., a minor ("Claimant") in the amount of \$20,000,000. The basis for Claim 2 is "Wrongful death of Noah Davison." Trustee states there is no evidence provided in support of this amount. The trial on wrongful death, which would determine the claim amount, will not occur until 2022. Trustee submits that the Court should liquidate Claim 2, absent evidence from the Claimant, at \$1,000,000, an amount Trustee estimates Claim 2 is worth based on conversations with personal injury attorneys.

DISCUSSION

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

11 U.S.C. § 502(c) provides in relevant part:

(c) There shall be estimated for purpose of allowance under this section--

(1) any contingent or unliquidated claim, the fixing or liquidation of which, as the case may be, would unduly delay the administration of the case; or

11 U.S.C. § 502(c)(1). The language of Section 502(c) is mandatory, not permissive, and imposes upon the Court an affirmative duty to estimate any unliquidated claim where the actual liquidation of the claim would unduly delay closing of the case. *See In re Nova Real Estate Investment Trust*, 23 B.R. 62, 65, 7 C.B.C.2d 87 (Bkrcty.E.D.Va.1982); *See In re Pizza of Hawaii, Inc.*, 40 B.R. 1014, 1017 (Bankr. D. Haw. 1984), *aff'd*, 761 F.2d 1374 (9th Cir. 1985) ("Importantly, §502(c)'s language is mandatory, not permissive, and creates in the bankruptcy court an affirmative duty to estimate any unliquidated claim."). Congress intended that contingent or unliquidated claims be estimated by the bankruptcy judges under Section 502(c), using whatever method is best suited to the particular circumstances. *See In re Aspen Limousine Serv., Inc.*, 193 B.R. 325, 337 (D. Colo. 1996; *In re Curtis*, 40 B.R. 795, 801 at n. 7 (Bankr. D. Utah 1984); *Bittner v. Borne Chemical Co., Inc.*, 691 F.2d 134, 135 (3d Cir.1982). "Although the court is bound by the legal rules governing the ultimate value of the claim, there are no other limitations on the court's authority to estimate claims." *In re Aspen Limousine Serv., Inc.*, 193 B.R. at 337. The Ninth Circuit has explained that a debt is liquidated if it is capable of "ready determination and precision in computation of the amount due." *In re Fostvedt*, 823 F.2d 305, 306 (9th Cir. 1987); *In re Nicholes*, 184 B.R. 82, 89 (9th Cir. B.A.P. 1995). The test for "ready determination" is "whether the amount due is fixed or certain or otherwise ascertainable by reference to an agreement or by simple computation." *In re Nicholes*, 184 B.R. at 89.

Although the Court notes that the Claim 2 is unliquidated, as the action for wrongful death is currently pending, the evidence provided by Trustee to estimate Claim 2 at \$1,000,000 is insufficient. Trustee has not included adequate detail regarding his conversations with attorneys in the personal injury field, nor has evidence been provided specifically supporting the conclusions of such personal injury attorneys.

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

CONT... Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to CONTINUE the hearing for Trustee to supplement his motion to address the issues noted above. The Court also questions the benefit of the motion when it appears only to increase administrative costs without any material change to payment to creditors.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Fury Investments, Inc. fdba Zelda's

Represented By
Jenny L Doling

Movant(s):

Howard B Grobstein (TR)

Represented By
Ori S Blumenfeld

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ori S Blumenfeld

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

6:20-14960 Joseph Anthony Perez

Chapter 7

#8.00 Debtor's Motion to Convert Case From Chapter 7 to 13

EH__

Docket 51

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 3/18/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Anthony Perez

Represented By
David A Akintimoye

Movant(s):

Joseph Anthony Perez

Represented By
David A Akintimoye

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#9.00 CONT. Motion to Convert Case From Chapter 7 to 13 under U.S.C. §706(a)

From: 2/4/21

EH__

Docket 27

***** VACATED *** REASON: CONTINUED TO 5/26/21 BY ORDER
ENTERED 3/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Movant(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley
Christopher J Langley
Christopher J Langley
Christopher J Langley

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

Adv#: 6:20-01185 Anderson v. Oceana Gwen, LLC et al

#10.00 CONT. Status Conference RE: [1] Adversary case 6:20-ap-01185. Complaint by Karl T. Anderson against Oceana Gwen, LLC, Emmanuel Andrade. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

(special time set)

EH__

(Tele. appr. Tinho Mang, rep. trustee, Karl Anderson)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Defendant(s):

Oceana Gwen, LLC

Pro Se

EMMANUEL ANDRADE

Pro Se

Plaintiff(s):

Karl T. Anderson

Represented By
Tinho Mang

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, March 31, 2021

Hearing Room 303

11:00 AM

CONT...

Maria Elvia Hernandez

Tinho Mang
Richard A Marshack
Chad V Haes

Chapter 7

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

Wednesday, March 31, 2021

Hearing Room 303

11:00 AM

6:20-17295 Anna M Gonzales

Chapter 7

#11.00 Debtor's Motion to Convert Case From Chapter 7 to 13

EH__

(Tele. appr. Brandon Iskander, rep. trustee, Todd Frealy)

(Tele. appr. Sundee Teeple, rep, Debtor, Anna Gonzales)

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna M Gonzales

Represented By
Sundee M Teeple

Movant(s):

Anna M Gonzales

Represented By
Sundee M Teeple

Trustee(s):

Todd A. Frealy (TR)

Represented By
Brandon J Iskander

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#12.00 Plaintiff's Motion in Limine on Defendant's exhibits

EH__

(Tele. appr. Charles Schrader, plaintiff)

Docket 427

*** VACATED *** REASON: CONTINUED TO 4/7/21 BY ORDER
ENTERED 3/30/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi

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, March 31, 2021

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

Adv#: 6:19-01177 Issa v. Pisano

#13.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01177. Complaint by J. Michael Issa against Anthony Pisano. (13 (Recovery of money/property - 548 fraudulent transfer)) (Ignatuk, Joseph)

From: 2/25/20, 4/28/20, 6/9/20, 7/21/20, 8/25/20, 9/29/20, 1/24/20, 12/1/20,1/20/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/1/21 BY ORDER
ENTERED 3/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Defendant(s):

Anthony Pisano

Represented By
Scott P Schomer

Plaintiff(s):

J. Michael Issa

Represented By
Joseph R Ignatuk

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:19-01114 Sonnenfeld v. Diaz et al

#14.00 CONT. Status Conference RE: [1] Adversary case 6:19-ap-01114. Complaint by Cleo Sonnenfeld against Gabriela Nieto Diaz, Laguna Motors, Inc.. Recovery, and Preservation of Preferential Transfer; (2) Avoidance, Recovery, and Preservation of Constructive Fraudulent Transfer; and (3) Avoidance, Recovery, and Preservation of Actual Fraudulent Transfer [11 U.S.C. Sections 544, 547, 548, 550 and 551; Cal. Civ. Code Sections 3439.04, 3439.05] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Hays, D)

From: 10/28/20)

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/5/21 BY ORDER
ENTERED 1/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Gabriela Nieto Diaz

Pro Se

Laguna Motors, Inc.

Represented By
Julian K Bach

Plaintiff(s):

Cleo Sonnenfeld

Represented By

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

CONT... Joshua Cord Richardson

Chapter 7

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 31, 2021

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#15.00 Plaintiffs Motion for Default Judgment (Second Motion) with Proof of Service

EH__

(Tele. appr. Plaintiff, Charles Daff)

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Movant(s):

Charles W Daff (TR)

Pro Se

Charles W Daff (TR)

Pro Se

Plaintiff(s):

Charles W Daff (TR)

Pro Se

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, March 31, 2021

Hearing Room 303

2:00 PM

6:18-10740 Karin Olaya

Chapter 7

Adv#: 6:20-01047 Karl T. Anderson, Chapter 7 Trustee v. Olaya et al

#16.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01047. Complaint by Karl T. Anderson, Chapter 7 Trustee against Karin Giselle Olaya, Rosemary Franco, Frank Howard Eggleston. (Charge To Estate - \$350.00). (Attachments: # 1 Adversary Coversheet # 2 Summons and Notice of Status Conference in Adversary Proceeding) Nature of Suit: (14 (Recovery of money/property - other)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))), (11 (Recovery of money/property - 542 turnover of property)) (Perry Isaacson, Misty)

From: 7/1/20, 10/28/20

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/17/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Karin Olaya

Represented By
Edward T Weber

Defendant(s):

Karin Giselle Olaya

Represented By
Edward T Weber

Rosemary Franco

Pro Se

Frank Howard Eggleston

Pro Se

Plaintiff(s):

Karl T. Anderson, Chapter 7 Trustee

Represented By

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

CONT...

Karin Olaya

Misty A Perry Isaacson

Chapter 7

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, March 31, 2021

Hearing Room 303

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01106 Bankers Healthcare Group, LLC v. Johnson

#17.00 CONT Pre-Trial 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)) (Turoci, Todd)

(Holding date)

From: 7/10/18, 2/20/19, 4/24/19, 7/3/19, 7/17/19, 8/21/19, 11/20/19, 1/29/20, 3/25/20, 4/1/20, 4/15/20, 7/1/20, 7/29/20, 10/7/20, 10/14/20, 12/2/20

EH ____

(Tele. appr. Rolbert Goe, rep. Debtor, Vance Johnson)

(Tele. appr. Melissa Hayward, rep. Planitiff, Bankers Healthcare Group, LLC)

(Tele. appr. Todd Turoci, rep. Plaintiff, Bankers Healthcare Group, LLC)

Docket 1

Tentative Ruling:

4/15/20

TENTATIVE RULING

Opposition: None

Service: Proper

Pursuant to the stipulation agreement between Bankers Health Care Group, LLC, and Vance Zachary Johnson, the Court GRANTS this stipulation to continue Status Conference to July 1, 2020. A Status Report is due on June 24, 2020.

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

CONT... Vance Zachary Johnson

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):

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)

Represented By
Monica Y Kim

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#18.00 Defendant's Motion for Relief of Defendant's Admissions Deemed Admitted Pursuant to Fed. R. Civ. P. 36(a)(3)

EH__

(Tele. appr. Daren Schlecter, rep. Plaintiff Canyon Springs Enterprises)

(Tele. appr. Todd Turoci, rep, Defendant, Marc Anthony Capoccia)

Docket 50

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Movant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

CONT... Marc Anthony Capoccia

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, March 31, 2021

Hearing Room 303

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#19.00 Status Conference re [1] Adversary case 6:21-ap-01015. Complaint by Matthew Cotter, Courtney Cotter against Christopher Edward Hutchinson. false pretenses, false representation, actual fraud)) (Pagter, R)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 3/31/21 ADDING
ADDITIONAL DEFENDANT**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Edward Hutchinson

Represented By
Paul Y Lee

Defendant(s):

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

Veronica Aurora Hutchinson

Represented By
Baruch C Cohen

Joint Debtor(s):

Veronica Aurora Hutchinson

Represented By
Paul Y Lee

Plaintiff(s):

Courtney Cotter

Represented By
R Gibson Pagter Jr.
Misty A Perry Isaacson

Matthew Cotter

Represented By

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

R Gibson Pagter Jr.

Misty A Perry Isaacson

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 31, 2021

Hearing Room 303

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#20.00 Defendant's Motion to Dismiss Adversary Proceeding

EH__

Docket 5

*** VACATED *** REASON: CONTINUED TO 5/5/21 @ 2:00 P.M.

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Edward Hutchinson

Represented By
Paul Y Lee

Defendant(s):

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

Veronica Aurora Hutchinson

Represented By
Baruch C Cohen

Joint Debtor(s):

Veronica Aurora Hutchinson

Represented By
Paul Y Lee

Movant(s):

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

Plaintiff(s):

Courtney Cotter

Represented By
R Gibson Pagter Jr.
Misty A Perry Isaacson

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

Wednesday, March 31, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

Matthew Cotter

Represented By

R Gibson Pagter Jr.

Misty A Perry Isaacson

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, April 1, 2021

Hearing Room 303

11:00 AM

6:15-21760 Gabriel Francisco Nieves

Chapter 13

#1.00 Trustee's Motion for order denying discharge and dismissing case

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Francisco Nieves

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, April 1, 2021

Hearing Room 303

11:00 AM

6:17-16349 Richard Alan Alvarez and Diana Marie Alvarez

Chapter 13

#2.00 CONT. Trustee's Motion for Order Denying Discharge and Dismissing Case

From: 3/18/21

EH____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Robert Firth, rep. Debtor, Richard and Diana Alvarez)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Richard Alan Alvarez

Represented By
Robert L Firth

Joint Debtor(s):

Diana Marie Alvarez

Represented By
Robert L Firth

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 1, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#3.00 CONT. Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Exhibits 1 Through 4 and Proof of Service

From: 2/4/21,2/18/21, 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Summer Shaw, rep. Debtor, Evan and Elton Parker-Calderon)

Docket 48

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Movant(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw
Summer M Shaw

Elton Parker-Calderon

Represented By

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

Thursday, April 1, 2021

Hearing Room 303

11:00 AM

CONT... M Evan Parker-Calderon and Elton Parker-Calderon
Summer M Shaw
Summer M Shaw
Summer M Shaw

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 1, 2021

Hearing Room 303

11:00 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#4.00 CONT.Motion for Authority to Incur Debt [personal property]

From: 2/18/21, 3/18/21,

Also

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Summer Shaw, rep. Debtors, Evan and Elton Parker-Calderon)

Docket 58

***** VACATED *** REASON: ORDER GRANTING MOTION ENTERED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
Summer M Shaw

Movant(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw
Summer M Shaw
Summer M Shaw
Summer M Shaw

Elton Parker-Calderon

Represented By

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

Thursday, April 1, 2021

Hearing Room 303

11:00 AM

CONT... M Evan Parker-Calderon and Elton Parker-Calderon
Summer M Shaw
Summer M Shaw
Summer M Shaw

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 1, 2021

Hearing Room 303

11:00 AM

6:20-12092 Loi Phuoc Au and Nancy O Sengdara-Au

Chapter 13

#5.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Loi Phuoc Au

Represented By
Todd B Becker

Joint Debtor(s):

Nancy O Sengdara-Au

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, April 1, 2021

Hearing Room 303

11:00 AM

6:20-12092 Loi Phuoc Au and Nancy O Sengdara-Au

Chapter 13

#6.00 Debtors' Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

*Placed on calendar by order entered 3/2/21

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jason Boyer, rep. Debtor, Loi Phuoc Au)

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Loi Phuoc Au

Represented By
Todd B Becker

Joint Debtor(s):

Nancy O Sengdara-Au

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, April 1, 2021

Hearing Room 303

11:00 AM

6:21-10091 Elvert Zarate and Monica Zarate

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elvert Zarate

Represented By
Todd L Turoci

Joint Debtor(s):

Monica Zarate

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 1, 2021

Hearing Room 303

11:00 AM

6:21-10102 Sylvia Delana Fairfax

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Dane Exnowski, rep, U.S. Bank Trust National Association)

(Tele. appr. Summer Shaw, rep Debtor, Sylvia Fairfax)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sylvia Delana Fairfax

Represented By
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 1, 2021

Hearing Room 303

11:00 AM

6:21-10129 Sean Phillip Coy

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Kristin Zilberstein, rep. creditor, Wilmington Savings Fund Society FSB)

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Phillip Coy

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, April 1, 2021

Hearing Room 303

11:00 AM

6:21-10151 Lalo Salcida Belmares and Roxanna Noriega Belmares

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lalo Salcida Belmares

Represented By
Jeffrey N Wishman

Joint Debtor(s):

Roxanna Noriega Belmares

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, April 1, 2021

Hearing Room 303

11:00 AM

6:21-10224 Fausto Maldonado

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 2/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fausto Maldonado

Pro Se

Trustee(s):

Rod (MH) Danielson (TR)

Pro Se

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

Thursday, April 1, 2021

Hearing Room 303

11:00 AM

6:21-10251 Steven Edward Owen

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Julie Villalobos, rep. Debtor, Steven Owen)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Edward Owen

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 1, 2021

Hearing Room 303

11:00 AM

6:21-10762 Crucita Cruz Cruz

Chapter 13

#13.00 Debtor's Motion to Disallow Claims number 1 of Cavalry SPV I, LLC as assignee of TD Auto Finance, LLC/Chrysler Financial

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtor, Crucita Cruz)

Docket 14

Tentative Ruling:

4/1/2021

BACKGROUND:

On February 16, 2021, Crucita Cruz ("Debtor") filed a Chapter 13 voluntary petition. On February 18, 2021, Cavalry SPV I, LLC ("Creditor") filed a proof of claim for an unsecured claim in the amount of \$17,761.95 ("Claim 1").

On March 1, 2021, Debtor filed an objection to Claim 1; Debtor's claim objection was amended on March 3, 2021. Debtor argues that Claim 1 is barred by the statute of limitations because the charge off date was on July 9, 2008.

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, April 1, 2021

Hearing Room 303

11:00 AM

CONT... Crucita Cruz Cruz

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:

FED. R. BANKR. P. Rule 3007(1)(a) requires that a claim objection be "served at least 30 days before any scheduled hearing." Here, Debtor did not service a notice of the hearing until March 3, 2021, less than thirty days before the scheduled hearing. Debtor having failed to comply with the applicable, binding federal rule, the Court is

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

Thursday, April 1, 2021

Hearing Room 303

11:00 AM

CONT... Crucita Cruz Cruz

Chapter 13

inclined to CONTINUE the matter to May 13, 2021, for proper notice to be given.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Crucita Cruz 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**

Thursday, April 1, 2021

Hearing Room 303

11:01 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 149

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

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, April 1, 2021

Hearing Room 303

11:01 AM

6:17-11831 Gregory Dwight Vit

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/31/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Dwight Vit

Represented By
Christopher J Langley
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**

Thursday, April 1, 2021

Hearing Room 303

11:01 AM

6:17-18282 Isabel Duran Garcia

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Isabel Duran Garcia

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

Thursday, April 1, 2021

Hearing Room 303

11:01 AM

6:18-13906 Ruby Lee Frazier

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

Docket 133

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruby Lee Frazier

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, April 1, 2021

Hearing Room 303

11:01 AM

6:18-18415 Donna Denise Upton

Chapter 13

#18.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21

EH__

Docket 99

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

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, April 1, 2021

Hearing Room 303

11:01 AM

6:19-10484 Xavier C. Luna

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier C. Luna

Represented By
Christopher J Langley
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**

Thursday, April 1, 2021

Hearing Room 303

11:01 AM

6:19-15980 Jonathon Keith Stoner and Jacqueline Belinda Stoner

Chapter 13

#20.00 CONT. Trustee's Motion to Dismiss Case

From: 1/7/21,1/21/21, 3/18/21

EH__

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple

Joint Debtor(s):

Jacqueline Belinda Stoner

Represented By
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, April 1, 2021

Hearing Room 303

11:01 AM

6:19-18080 Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

#21.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21, 3/18/21

EH__

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose C Aguiar

Represented By
Dana Travis

Joint Debtor(s):

Maria Fatima Aguiar

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 1, 2021

Hearing Room 303

11:01 AM

6:19-18332 Christopher Bryan Dennis

Chapter 13

#22.00 CONT. Trustee's Motion to Dismiss Case

From: 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Bryan Dennis

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 1, 2021

Hearing Room 303

11:01 AM

6:19-18569 Edwin Briones and Gabriela Sandez

Chapter 13

#23.00 CONT. Trustee's Motion to Dismiss Case

From: 2/4/21, 3/4/21, 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Kevin Tang, rep. Debtor, Edwin Briones and Gabriela Sandez)

Docket 67

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwin Briones

Represented By
Kevin Tang

Joint Debtor(s):

Gabriela Sandez

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 1, 2021

Hearing Room 303

11:01 AM

6:19-20659 Larry W. Smith

Chapter 13

#24.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Terrence Fantauzzi, rep. Debtor, Larry Smith)

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Larry W. Smith

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, April 1, 2021

Hearing Room 303

11:01 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#25.00 CONT. Trustee's Motion to Dismiss Case

From: 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 70

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 1, 2021

Hearing Room 303

11:01 AM

6:20-11946 Michelle Cadena Quinn

Chapter 13

#26.00 CONT. Trustee's Motion to Dismiss Case

From: 3/4/21

EH__

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

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, April 1, 2021

Hearing Room 303

11:01 AM

6:20-14617 Michael S. McDonald and Viviana S. McDonald

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael S. McDonald

Represented By
Joselina L Medrano

Joint Debtor(s):

Viviana S. McDonald

Represented By
Joselina L Medrano

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 1, 2021

Hearing Room 303

11:01 AM

6:20-16283 Reggina Louise Gaines

Chapter 13

#28.00 CONT. Trustee's Motion to Dismiss Case

From: 3/18/21

EH__

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Reggina Louise Gaines

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 1, 2021

Hearing Room 303

11:01 AM

6:17-12311 Kenneth Davis and Shirley Davis

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Davis

Represented By
Andy Nguyen

Joint Debtor(s):

Shirley Davis

Represented By
Andy 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, April 1, 2021

Hearing Room 303

11:01 AM

6:18-16503 Irene Elizabeth Arias

Chapter 13

#30.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Irene Arias)

Docket 74

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, April 1, 2021

Hearing Room 303

11:01 AM

6:20-11956 Angela Helen Arias

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Helen 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, April 1, 2021

Hearing Room 303

11:01 AM

6:19-20179 George Clarence Maret and Elizabeth Ann Maret

Chapter 13

#32.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtors, George and Elizabeth Maret)

Docket 64

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

George Clarence Maret

Represented By
Dana Travis

Joint Debtor(s):

Elizabeth Ann Maret

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 1, 2021

Hearing Room 303

11:01 AM

6:17-16114 Allan Omar Ramos

Chapter 13

#33.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Julie Villalobos, rep. Debtor, Allan Ramos)

Docket 72

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21

Tentative Ruling:

- NONE LISTED -

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**

Thursday, April 1, 2021

Hearing Room 303

12:30 PM

6:21-11648 Margarita Angelica Lopez

Chapter 7

#34.00 Application for Waiver of Filing Fees

(Tele. appr. Margarita Lopez)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarita Angelica Lopez	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**

Tuesday, April 6, 2021

Hearing Room 303

11:00 AM

6:19-10052 Dwayne J. Williams and Dana S. Williams

Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8392 Saddle Creek Dr, Riverside, California 92509-7107 with Proof of Service

From: 3/2/21

MOVANT: SELECT PORTFOLIO SERVICING INC.

EH__

Docket 90

***** VACATED *** REASON: CONTINUED TO 4/20/21 BY ORDER
ENTERED 3/10/21**

Party Information

Debtor(s):

Dwayne J. Williams

Represented By
Michael Jay Berger

Joint Debtor(s):

Dana S. Williams

Represented By
Michael Jay Berger

Movant(s):

Select Portfolio Servicing Inc., as

Represented By
Joseph C Delmotte

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 6, 2021

Hearing Room 303

11:00 AM

6:19-20408 Juan Carlos De La Cruz and Claudia Veronica De La Cruz Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 3465 Tipperary Way, Riverside, CA 92506

MOVANT: LAKEVIEW LOAN SERVICING, LLC

From: 12/15/20, 1/19/21, 3/2/21

EH__

Docket 72

***** VACATED *** REASON: CONTINUED TO 4/20/21 BY ORDER
ENTERED 3/10/21**

Party Information

Debtor(s):

Juan Carlos De La Cruz

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Claudia Veronica De La Cruz

Represented By
Sanaz Sarah Bereliani

Movant(s):

Lakeview Loan Servicing, 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 6, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

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

From: 1/5/21

EH__

Docket 6

***** VACATED *** REASON: CONTINUED TO 4/20/21 @ 2:00 P.M. BY
ORDER ENTERED 3/10/21**

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Sevan Gorginian

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

Wednesday, April 7, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#1.00 CONT Trustee's Final Report and Applications for Compensation
(Holding Date) Status Conference for OSC

From: 4/1/20, 5/13/20, 9/9/20,10/14/20,12/16/20,2/10,21

EH ____

Docket 464

***** VACATED *** REASON: CONTINUED TO 4/21/21 BY ORDER
ENTERED 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, April 7, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#2.00 Hrg. on Order to Show Cause why Section 6 of docket number 365, prohibiting Debtor from objecting to professional fees, should not be vacated

EH__

Docket 0

***** VACATED *** REASON: CONTINUED TO 4/21/21 BY ORDER
ENTERED 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

6:16-11635 Sam Daniel Dason and Greeta Sam Dason

Chapter 7

#2.10 CONT. Debtors' Motion For Contempt Against Juddy Olivares and Eric Panitz
(Placed on calendar by order entered 4/1/21)

EH__

(Tele appr. Robert Goe, rep. creditor, Juddy Olivares)

(Tele. appr. Robert Uriarte, rep. Debtor, Sam Dason)

Docket 239

Tentative Ruling:

4/7/2021

On February 26, 2016, Sam and Greeta Dason (collectively "Dasons" or "Debtors", individually, "Sam Dason" and "Greeta Dason") commenced a joint Chapter 7 bankruptcy case. By order entered on October 22, 2018, the court approved a settlement agreement between the Chapter 7 Trustee and the Dasons pursuant to which, in exchange for payment, the Trustee abandoned the estates' interest in certain real property located in Grand Terrace, California ("Property"). After deemed abandonment of the Property pursuant to the terms of the settlement agreement, on or about November 16, 2018, the Debtors recorded an interspousal quitclaim deed ("Transfer"), transferring title to the Property to Greeta Dason as her separate property. It is conceded by Debtors that the Property was community property prior to the Transfer.

On December 19, 2018, this court entered a stipulated nondischargeability judgment ("Judgment") in favor of Juddy Olivares ("Olivares") against Sam Dason. On January 21, 2021, Olivares filed a state court complaint ("Complaint") seeking to set aside the Transfer as a fraudulent transfer. By her motion, Greeta Dason asks the Court to hold Olivares in contempt for violating her discharge injunction by filing the Complaint.

The determination of whether the Complaint violates Greeta Dason's discharge injunction involves what is essentially a two-step process. Since the Property was concededly

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT... Sam Daniel Dason and Greeta Sam Dason

Chapter 7

community property at all relevant times prior to the Transfer, the first inquiry is whether Olivares is somehow barred by Greeta Dason's discharge injunction from recovering against Debtors' community property on account of the Judgment, as Greeta Dason asserts in her motion. This is because if Olivares is barred by Greeta Dason's discharge injunction from recovering against the Property while it was community property, then the Transfer to Greeta Dason as her separate property would presumably not expand Olivares rights of recovery, and the Complaint would additionally violate Greeta Dason's discharge injunction. Assuming that Olivares is not barred by the discharge injunction from recovering against community property on account of the Judgment, the second inquiry is whether the Complaint contains a claim barred by the discharge injunction.

1. The Motion is Procedurally Improper

As noted in the prior tentative ruling, the motion is procedurally improper for failure to comply with the local bankruptcy rules in seeking a contempt finding.

2. Is Olivares Barred by the Discharge Injunction from Recovering from Community Property on Account of the Judgment

a. Is the Property Community Property as of the Petition Date

As an initial matter, the Debtors' schedules indicate that both Debtors had an interest in the Property as of the petition date, and Greeta Dason concedes in her motion that the Property was community property immediately before the Transfer. The Court thus finds the Property was community property at all relevant times for purposes of this analysis.

b. Is the Judgment a Community Claim

Under the Bankruptcy Code, the term "[community claim](#)" means [a claim](#) that arose before the commencement of the case concerning the [debtor](#) for which property of the kind specified in [section 541\(a\)\(2\) of this title](#) is liable, whether or not there is any such property at the time of the commencement of the case. See 11 USC § 101(7). Section 541(a)(2) specifically includes:

(2) All interests of the debtor and the debtor's spouse in community property as of the commencement of the case that is—

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT...

Sam Daniel Dason and Greeta Sam Dason

Chapter 7

(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.

11 U.S.C. § 541(a)(2). Whether a creditor holds a community claim will be determined by state law. In re Soderling, 998 F.2d 730, 733 (9th Cir. 1993); In re Maready, 122 B.R. 378, 381 (B.A.P. 9th Cir. 1991). In this regard, Cal. Fam. Code § 910(a) provides that:

(a) Except as otherwise expressly provided by statute, the community estate is liable for a debt incurred by either spouse before or during marriage, regardless of which spouse has the management and control of the property and regardless of whether one or both spouses are parties to the debt or to a judgment for the debt.

Greeta Dason asserts in her motion that she is not personally liable for the Judgment pursuant to California Family Code Section 1000(a). This assertion is correct, but as pointed out by Olivares, completely misplaced. California Family Code § 1000(a) & (b) states as follows:

(a) A married person is not liable for any injury or damage caused by the other spouse except in cases where the married person would be liable therefor if the marriage did not exist.

(b) The liability of a married person for death or injury to person or property shall be satisfied as follows:

(1) If the liability of the married person is based upon an act or omission which occurred while the married person was performing an activity for the benefit of the community, the liability shall first be satisfied from the community estate and second from the separate property of the married person.

(2) If the liability of the married person is not based upon an act or omission which occurred while the married person was performing an activity for the benefit of the community, the liability shall first be satisfied from the separate property of the married person and second from the community estate.

Cal. Fam. Code § 1000(a) & (b) (emphasis added)

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT... Sam Daniel Dason and Greeta Sam Dason

Chapter 7

The issue here is whether the Debtors' community property is liable for the Judgment, not whether Greeta Dason is personally liable (such that a creditor could get a judgment against her, pursue her separate property, etc.). Critically, Greeta Dason ignores Cal. Fam. Code § 1000(b), which clearly states that Olivares' claim can be satisfied from Sam Dason's separate property (of which the bankruptcy schedules reflect there is none), and also from community property. Thus, as the Judgment was based on a debt incurred during the marriage for which community property is liable pursuant to Cal. Fam. Code §§ 910(a) and 1000, and because it is conceded that the Property was community property as of the petition date, it is clear that Sam Dason's debt to Olivares is a community claim under California ("Community Claim"), made non-dischargeable by the Judgment.

- c. Effect of the Non-Dischargeability Judgment and Greeta Dason's Discharge on Olivares' Ability to Satisfy her Community Claim from Community Property

Absent the Judgment, the Community Claim would be discharged in bankruptcy. Given the Judgment, however, the Community Claim survives the discharge injunction of Sam Dason and Greeta Dason. There is no authority presented by Greeta Dason to support her argument that by virtue of the Community Claim being deemed non-dischargeable, the underlying debt somehow lost its status as a community claim under state law recoverable from community property. The only authority presented by Greeta Dason in this regard is reference to 11 U.S.C. Section 524(a)(3). That statute, however, is interpreted incorrectly. Section 524(a)(3) reads as follows:

- (a) A discharge in a case under this title—
(3) operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect or recover from, or offset against, property of the debtor of the kind specified in [section 541\(a\)\(2\) of this title](#) that is acquired after the commencement of the case, on account of any allowable community claim, except a community claim that is excepted from discharge under section 523, 1192, 1228(a)(1), or 1328(a)(1), or that would be so excepted, determined in accordance with the provisions of sections 523(c) and 523(d) of this title, in a case concerning the debtor's spouse commenced on the date of the filing of the petition in the case concerning the debtor, whether or not discharge of the debt based on such community claim is waived

11 U.S.C. Section 524(a)(3) (emphasis added).

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT... Sam Daniel Dason and Greeta Sam Dason

Chapter 7

As shown by the underlined sections above, section 524(a)(3): (1) applies only in cases is designed to protect non-debtor spouses (see also section 524(b)); (2) has an express exception for community claims excepted from discharge under section 523; and (3) only protects community property acquired after the petition date. Here, in contrast, Sam and Greeta Dason were joint debtors, Olivares has a community claim excepted from discharge under section 523, and the Property was not after-acquired; it existed on the petition date. Thus Section 524(a)(3) is completely unhelpful to Greeta Dason's argument.

Instead, by inference, Section 524(a)(3) strongly supports Olivares' position. If an express exception in Section 524(a)(3) provides that a debtor cannot protect after-acquired community property where a community claim has been excepted from discharge in the joint debtor's case (or where a community claim can be excepted in a non-dischargeability case filed against the non-debtor spouse), it logically follows that a creditor with a non-dischargeable community claim can pursue both after-acquired community property as well as pre-petition community property. See, e.g., In re Kimmel, 378 B.R. 630, 637 B.A.P. 9th Cir. 2007) ("The net result is that §§ 524(a)(3) and 524(b)(2) combine to prevent a wrongdoer from hiding behind an innocent spouse's discharge, but correlatively require the innocent spouse in a community property state to bear some burden of responsibility for the wrongdoing spouse"); In re Beard-Williams, 2021 WL 276819 at *10 (Bankr. C.D. Cal. 2021) ("after obtaining the judgment against Debtor and Brown, Creditors may not enforce their judgment for a community claim against her in personam in light of her discharge, but they may enforce the judgment against Brown in personam as the debt is nondischargeable as to him, and Creditors may enforce the judgment based on a community claim against the Property as prebankruptcy community property owned by Brown and Debtor not administered in this case and abandoned pursuant to 11 U.S.C. §554(c) to Debtor and Brown.") (emphasis added); Henry Sommer & Margaret Dee McGarity, et al., Collier Family Law and the Bankruptcy Code, ¶ 4.08 (online ed. July 2020 update) ("The protection provided by 11 U.S.C. § 524(a)(3) applies only to community property acquired after the commencement of the case. ... Similarly, a community property asset that is included in the estate and abandoned by the trustee is not protected by the injunction provided by 11 U.S.C. § 524(a)(3)") (emphasis added and citations omitted).

In other words, even if Greeta Dason was a non-debtor spouse, because Olivares has a non-dischargeable community claim in a community property state, Greeta Dason's "burden of responsibility" for the nondischargeable claim against Sam Dason is that Olivares would be able to recover against after-acquired community property. The facts here that both Greeta

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT... Sam Daniel Dason and Greeta Sam Dason

Chapter 7

Dason is a debtor and that the Property was pre-petition community property are even more compelling.

As such, it appears without question that the non-dischargeable Community Claim can be satisfied from community property such as the Property notwithstanding the discharge injunction in Greeta Dason's case.

3. Is the Complaint based on a Claim Barred by Greeta Dason's Discharge Injunction

As discussed above, post-petition but prior to the Transfer, once the Property was abandoned by the Trustee and thus no longer property of the estate, Olivares could seek to recover on the Judgment from Sam Dason personally, against his separate property, or against community property. At the same time, by virtue of Greeta Dason's discharge injunction, Greeta Dason was not personally liable to Olivares and Olivares was prohibited from recovering against Greeta Dason's separate property.

The effect of the Transfer, however, in transmuted the legal character of the Property from community property to Greeta Dason's separate property, meant that Olivares can no longer recover against the Property. Ultimately, by Greeta's actions in effectuating and receiving the Transfer, she diminished the amount of the community property from which Olivares was entitled to recover. It is this post-petition act that thus gives rise to Olivares' claim against Greeta Dason in the Complaint, because, but for the Transfer, Olivares could recover against the Property. In other words, where Olivares has the ability to recover against the Property post-petition because she has a nondischargeable Judgment and the Property is community property, it is nonsensical that the Debtors could simply avoid that result by transferring the Property to Greeta Olivares as her separate property. If that were the case, a creditor with a non-dischargeable judgment against a debtor would never be able to recover against community property, even given the express exception under Section 524(a)(3), because as soon as there was a non-dischargeability determination the judgment debtor would just transfer all community property to debtor's spouse as his/her separate property. It is also important to note that Olivares' post-petition claim differs from the Community Claim not only in timing and nature, but also in amount, because Olivares' post-petition claim in the Complaint pursuant to California Civil Code section 3439.04(a) is for the value of the Property transferred, not the amount of the Community Claim. As such, there is no question that Olivares' claim against Greeta Dason set forth in the Complaint, to set aside the fraudulent transfer, arose post-petition as a result of the Transfer, and a post-petition claim and is not an attempt to collect on a pre-petition debt.

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT... **Sam Daniel Dason and Greeta Sam Dason**

Chapter 7

Last, it is absolutely incorrect that Olivares was collaterally estopped from alleging that the transfer was fraudulent because Olivares' opposition to the Trustee's compromise motion was withdrawn. By that motion the Trustee's request was limited to seeking authority to compromise the estate's interest in the Property by abandoning the Property to the Debtors in exchange for payment. The fact that the settlement reflects that the Debtors wanted to then transfer the Property to Greeta Dason alone after abandonment is completely irrelevant to the Trustee's request, and no Court authority was requested or granted as to that proposed transfer. The Trustee abandoned the Property to the Debtors where it remained community property, and then the Debtors transferred it to Greeta Dason. It was their act alone. The Trustee's compromise motion and the order thereon in no way prevent Olivares from attacking the Transfer under state law as a fraudulent conveyance.

4. Contempt Standard

Assuming, Arguendo, Olivares did violate the discharge injunction, is a contempt finding nonetheless warranted? It is not sufficient for a contempt finding to prove that Olivares merely violated the discharge injunction. Instead, the standard for contempt is that a court may hold a creditor in civil contempt for violating a discharge order if there is *no fair ground of doubt* as to whether the order barred the creditor's conduct. Taggart v. Lorenzen, -- U.S. --, 139 S.Ct. 1795, 1799, 204 L.Ed.2d 129 (2019) (emphasis in original). In this case, where, as shown above, the claims set forth in the Complaint do not violate Greeta Dason's discharge injunction, Greeta Dason cannot satisfy the standard for Contempt.

5. Conclusion

For the reasons set forth above, it is the Court's intention to DENY the motion WITH PREJUDICE.

Party Information

Debtor(s):

Sam Daniel Dason

Represented By
Robert G Uriarte

Joint Debtor(s):

Greeta Sam Dason

Represented By
Robert G Uriarte

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

Wednesday, April 7, 2021

Hearing Room 303

12:30 PM

CONT... Sam Daniel Dason and Greeta 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, April 7, 2021

Hearing Room 303

1:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#2.20 CONT. Plaintiff's Motion in Limine on Defendant's exhibits

From: 3/31/21

EH__

(Tele. appr. Charles Schrader, Plaintiff)

Docket 427

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi

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, April 7, 2021

Hearing Room 303

1:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#2.30 Motion to strike Defendant's Opposition to Plaintiff's Motion in Limine

(OST signed 3/31/21)

EH__

(Tele. appr. Charles Schrader, Plaintiff)

Docket 447

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi

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, April 7, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#3.00 CONT. Status Conference RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21

(Holding date)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/21/21 BY ORDER
ENTERED 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Plaintiff(s):

Charles Edward Schrader

Pro Se

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

Wednesday, April 7, 2021

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, April 7, 2021

Hearing Room 303

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#4.00 Status Conference re: Complaint by Lynda T. Bui against Lourdes P. Vargas. (\$350.00 Fee 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))),(11 (Recovery of money/property - 542 turnover of property))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 4/21/21 BY ORDER
ENTERED 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Pro Se

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By
Carmela Pagay

Trustee(s):

Lynda T. Bui (TR)

Represented By

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

Wednesday, April 7, 2021

Hearing Room 303

2:00 PM

CONT...

Juan Vargas

Todd A Frealy

Chapter 7

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

Wednesday, April 7, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#5.00 CONT. Notice Setting/Increasing Insider Compensation

From: 3/30/31

EH__

(Tele. appr. Christopher Demint, rep client, DW Trim Inc.)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim Inc.)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01068 Pringle v. Gerges

#1.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01068. Complaint by John P. Pringle against Rafat Gerges. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Rafat Gerges

Represented By
Louis J Esbin

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01077 Pringle v. Youssef et al

#2.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01077. Complaint by John P. Pringle against John Maurice Youssef, Sally Yo. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John Maurice Youssef

Pro Se

Sally Yo

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01078 Pringle v. Peng

#3.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01078. Complaint by John P. Pringle against Kaiwha Peng. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Kaiwha Peng

Represented By
Michael A Wallin

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Sonja Hourany

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01080 Pringle v. Rouse

#4.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01080. Complaint by John P. Pringle against Lana Lee Rouse. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Lana Lee Rouse

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01082 Pringle v. Wagdy

#5.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01082. Complaint by John P. Pringle against Magda Wagdy. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Wagdy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01085 Pringle v. Khozam

#6.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01085. Complaint by John P. Pringle against Margaret Khozam. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Margaret Khozam

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01056 Pringle v. Mettias

#7.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01056. Complaint by John P. Pringle against Martin Amin Mettias. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Martin Amin Mettias

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01058 Pringle v. Gendy

#8.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01058. Complaint by John P. Pringle against Medhat Saad Gendy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Saad Gendy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01089 Pringle v. Barsoom

#9.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01089. Complaint by John P. Pringle against Sameh Roshdy Wahba Barsoom. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sameh Roshdy Wahba Barsoom

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01090 Pringle v. Sawires

#10.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01090. Complaint by John P. Pringle against Sanad Sawires. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sanad Sawires

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01051 Pringle v. Serour

#11.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01051. Complaint by John P. Pringle against Aly Serour. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich,

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF VOLUNTARY DISMISSAL
FILED 3/22/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Aly Serour

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01052 Pringle

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01052. Complaint by John P. Pringle against Am Saber, Yousria Mikhail Guirguis. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 2/17/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

Trustee(s):

John P Pringle (TR)

Represented By

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT...

Mark Bastorous

David M Goodrich
Reem J Bello

Chapter 7

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#13.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01053. Complaint by John P. Pringle against Amgad Bebawy, Reham Nakhil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01054 Pringle v. ANRUF LLC et al

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01054. Complaint by John P. Pringle against ANRUF LLC, Nadia Khalil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

ANRUF LLC

Represented By
Andy C Warshaw

Nadia Khalil

Represented By
Andy C Warshaw

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01055 Pringle v. Mena

#15.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01055. Complaint by John P. Pringle against Antonio Mena. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Antonio Mena

Represented By
Jeffrey Charles Bogert

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01057 Pringle v. Makar

#16.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01057. Complaint by John P. Pringle against Ayad Makar. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

Alias issued 7/7/20

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

***** VACATED *** REASON: ORDER GRANTING SUMMARY
JUDGMENT ENTERED 2/22/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ayad Makar

Represented By
Michael A Corfield

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01059 Pringle v. Bishay

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01059. Complaint by John P. Pringle against Boles Bishay. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Boles Bishay

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01060 Pringle v. Portrans

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01060. Complaint by John P. Pringle against Diamond Portrans. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Diamond Portrans

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01063 Pringle v. Ghaly

#19.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01063. Complaint by John P. Pringle against Ramez Ghaly. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ramez Ghaly

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01064 Pringle v. Farah

#20.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01064. Complaint by John P. Pringle against Mina Farah. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mina Farah

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01065 Pringle v. Yassa

#21.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01065. Complaint by John P. Pringle against Ehap Yassa. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ehap Yassa

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01066 Pringle v. Abdelmessih

#22.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01066. Complaint by John P. Pringle against Noshi Abdelmessih. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Noshi Abdelmessih

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01067 Pringle v. Eskander

#23.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01067. Complaint by John P. Pringle against Emad Eskander. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Eskander

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01071 Pringle v. Youssef

#24.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01071. Complaint by John P. Pringle against Raafat Mouric Zake Youssef. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Raafat Mouric Zake Youssef

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01072 Pringle v. Goldvilla

#25.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01072. Complaint by John P. Pringle against Goldvilla. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Goldvilla

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01074 Pringle v. Ghobrial

#26.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01074. Complaint by John P. Pringle against Ishak Ghobrial. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ishak Ghobrial

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01075 Pringle v. Rouse

#27.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01075. Complaint by John P. Pringle against James Rouse. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

James Rouse

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#28.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01076. Complaint by John P. Pringle against John 20/20 Enterprises, Inc.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01079 Pringle v. Kodsy

#29.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01079. Complaint by John P. Pringle against Karem Fayeze Kodszy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Karem Fayeze Kodszy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#30.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01081. Complaint by John P. Pringle against Magda Labib, Khair Labib. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#31.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01083. Complaint by John P. Pringle against Manal Eskarous. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01087 Pringle v. Zumut et al

#32.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01087. Complaint by John P. Pringle against Ray Zumut, Mary Zumut. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ray Zumut

Represented By
Lawrence Hoodack

Mary Zumut

Represented By
Lawrence Hoodack

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01091 Pringle v. Beshai

#33.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01091. Complaint by John P. Pringle against Sarwat Beshai. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)
(STANDSTILL AGREEMENT UNTIL 9/16/20) HOLDING DATE

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sarwat Beshai

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

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

Monday, April 12, 2021

Hearing Room 303

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01093 Pringle v. St. George Medical Office L.L.C.

#34.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01093. Complaint by John P. Pringle against St. George Medical Office L.L.C.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

St. George Medical Office L.L.C.

Represented By
Andy C Warshaw

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01094 Pringle v. Wextron Ltd

#35.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01094. Complaint by John P. Pringle against Wextron Ltd. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Wextron Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01126 Pringle v. Botors

#36.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01126. Complaint by John P. Pringle against Emad Khalifa Botors. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 9/30/20,11/30/20,2/1/21

EH____

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Khalifa Botors

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#37.00 Status Conference RE: [1] Adversary case 6:20-ap-01127. Complaint by John P. Pringle against Amir Maher Guirgus Awad. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 11/30/20,2/1/21

EH ____

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01061 Pringle v. Mikhael

#38.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01061. Complaint by John P. Pringle against Medhat Mikhael. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Mikhael

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Monday, April 12, 2021

Hearing Room 303

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#39.00 CONT Motion to Dismiss Adversary Proceeding

(HOLDING DATE)

From 9/30/20,1/13/21, 3/17/21

EH__

Docket 5

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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

Monday, April 12, 2021

Hearing Room 303

1:00 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**

Tuesday, April 13, 2021

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2164 E. Alondra Street Ontario, California 91764

MOVANT: SPECIALIZED LOAN SERVICING LLC

From: 1/5/21,2/16/21

EH__

Docket 36

***** VACATED *** REASON: CONTINUED TO 5/25/21 @ 11:00 A.M.**

Party Information

Debtor(s):

Miguel Pinedo

Represented By
James G. Beirne

Joint Debtor(s):

Laura Pinedo

Represented By
James G. Beirne

Movant(s):

Specialized Loan Servicing LLC

Represented By
John Rafferty
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**

Thursday, April 15, 2021

Hearing Room 303

11:00 AM

6:19-17527 Michael Lewis Jackson and Samantha Kim Jackson

Chapter 13

#1.00 Application for Compensation with Notice of Hearing, Proof of Service and Exhibit A, for Anthony B Vigil, Debtor's Attorney, Period: 11/27/2019 to 3/9/2021, Fee: \$3,400.00, Expenses: \$0.

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Anthony Vigil, rep. Debtors, Michael and Samantha Jackson)

Docket 44

Tentative Ruling:

4/15/2021

Application: Additional \$3,400 for services mostly related to two relief from stay motions

Opposition: Trustee recommends \$1,580

Analysis: 11 U.S.C. § 330(a)(1) provides that the court may award attorney fees for "reasonable compensation for actual, necessary services" and for "reimbursement for actual, necessary expenses." § 330(a)(3)(F) provides that in determining the reasonableness of the fees the court shall consider "whether the compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under this title." "[T]he burden is on the fee applicant to produce satisfactory evidence—in addition to the attorney's own affidavits—that the requested rates are in line with those prevailing in the community for similar services by lawyers of reasonably comparable skill, experience and reputation." *Camacho v. Bridgeport Fin., Inc.*, 523 F.3d 973, 980 (9th Cir. 2008) citing *Blum v. Stenson*, 465 U.S. 886, 896 (1984) at n. 11; see also *In re Walker*, 652 Fed. Appx. 539, 540 (9th Cir. 2016)(unpublished) ("[chapter 13 debtor's counsel] did not carry its burden of proving its entitlement to the fees requested because it failed to produce sufficient evidence that the fee request was

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

Thursday, April 15, 2021

Hearing Room 303

11:00 AM

CONT... Michael Lewis Jackson and Samantha Kim Jackson

Chapter 13

reasonable").

Tentative: On August 27, 2019, Michael Lewis and Samantha Kim Jackson ("Debtors") filed a Chapter 13 voluntary petition. On December 4, 2019, Debtors' Chapter 13 plan was confirmed. Pursuant to the Rights and Responsibilities agreement filed on August 27, 2019, Anthony B. Vigil's ("Counsel") base fee is \$5,000.

On August 31, 2020, Creditor Exeter Finance filed a motion for relief from stay. Counsel filed a one page opposition stating parties were working on an APO. On September 24, 2020, the parties filed an APO. The Court granted it pursuant to order entered on September 25, 2020. On January 7, 2021 Creditor Freedom Mortgage Corporation filed a motion for relief from stay. Counsel filed a two-page opposition arguing the motion was moot as Debtors had tendered the late mortgage payments. Copies of the checks, the mortgage statement, and the payment history schedule were attached as exhibits. Movant withdrew the motion at the hearing.

On March 18, 2021, Counsel filed an application seeking \$3,400 in fees related to these two relief from stay motion. On March 22, 2021, Trustee filed comments arguing that there was no evidence to show that the issues Counsel dealt with were any different than those commonly faced by chapter 13 practitioners. Additionally, task related to emailing and follow up could have been billed at a lower paralegal rate. Trustee recommended fees be reduced to \$1,040 representing 1.6 hours of attorney time at \$400 per hour to cover review, the oppositions, and APO negotiations, and \$540 for 3.6 hours of paralegal time at \$150 an hour for a total fee award of \$1,580.

The Court, having reviewed the oppositions, APO, and billing records, agrees with Trustee's contention that it appears that Counsel has not faced any problems that are unusual to a typical Chapter 13 case. As Counsel has not provided any evidence to the contrary, the Court considers how other courts have dealt with such applications.

The court in *In re Quiroz* 6:17-BK-10255-WJ, 2019 WL 9244665 has conducted a study on fees typically awarded for services relating to relief from stay. The

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

Thursday, April 15, 2021

Hearing Room 303

11:00 AM

CONT...

Michael Lewis Jackson and Samantha Kim Jackson

Chapter 13

Quiroz court found that attorneys in chapter 13 cases in Riverside county who perform services involving a form opposition that are typically resolved by an adequate protection stipulation are awarded \$608.34. *Id.* at *6-*7 (Bankr. C.D. Cal. Dec. 12, 2019) ("for the last three years (2017-2019), the average amount of fees which chapter 13 debtors and trustees have agreed upon for similar services [for resolving a motion for relief from stay] is \$608.34").

The Court also notes that .8 of an hour spent on the first opposition and 1.0 of an hour spent on the second opposition appears excessive given the contents of the documents. Additionally, certain of the other time entries appear excessive. The Court agrees with Trustee that much of the work could have been done by a paralegal, thus lowering the total billed. Accordingly, the Court is inclined to adopt the Trustee's recommendation and APPROVE additional fees in the amount of \$1,580 and DISAPPROVE the remaining \$1,820.

APPEARANCES REQUIRED. Applicant may decline to appear and will be deemed to submit to the tentative.

Party Information

Debtor(s):

Michael Lewis Jackson

Represented By
Anthony B Vigil

Joint Debtor(s):

Samantha Kim Jackson

Represented By
Anthony B Vigil

Movant(s):

Michael Lewis Jackson

Represented By
Anthony B Vigil

Samantha Kim Jackson

Represented By
Anthony B Vigil

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

Thursday, April 15, 2021

Hearing Room 303

11:00 AM

CONT... Michael Lewis Jackson and Samantha Kim Jackson

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 15, 2021

Hearing Room 303

11:00 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#2.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #3

(Placed on calendar by order entered 3/23/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 74

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Movant(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 15, 2021

Hearing Room 303

11:00 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#3.00 CONT. Trustee's Motion to Dismiss Case

Also #2

From: 3/18/21, 4/1/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 70

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 15, 2021

Hearing Room 303

11:00 AM

6:20-17898 Jose M Vazquez Javier

Chapter 13

#4.00 CONT. Confirmation of Chapter 13 Plan

From: 3/4/21, 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. David Lozano, rep. Debtor, Jose Vasquez)

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose M Vazquez Javier

Represented By
David Lozano

Trustee(s):

Rod (MH) Danielson (TR)

Pro Se

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

Thursday, April 15, 2021

Hearing Room 303

11:00 AM

6:21-10341 Melvin T Marks and Maria Popeonas

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melvin T Marks

Represented By
Natalie A Alvarado

Joint Debtor(s):

Maria Popeonas

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, April 15, 2021

Hearing Room 303

11:00 AM

6:21-10367 Lenois Stovall

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 2/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lenois Stovall

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 15, 2021

Hearing Room 303

11:00 AM

6:21-10387 Jaime Mendez Gonzalez

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, specially appearing for Debtor, Nicholas Wajda)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Mendez Gonzalez

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 15, 2021

Hearing Room 303

11:00 AM

6:21-10391 Leticia Aispuro

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Giovanna Gallo, rep. Debtor, Leticia Aispuro)

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leticia Aispuro

Represented By
Giovanna M Gallo

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 15, 2021

Hearing Room 303

11:00 AM

6:21-10517 Howard E Terrell

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH_____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Howard Terrell, Debtor)

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Howard E Terrell

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, April 15, 2021

Hearing Room 303

11:00 AM

6:21-10529 Phyllis Ann Colucci

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phyllis Ann Colucci

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, April 15, 2021

Hearing Room 303

11:00 AM

6:21-10530 Christine Marlo

Chapter 7

#11.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

*** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 2/10/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christine Marlo

Represented By
Bruce A Boice

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, April 15, 2021

Hearing Room 303

11:00 AM

6:21-10561 Rosendo Trevino, III and Timmie Lynn Trevino

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosendo Trevino III

Represented By
Paul Y Lee

Joint Debtor(s):

Timmie Lynn Trevino

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 15, 2021

Hearing Room 303

11:00 AM

6:21-10573 Thomas J. Gibbs and Sandra J. Gibbs

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joseph Delmotte, rep. creditor, U.S. Bank National Association)

Docket 18

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Thomas J. Gibbs

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Sandra J. Gibbs

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, April 15, 2021

Hearing Room 303

11:01 AM

6:16-13169 Teresa M. Dearmond

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

Docket 93

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21

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, April 15, 2021

Hearing Room 303

11:01 AM

6:16-13595 Robert P Contreras and Marie G Contreras

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 89

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21

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, April 15, 2021

Hearing Room 303

11:01 AM

6:19-13761 M Evan Parker-Calderon and Elton Parker-Calderon

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 69

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/12/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

M Evan Parker-Calderon

Represented By
Summer M Shaw

Joint Debtor(s):

Elton Parker-Calderon

Represented By
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 15, 2021

Hearing Room 303

11:01 AM

6:19-17080 Cesar Orozco

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Paul Lee, rep. Debtor, Cesar Orozco)

Docket 75

Tentative Ruling:

- NONE LISTED -

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, April 15, 2021

Hearing Room 303

11:01 AM

6:19-17416 Gerald Curtis Collins and Valerie Cecelia Collins

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

Docket 67

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
3/29/21**

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

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 15, 2021

Hearing Room 303

11:01 AM

6:19-19922 Angela Clarice Atou

Chapter 13

#19.00 CONT. Trustee's Motion to Dismiss Case

From: 3/18/21

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Clarice Atou

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 15, 2021

Hearing Room 303

11:01 AM

6:20-12092 Loi Phuoc Au and Nancy O Sengdara-Au

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Loi Phuoc Au

Represented By
Todd B Becker

Joint Debtor(s):

Nancy O Sengdara-Au

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**

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

6:16-10972 Jose Ignacio Vega and Rosalba Ruiz Quinonez

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 26183 Primrose Way Moreno Valley, CA 92555

MOVANT: THE BANK OF NEW YORK MELLON

EH ____

Docket 79

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Ignacio Vega

Represented By
Todd L Turoci

Joint Debtor(s):

Rosalba Ruiz Quinonez

Represented By
Todd L Turoci

Movant(s):

The Bank of New York Mellon, fka

Represented By
Kirsten Martinez

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 20, 2021

Hearing Room 303

11:00 AM

6:18-12355 Marc Burns

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6725 Bear Canyon Road, Mount Baldy, CA 91759

MOVANT: SPECIALIZED LOAN SERVICING LLC

EH__

Docket 63

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests under ¶¶ 2, 3, and 12

-DENY alternative request under ¶ 13 as moot

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Marc Burns

Represented By
D Justin Harelik

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Marc Burns

Chapter 13

Movant(s):

Specialized Loan Servicing, LLC

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, April 20, 2021

Hearing Room 303

11:00 AM

6:18-16178 Eriberto A. Sandoval

Chapter 7

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Ford F150, VIN: 1FTEX1CP7FKE75755

MOVANT: FORD MOTOR CREDIT COMPANY, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Ford Motor Credit Company, LLC)

Docket 122

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of *intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... **Eriberto A. Sandoval**
11 U.S.C. § 362(h)(1)(A).

Chapter 7

Here, Debtor did not file a statement of intention. As the thirty-day deadline for filing or amending the statement of intention passed on April 2, 2021 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Eriberto A. Sandoval

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Ford Motor Credit Company LLC

Represented By
Jennifer H Wang
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, April 20, 2021

Hearing Room 303

11:00 AM

6:19-10052 Dwayne J. Williams and Dana S. Williams

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8392 Saddle Creek Dr, Riverside, California 92509-7107 with Proof of Service

From: 3/2/21, 4/6/21

MOVANT: SELECT PORTFOLIO SERVICING INC.

EH__

(Tele. appr. Jenelle Arnold, rep. creditor, Select Portfolio Servicing, Inc)

Docket 90

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: Debtors

Parties to apprise Court of status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Dwayne J. Williams

Represented By
Michael Jay Berger

Joint Debtor(s):

Dana S. Williams

Represented By
Michael Jay Berger

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Dwayne J. Williams and Dana S. Williams

Chapter 13

Movant(s):

Select Portfolio Servicing Inc., as

Represented By
Joseph C Delmotte

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 20, 2021

Hearing Room 303

11:00 AM

6:19-11399 Jeremiah M Moore

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 55749 Onaga Trail, Yucca Valley, California, 92284 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 34

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: Debtor

Movant to apprise Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jeremiah M Moore

Represented By
Tom A Moore

Movant(s):

Freedom Mortgage Corporation

Represented By
Ashley Popowitz
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 20, 2021

Hearing Room 303

11:00 AM

6:19-11430 Michael L. Williams

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 33320 Kilroy Road, Temecula, CA 92592 Under 11 U.S.C. § 362

(Case converted to chapter 7 on 3/30/21)

MOVANT: NEWREZ LLC d/ba SHELLPOINT MORTGAGE SERVICING

EH__

(Tele. appr. Joselina Medrano, rep. Debtor, Michael Williams)

Docket 45

Tentative Ruling:

4/20/2021

**Service: Proper When Filed
Opposition: Debtor**

This bankruptcy case was converted to Chapter 7 after the filing of the instant motion. For this reason, the Court is inclined to CONTINUE the matter for service on the Chapter 7 Trustee.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael L. Williams

Represented By
Gregory Ashcraft

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Michael L. Williams

Chapter 7

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Alexander G Meissner
Julian T Cotton
Mary D Vitartas
Dane W Exnowski

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 20, 2021

Hearing Room 303

11:00 AM

6:19-11751 Leonard Lott and Darlene Lott

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 43826 Ganges Lane, Hemet, CA 92544

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

(Tele. appr. Nancy Lee, rep. creditor, Deutsche Bank National Trust Company)

Docket 68

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests under ¶¶ 2, 3, and 12,

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Leonard Lott

Represented By
Daniel King

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Leonard Lott and Darlene Lott

Chapter 7

Joint Debtor(s):

Darlene Lott

Represented By
Daniel King

Movant(s):

Deutsche Bank National Trust

Represented By
Nancy L Lee
Jennifer C Wong

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 20, 2021

Hearing Room 303

11:00 AM

6:19-12195 Jerold Ray Hoxie

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13876 Dogwood Avenue, Chino, CA 91710 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 34

***** VACATED *** REASON: CONTINUED TO 5/25/21 BY ORDER
ENTERED 4/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerold Ray Hoxie

Represented By
Suzette Douglas

Movant(s):

Freedom Mortgage Corporation

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 20, 2021

Hearing Room 303

11:00 AM

6:19-15018 Diana Nava and Ramiro Nava

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9684 Sharon Avenue, Riverside, CA 92503

MOVANT: NEWREZ LLC

EH___

(Tele. appr. Fritz Firman, rep. Debtors, Diana & Ramiro Nava)

(Tele. appr. Kristin Zilberstein, rep. creditor, NEWREZ LLC)

Docket 59

Tentative Ruling:

4/20/2021

Service: Okay

Opposition: Debtors

Given the evidence submitted by Debtors that Movant granted Debtors a COVID-19 related forbearance for the payments in question, the Court is inclined to DENY the motion for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana Nava

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Ramiro Nava

Represented By
Joseph A Weber

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Diana Nava and Ramiro Nava

Chapter 13

Fritz J Firman

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Eric P Enciso
Dane W Exnowski
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, April 20, 2021

Hearing Room 303

11:00 AM

6:19-16881 Juan Manuel Andrade and Cecilia R Andrade

Chapter 13

#10.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 BMW I3 VIN No.WBY1Z2C55FV555484 with Proof of Service

From: 3/2/21

MOVANT: ALLY FINANCIAL

EH__

(Tele. appr. Jenelle Arnold, rep. creditor, Ally Financial)

Docket 75

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION 4/16/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Manuel Andrade

Represented By
J.D. Cuzzolina

Joint Debtor(s):

Cecilia R Andrade

Represented By
J.D. Cuzzolina

Movant(s):

Ally Financial

Represented By
Joseph C Delmotte

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 20, 2021

Hearing Room 303

11:00 AM

6:19-16904 Keisha Renette Williams

Chapter 13

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Rogue, VIN: JN1BJ1CP0HW006851

MOVANT: FIRST INVESTORS SERVICING CORPORATION

EH__

Docket 49

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 4/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keisha Renette Williams

Represented By
Nicholas M Wajda

Movant(s):

First Investors Servicing Corporation

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, April 20, 2021

Hearing Room 303

11:00 AM

6:19-18216 Billy J Woody and Tamara L Woody

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14831 Brewster Lane, Helendale, CA 92342

MOVANT: CALIBER HOME LOAN, INC.

EH__

Docket 33

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 4/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Billy J Woody

Represented By
Amanda G Billyard

Joint Debtor(s):

Tamara L Woody

Represented By
Amanda G Billyard

Movant(s):

Caliber Home Loans, Inc.

Represented By
Darlene C Vigil
Jennifer C Wong
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 20, 2021

Hearing Room 303

11:00 AM

6:19-18785 Phat M Khamkathok

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 169 Galileo Lane, Perris, CA 92571 With Proof of Service

MOVANT: NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER

EH__

(Tele. appr. Paul Lee, rep. Debtor, Phat Khamkathok)

Docket 49

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 4/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phat M Khamkathok

Represented By
Paul Y Lee

Movant(s):

Nationstar Mortgage 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 20, 2021

Hearing Room 303

11:00 AM

6:19-20408 Juan Carlos De La Cruz and Claudia Veronica De La Cruz Chapter 13

#14.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 3465 Tipperary Way, Riverside, CA 92506

MOVANT: LAKEVIEW LOAN SERVICING, LLC

From: 12/15/20, 1/19/21, 3/2/21, 4/6/21

EH__

(Tele. appr. Darlene Vigil, rep. creditor, Lakeview Loan Servicing, LLC)

Docket 72

***** VACATED *** REASON: CONTINUED TO 5/25/21 BY ORDER
ENTERED 4/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Carlos De La Cruz

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Claudia Veronica De La Cruz

Represented By
Sanaz Sarah Bereliani

Movant(s):

Lakeview Loan Servicing, 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 20, 2021

Hearing Room 303

11:00 AM

6:20-13326 Uriel Garcia and Lilliana Garcia

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2701 Canon Way, Running Springs, California 92382 with Proof of Service

MOVANT: LAKEVIEW LOAN SERVICING, LLC

EH__

(Tele. appr. Jenelle Arnold, rep. creditor, Lakeview Loan Servicing, LLC)

Docket 28

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests under ¶¶ 2 and 3

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Uriel Garcia

Represented By
William Radcliffe

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Uriel Garcia and Lilliana Garcia

Chapter 7

Joint Debtor(s):

Lilliana Garcia

Represented By
William Radcliffe

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Joseph C Delmotte

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 20, 2021

Hearing Room 303

11:00 AM

6:20-14521 Gloria Nadine Lee and Rodney Duane Lee

Chapter 13

#16.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2017 Volkswagen Jetta

MOVANT: VW CREDIT LEASING, LTD.

EH__

Docket 30

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from 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):

Gloria Nadine Lee

Represented By

Ramiro Flores Munoz

Joint Debtor(s):

Rodney Duane Lee

Represented By

Ramiro Flores Munoz

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Gloria Nadine Lee and Rodney Duane Lee

Chapter 13

Movant(s):

VW Credit Leasing, Ltd.

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, April 20, 2021

Hearing Room 303

11:00 AM

6:20-15263 Yvette Deneese Kearns

Chapter 13

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Chevrolet Trax, VIN: KL7CJLSB0KB778801

MOVANT: SANTANDER CONSUMER USA INC.

EH__

Docket 25

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 3/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Yvette Deneese Kearns

Represented By
Aaron Lloyd

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, April 20, 2021

Hearing Room 303

11:00 AM

6:20-17301 Sylvia Avila Solorio

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Chevrolet Traverse, VIN: 1GNERFKW4KJ245520

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Americredit Financial Services, Inc.)

Docket 15

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative requests under ¶¶ 11 and 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):

Sylvia Avila Solorio

Represented By
Daniel King

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, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Sylvia Avila Solorio

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 20, 2021

Hearing Room 303

11:00 AM

6:20-17987 Integrity Plus Installation

Chapter 7

#19.00 Stipulation between Robert Whitmore, chapter 7 trustee and Winn Family Trust regarding termination of the stay to resolve Leasehold matters

(placed on calendar by order entered 3/24/21)

EH__

(Tele. appr. Leslie Bower, rep. creditor, Winn Family Trust)

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrity Plus Installation

Represented By
Robert B Rosenstein

Movant(s):

Winn Family Trust

Represented By
LESLIE A BOWER

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 20, 2021

Hearing Room 303

11:00 AM

6:20-18117 Juana Flordeliza Phillips

Chapter 7

#20.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 27355 DARTMOUTH ST, HEMET, CA 92544 .

MOVANT: WILMINGTON SAVINGS FUND SOCIETY

EH__

(Tele. appr. EDrin McCartney, rep. creditor, Wilmington Savings Fund Society)

Docket 35

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(c)(3)(A) provides that

(3) if a single or joint case is filed by or against a debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)--

(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

Here, Debtor had a previous Chapter 7 case dismissed on November 19, 2020, less than one year before the instant case was filed on December 29, 2020. Debtor not having filed a motion to continue the automatic stay, the automatic stay expired on

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Juana Flordeliza Phillips Chapter 7

January 28, 2021. Therefore, the automatic stay no longer being in effect, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juana Flordeliza Phillips

Represented By
Stephen L Burton

Movant(s):

Wilmington Savings Fund Society,

Represented By
Erin M McCartney

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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-10083 Hong T Trinh

Chapter 7

#21.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Acura RDX, VIN: 5J8T B3H3 6HL0 17159

MOVANT: HONDA LEASE TRUST

EH__

(Tele. appr. Vincent Frounjan, rep. Honda Lease Trust)

Docket 14

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 365 governs the assumption of leases. 11 U.S.C. 365(d)(1) provides that if a lease is not assumed within sixty days of filing the petition, it is deemed rejected. Specifically, the statute states:

In a case under chapter 7 of this title, *if the trustee does not assume or reject an executory contract or unexpired lease of residential real property or of personal property of the debtor within 60 days after the order for relief, or within such additional time as the court, for cause, within such 60-day period, fixes, then such contract or lease is deemed rejected.*

11 U.S.C. 365(d)(1) (emphasis added).

Consequently, 11 U.S.C. 365(p)(1) provides that such leased property is no longer subject to the stay:

If a lease of personal property is rejected or not timely assumed by the trustee

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Hong T Trinh

Chapter 7

under subsection (d), the leased property is no longer property of the estate and the stay under [section 362\(a\)](#) is automatically terminated.

11 U.S.C. 365(p)(1).

Debtor filed the petition on January 9, 2021, and the deadline to assume the lease expired on March 10, 2021. Accordingly, the automatic stay as to the 2017 Acura RDX was automatically terminated pursuant to 11 U.S.C. 365(p)(1). Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Hong T Trinh

Represented By
Thinh V Doan

Movant(s):

Honda Lease Trust

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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-10164 Thalia Lisbeth Estrada

Chapter 7

#22.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Chrysler 300, VIN: 2C3CCAEG9GH320220

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance LLC)

Docket 14

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

In relevant part, 11 U.S.C. § 362 states:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and *such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--*

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, *if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and*

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Thalia Lisbeth Estrada

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor's statement of intention selects an option to retain the property and continue making payments based on the pre-bankruptcy loan agreement. This option is known as "ride-through" and is not available in this circuit, and as such Debtor cannot properly select it under the statute. *See In re Dumont*, 581 F.3d 1104 (2009). The Debtor was required to select to either surrender, redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention was March 15, 2021, the automatic stay has terminated as to the 2016 Chrysler 300 as a matter of law. *See* 11 U.S.C. § 521(a)(2)(A). Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Thalia Lisbeth Estrada

Represented By
Neil R Hedtke

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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-10217 Jesus Rudolfo Ayala and Linda Margaret Martinez

Chapter 7

#23.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2007 Allegro Bay Series M-34XB Workhorse motor home

MOVANT: HUGHES FEDERAL CREDIT UNION

EH__

(Tele. appr. M. Jeffrey Micklas, rep. creditor, Hughes Federal Credit Union)

Docket 15

Tentative Ruling:

4/20/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Jesus Rudolfo Ayala

Represented By
Summer M Shaw

Joint Debtor(s):

Linda Margaret Martinez

Represented By

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Jesus Rudolfo Ayala and Linda Margaret Martinez
Summer M Shaw

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 20, 2021

Hearing Room 303

11:00 AM

6:21-10762 Crucita Cruz Cruz

Chapter 13

#24.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Rogue Hybrid, VIN: 5N1ET2MV7HC797030

MOVANT: EXETER FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Exeter Finance LLC)

Docket 22

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from § 1301(a) co-debtor stay
- GRANT relief from 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):

Crucita Cruz Cruz

Represented By
Dana Travis

Movant(s):

Exeter Finance LLC

Represented By

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Crucita Cruz Cruz

Sheryl K Ith

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 20, 2021

Hearing Room 303

11:00 AM

6:21-10911 Anibal Javier Gonzalez and Sarah Roman Gonzalez

Chapter 7

#25.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Honda Civic, VIN: SHHFK7H50JU427841 with proof of service

MOVANT: KINECTA FEDERAL CREDIT UNION

EH__

(Tele. appr. Mark Blackman, rep. creditor, Kinecta Federal Credit Union)

Docket 15

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) *to file timely any statement of intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Anibal Javier Gonzalez and Sarah Roman Gonzalez

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor did not list the subject collateral on the statement of intention. Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention passed on March 26 2021 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Anibal Javier Gonzalez

Represented By
John Asuncion

Joint Debtor(s):

Sarah Roman Gonzalez

Represented By
John Asuncion

Movant(s):

Kinecta Federal Credit Union

Represented By
Mark S Blackman

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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-10921 Dominique A Smart

Chapter 7

#26.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Mercedes-Benz GLA250W4, VIN: WDCTG4GB5JJ402531

MOVANT: DAIMLER TRUST

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Daimler Trust)

Docket 17

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from 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):

Dominique A Smart

Represented By
John A Varley

Movant(s):

Daimler Trust

Represented By

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Dominique A Smart

Sheryl K Ith

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 20, 2021

Hearing Room 303

11:00 AM

6:21-10961 Jose Francisco Benitez Aguilar and Crystal Deann Benitez

Chapter 7

#27.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Nissan Sentra, VIN: 3N1AB7AP5FY297092

MOVANT: EXETER FINANCE, LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Exeter Finance LLC)

Docket 9

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) *to file timely any statement of intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Jose Francisco Benitez Aguilar and Crystal Deann Benitez Chapter 7
11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor did not list the subject collateral on the statement of intention. Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. See 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention passed on March 28, 2021 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jose Francisco Benitez Aguilar	Represented By Edward G Topolski
--------------------------------	-------------------------------------

Joint Debtor(s):

Crystal Deann Benitez	Represented By Edward G Topolski
-----------------------	-------------------------------------

Movant(s):

Exeter Finance LLC	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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-11142 Sergio Tortoledo-Mejia and Valerie Arlene Tortoledo

Chapter 7

#28.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Nissan Pathfinder, VIN: 5N1AR2MN9GC629854

MOVANT: EXETER FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Exeter Finance LLC)

Docket 11

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) *to file timely any statement of intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... **Sergio Tortoledo-Mejia and Valerie Arlene Tortoledo**
11 U.S.C. § 362(h)(1)(A) (emphasis added).

Chapter 7

Here, Debtor did not list the subject collateral on the statement of intention. Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention passed on April 4, 2021 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sergio Tortoledo-Mejia

Represented By
Paul Y Lee

Joint Debtor(s):

Valerie Arlene Tortoledo

Represented By
Paul Y Lee

Movant(s):

Exeter 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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-11151 Jorge Gutierrez

Chapter 7

#29.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Mitsubishi Mirage, VIN: ML32F3FJ1KHF17942

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance LLC)

Docket 7

Tentative Ruling:

4/20/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Jorge Gutierrez

Represented By
David L Nelson

Movant(s):

TD Auto Finance LLC

Represented By

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Jorge Gutierrez

Chapter 7

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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-11182 Miguel Angel Calderon and Dora Calderon Vega

Chapter 7

#30.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Ford F250, VIN: 1FT7W2BT7JEB11245

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Ford Motor Credit Company LLC)

Docket 7

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from 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):

Miguel Angel Calderon

Represented By
Todd L Turoci

Joint Debtor(s):

Dora Calderon Vega

Represented By
Todd L Turoci

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Miguel Angel Calderon and Dora Calderon Vega

Chapter 7

Movant(s):

Ford Motor Credit Company LLC

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, April 20, 2021

Hearing Room 303

11:00 AM

6:21-11326 Marcia Marie Clift

Chapter 7

#31.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 Four Winds Motor Home

MOVANT: BANK OF THE WEST

EH__

Docket 11

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Marcia Marie Clift

Represented By
Todd L Turoci

Movant(s):

BANK OF THE WEST

Represented By
Mary Ellmann Tang

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

Tuesday, April 20, 2021

Hearing Room 303

11:00 AM

CONT... Marcia Marie Clift

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, April 20, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

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

From: 1/5/21, 4/6/21

EH__

(Tele. appr. Donald Reid, for Debtor, Raman Enterprises LLC)

(Tele. appr. Ali Matin, rep. United States Trustee's Office)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Sevan Gorginian

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:11-20534 Sinqua M. Walls

Chapter 7

#1.00 Creditor EDUCAP, Inc/ Motion for Order Confirming Student Loan Debt Not Discharged Pursuant to 11 U.S.C. § 523(a)(8)

EH__

(Tele. appr. Holly Parker, rep. Debtor, Sinqua Walls)

(Tele. appr. Kelly Ann Tran, rep. creditor, EDUCAP, Inc.)

Docket 18

Tentative Ruling:

4/21/2021

BACKGROUND

On March 31, 2011, Sinqua M. Walls ("Debtor") filed a Chapter 7 voluntary petition. In his petition, Debtor listed "Private Student Loan" debt ("Student Loan Debt") in the amount owed to EduCap, Inc., loan servicer and administrator for Bank of America Student Loan Program. Debtor received a standard section 727 discharge on August 4, 2011. [ECF Dkt. 10]. Part of the discharge includes a section entitled "Explanation of Bankruptcy Discharge in a Chapter 7 Case," and it states in relevant part:

Debts That are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... **Sinqua M. Walls**

Chapter 7

....

d. Debts for most student loans.

ECF Dkt. 10 (emphasis in original).

Following the close of the bankruptcy, Debtor made payments on the loan to EduCap pursuant to a stipulation. Debtor defaulted, and a Judgment By Default On Stipulation was entered in favor of EduCap. Debtor filed a claim of exemption arguing that the Student Loan Debt was discharged in bankruptcy. Following a series of hearings in state court, the Honorable Judge Karlan ordered EduCap to obtain an order from the bankruptcy court as to whether the Student Loan Debt was discharge.

On March 8, 2021, the bankruptcy case was reopened. [ECF Dkt. 16]. On March 19, 2021, EduCap filed the instant motion with declarations *for Order Confirming Student Loan Debt Not Discharged*. [ECF Dkt. 18] and Exhibit A on March 26, 2021. [ECF Dkt. 25]. Debtor filed an opposition and declaration on March 30, 2021. [ECF Dkts. 27, 28]. On April 14, 2021, EduCap filed a reply. [ECF Dkt. 30].

DISCUSSION

11 U.S.C. § 523(a) provides a list of debts that are not discharged by a section 727 discharge. It states, in relevant part:

(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents,
for—

- (A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or
- (ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or
- (B) any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986,

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT...

Sinqua M. Walls

Chapter 7

incurred by a debtor who is an individual;

11 U.S.C. § 523(a)(8)(A)-(B) (emphasis added). Section 221(d)(1) of the Internal Revenue Code states, in part:

(1) Qualified education loan.--The term "qualified education loan" means any indebtedness incurred by the taxpayer solely to pay qualified higher education expenses--

(A) which are incurred on behalf of the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer as of the time the indebtedness was incurred,

(B) which are paid or incurred within a reasonable period of time before or after the indebtedness is incurred, and

(C) which are attributable to education furnished during a period during which the recipient was an eligible student.

26 U.S.C. § 221(d)(1). As EduCap correctly points out "Section 523(a)(8) is self-executing." *Tennessee Student Assistance Corp. v. Hood*, 541 U.S. 440, 450 (2004) (internal quotations omitted). "Unless the debtor affirmatively secures a hardship determination, the discharge order will not include a student loan debt." *Id.* Thus, contrary to Debtor's argument, it is immaterial that a student loan creditor file a claim during the bankruptcy. *See Hood*, 541 U.S. at 450 ("[T]he major difference between the discharge of a student loan debt and the discharge of most other debts is that governmental creditors, including States, that choose not to submit themselves to the court's jurisdiction might still receive some benefit: The debtor's personal liability on the loan may survive the discharge."). To secure a hardship determination and have a student loan discharged, a debtor must initiate an adversary proceeding. *Id.* at 451-52.

Here, Debtor does not dispute the characterization of the Student Loan Debt and EduCap is a non-profit corporation that develops and administers loan programs to finance education. The promissory note also provides a description of the loan program:

"Under this Bank of America Student Loan Program (the "Loan Program"),

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT...

Sinqua M. Walls

Chapter 7

subject to the terms of this Note, I may borrow amounts to pay the Student's cost of attendance at the Student's School ("the Loan.")

ECF Dkt. 25, Ex. A-3. Section 13 of the note further states:

13. USE OF PROCEEDS

I represent and agree that the proceeds of the Loan and the loans consolidated under this Note have been used solely for tuition and other reasonable education expenses, including, but not limited to room and board, fees, books, personal computer, supplies and equipment, laboratory expenses, transportation and commuting costs, and other education-related personal expenses of the Student. The Borrower and /or co-signor, if any, will not receive any proceeds of the Loan. I understand that the loan is not dischargeable in bankruptcy except pursuant to 11 U.S. Code Section 523(a)(8).

Id. at Ex. A-4.

Accordingly, the debt is correctly characterized as a student loan within the parameters of 11 U.S.C. § 523(a). Debtor having not obtained a hardship determination,¹ the Court concludes that the Student Loan Debt was not discharged.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to GRANT EduCap's motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sinqua M. Walls

Represented By
Jasmine Firooz

Movant(s):

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Sinqua M. Walls

Chapter 7

EDUCAP, INC.

Represented By
Kelly Ann M Tran

Trustee(s):

Sandra L Bendon (TR)

Pro Se

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:13-14986 David Wayne Wakefield and Elise Wakefield

Chapter 7

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

EH__

(Tele. appr. Marc Lieberman, rep. Pasternak, Fredman Lieberman Pearl LLP)

Docket 305

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wayne Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Joint Debtor(s):

Elise Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Trustee(s):

Howard B Grobstein (TR)

Represented By
Alan W Forsley

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:13-14986 David Wayne Wakefield and Elise Wakefield

Chapter 7

#2.10 Application for Compensation Amended Final Fee Application of Pasternak Pasternak & Alsbrook; Declaration of Alan W. Forsley in Support with proof of service for Pasternak Pasternak & Patton, Trustee's Attorney, Period: 6/3/2013 to 4/30/2020, Fee: \$248,906.50, Expenses: \$12,508.67

EH__

(Tele. appr. Marc Lieberman, rep. Pasternak, Fredman Lieberman Pearl LLP)

Docket 310

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

David Wayne Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Joint Debtor(s):

Elise Wakefield

Represented By
Jordan Nils Bursch
Robert E Huttenhoff

Trustee(s):

Howard B Grobstein (TR)

Represented By
Alan W Forsley

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#3.00 CONT. Hrg. on Order to Show Cause why Section 6 of docket number 365, prohibiting Debtor from objecting to professional fees, should not be vacated

From: 4/7/21

EH__

Docket 489

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#4.00 CONT Trustee's Final Report and Applications for Compensation
(Holding Date) Status Conference for OSC

From: 4/1/20, 5/13/20, 9/9/20,10/14/20,12/16/20,2/10,21, 4/7/21

EH ____

Docket 464

***** VACATED *** REASON: CONTINUED TO 4/28/21 BY ORDER
ENTERED 3/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:17-17761 Ghazi Khan Ghori

Chapter 7

#5.00 Motion to Avoid Lien Judicial Lien with College Square, L.P. and Notice of Motion
(Placed on calendar by order entered 3/25/21)

EH__

(Tele. appr. J. Stanley Demaree, rep. Debtor, Ghazi Ghori)

Docket 33

Tentative Ruling:

4/21/2021

BACKGROUND

On September 15, 2017, Ghazi Khan Ghori ("Debtor") filed a Chapter 7 voluntary petition. Debtor received a discharge on December 27, 2017. The case was reopened pursuant to order entered on January 7, 2021.

Debtor filed the instant motion seeking to avoid the junior judicial lien held by College Square, L.P. ("Creditor") in the amount of \$27,671.60 pursuant to 11 U.S.C. §522(f) in the property Debtor claims as his homestead located at 14126 Bay Circle, Corona, Riverside, California 92800 ("Bay Circle residence"). The Bay Circle residence is currently encumbered by a first position lien in the amount of \$461,798.40 and a second position lien in the amount of \$836,101.70. Per the appraisal, the fair market value is \$605,000.

On March 24, 2021, Creditor filed an opposition and request for a hearing arguing that the Bay Circle residence was not Debtor's homestead at the time of the bankruptcy petition, rather Debtor lived at 21610 Dunrobin way, Yorba Linda, CA 92887 in 2017 at time of filing bankruptcy ("Dunrobin residence"). The Court set the motion for hearing on March 25, 2021. On April 14, 2021, Debtor filed a reply.

DISCUSSION

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Ghazi Khan Ghori

Chapter 7

11 USC 522(f) allows Debtor to avoid a judicial lien only to the extent it impairs an exemption he is entitled to under § 523(b)(3), which states, in relevant part:

- (3) Property listed in this paragraph is--
- (A) subject to subsections (o) and (p), any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition to the place in which the debtor's domicile has been located for the 730 days immediately preceding the date of the filing of the petition or if the debtor's domicile has not been located in a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place;

Accordingly, for Debtor to claim a homestead exemption in the Bay Circle residence, he had to have been domiciled there within the time parameters set by the statute. Here, the Court finds that Creditor has met its burden to create a dispute as to the homestead status of the Bay Circle residence. Creditor provided a property profile for the Bay Circle residence from 2016 listing Debtor's mailing address as the Bay Circle residence. In 2016, after a stakeout, Debtor was served at the Dunrobin residence. In 2016 and 2017, Debtor sent his children to school in Yorba Linda. Additionally, a copy of Debtor's real estate broker license lists the Dunrobin Residence as his address as of March 22, 2021.

Debtor argues that he used the Dunrobin Way residence as only a mailing address to protect his privacy from the tenants renting in the Bay Circle residence. Debtor, however, does not clarify or provide any evidence that he lived at the Bay Circle residence at the time of filing, or at the very least shown it was intended as his primary residence, other than declaring it so. More importantly, Debtor does not explain or dispute why his children were in school in Yorba Linda, rather than Corona. The Court questions if Debtor rented the Dunrobin Way residence during the bankruptcy or even owned it. The Court notes a rental or home ownership expenses in the amount of \$3,089 on Debtor's schedule J. Without Debtor residing in the Bay Circle residence at the time of filing, the Court cannot be certain of Debtor's domicile there, and thus eligibility for the homestead exemption.

As to Debtor's argument that Creditor's objection to exemption is asserted years after the 30-day deadline prescribed by FED. BANKR. Rule 4003(b)(1), subsection (d) provides that

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Ghazi Khan Ghori

Chapter 7

"[n]otwithstanding the provisions of subdivision (b), a creditor may object to a request under §522(f) by challenging the validity of the exemption asserted to be impaired by the lien."

The Court also notes that although a 17-day deadline is generally required to oppose a motion upon notice of opportunity to request a hearing, it is within the Court's discretion to treat late filings as a waiver to oppose the requested relief. Here, more significantly the opposition is an objection to an exemption claim. Pursuant to LBR 9013(o)(2) claim objections should not be determined through the notice of opportunity for hearing procedure.

Creditor having met its burden to call into question Debtor's homestead exemption, the Court is inclined to CONTINUE the motion and ORDER supplemental briefing and evidence on the issue of the homestead exemption.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ghazi Khan Ghori

Represented By
Jerome S Demaree

Movant(s):

Ghazi Khan Ghori

Represented By
Jerome S Demaree
Jerome S Demaree

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 21, 2021

Hearing Room 303

11:00 AM

6:17-17773 Laura Valles

Chapter 7

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

EH__

(Tele. appr. Sam Tabibian, rep. creditor, Roberto Alfaro by and through his GAL Marisela Alfaro)

(Tele. appr. Charles Daff, rep. chapter 7 trustee)

(Tele. appr. John Pringle, chapter 7 trustee)

Docket 49

Tentative Ruling:

4/21/2021

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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 3,250

Trustee Expenses: \$ 76.37

Attorney Fees: \$ 3,645

Attorney Expenses: \$ 241.20

Accountant Fees: \$ 1,000

Accountant Expenses: \$ 0

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

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Laura Valles

Chapter 7

Party Information

Debtor(s):

Laura Valles

Represented By
Dana Travis

Trustee(s):

John P Pringle (TR)

Represented By
Charles W Daff

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:17-18617 Christy Carmen Hammond

Chapter 7

#7.00 Trustee's Motion for Turnover of Property

EH__

(Tele. appr. Robert Whitmore, chapter 7 trustee)

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

11:00 AM

6:18-14155 Alfredo Andrade and Daniela Andrade

Chapter 7

#8.00 Motion for Turnover of Property Chapter 7 Trustee's Notice of Motion and Motion for Order Compelling Turnover of Funds Received by Debtor as a Result of Debtor's Settlement in the FLSA Action Pursuant to 11 U.S.C. §542 and Memorandum of Points and Authorities; Declaration in Support Thereof with Proof of Service

EH__

(Tele. appr. Michelle Marchisotto, rep. chapter 7 trustee)

Docket 38

Tentative Ruling:

4/21/2021

Service proper
No opposition

BACKGROUND

On May 17, 2018, Alfredo and Daniela Andrade ("Debtors") filed a Chapter 7 voluntary petition. On August 1, 2018, Debtors amended Schedule A/B Debtors to list claim in a class action lawsuit for unpaid overtime compensation under the Fair Labor Standards Act against the County of San Bernardino entitled *Penny Pike and David Denkin, et al v. Count of San Bernardino*, Case No. 5:17-cv-01680-JGB-KK filed on August 18, 2017 ("FLSA Action").

The schedules were amended again to reflect two claim amounts in the FLSA Action for \$15,579.02 and \$7,488.50 in unpaid wages, and subsequently amended to reflect one claim of \$23,061.52. On July 23, 2020, Trustee confirmed that Debtors had received \$25,965.05 in settlement funds.

Debtors claimed two exemptions in the funds; \$10,055 under Cal. Civ Proc. Code § 703.140(b)(5) and \$17,300 under 15 U.S.C. § 1673. Trustee objected, and the Court disallowed the \$17,300 exemption in its entirety pursuant to order entered March 11, 2021.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

11:00 AM

CONT... Alfredo Andrade and Daniela Andrade

Chapter 7

On March 11, 2021, Trustee filed the instant motion for an order compelling Debtors to turnover property of the estate pursuant to 11 U.S.C. § 542(a).

DISCUSSION

11 U.S.C. § 542(a) states:

Except as provided in subsection (c) or (d) of this section, an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

The standard for a turnover action is well established:

"To prevail in a turnover action under § 542, the party seeking turnover must establish (1) that the property is or was in the possession, custody or control of an entity during the pendency of the case, (2) that the property may be used by the trustee in accordance with § 363 or exempted by the debtor under § 522; and (3) that the property has more than inconsequential value or benefit to the estate."

In re Bailey, 380 B.R. 486, 490 (B.A.P. 6th Cir. 2008); *see also In re Newman*, 487 B.R. 193 (B.A.P. 9th Cir. 2013). Here, none of these elements are in dispute and it is clear that Trustee has met his burden to request turnover of the Property.

Debtor has exempted \$10,055 funds, and the total received was \$25,965.05, leaving \$15,910.05 property of the estate and subject to turnover.

Further, the Court notes that service was proper and no opposition was filed, which the Court deems consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

The Court is inclined to GRANT Trustee's motion.

APPEARANCES REQUIRED.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 304 Calendar**

Wednesday, April 21, 2021

Hearing Room 304

11:00 AM

CONT... Alfredo Andrade and Daniela Andrade

Chapter 7

Party Information

Debtor(s):

Alfredo Andrade

Represented By
Paul Y Lee

Joint Debtor(s):

Daniela Andrade

Represented By
Paul Y Lee

Movant(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

Trustee(s):

John P Pringle (TR)

Represented By
Michelle A Marchisotto

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:19-11210 Melissa Robinson

Chapter 7

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

EH__

Docket 44

Tentative Ruling:

4/21/2021

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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 5,005.78
Trustee Expenses: \$ 138.30

Attorney Fees: \$ 14,310
Attorney Expenses: \$ 93.70

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):

Melissa Robinson

Represented By
Gregory M Shanfeld

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Melissa Robinson

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Hydee J Riggs

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:20-13003 Mumtaz Sajjad

Chapter 7

#10.00 Motion for Order Requiring Debtor to Immediately Turn Over Bank Account and Bank Statements; Memorandum of Points and Authorities; Declarations of Larry D. Simons and Anthony A. Friedman in Support Thereof

EH__

Docket 101

*** VACATED *** REASON: CONTINUED TO 5/26/21 BY ORDER
ENTERED 4/7/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mumtaz Sajjad

Represented By
Michael R Perry

Movant(s):

Larry D Simons (TR)

Represented By
Anthony A Friedman

Trustee(s):

Larry D Simons (TR)

Represented By
Anthony A Friedman

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:20-17296 Raynaldo De Dios De Leon

Chapter 7

#11.00 Motion to Dismiss Bankruptcy Case pursuant to 11 U.S.C. §§707(b)(1),(b)(2)&(b)(3) & Contingent Motion to Extend the Discharge Deadline pursuant to Federal Rule of Bankruptcy Procedure 4004 & 1017

EH__

(Tele. appr. Everett Green, rep. United States Trustee's Office)

Docket 23

Tentative Ruling:

4/21/2021

Service proper
No opposition

BACKGROUND

On November 4, 2020, Raynaldo De Dios De Leon ("Debtor") filed a Chapter 7 voluntary petition. Schedule I lists monthly gross wages in the amount of \$5,875 and net income in the amount of \$4,696. Schedule E/F shows mostly unsecured nonpriority consumer debt in the amount of \$84,870.

On February 2, 2021, the U.S. Trustee stipulated with Debtor to extend the objection to dismissal and discharge deadlines to March 8, 2021. On February 9, 2021, the Court granted the stipulation and ordered Trustee to file a motion to dismiss pursuant to 11 U.S.C. § 707(b) or to object to discharge pursuant to §727.

On March 8, 2021, Trustee filed the instant motion to dismiss the case or alternatively to extend the discharge deadline. Trustee argues that the Debtor's case is presumed abusive, as he does not satisfy the means test because his income is higher than listed.

DISCUSSION

In relevant part, 11 U.S.C. § 707 (b)(1) states:

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Raynaldo De Dios De Leon

Chapter 7

After notice and a hearing, the court, on its own motion or on a motion by the United States trustee, trustee (or bankruptcy administrator, if any), or any party in interest, may dismiss a case filed by an individual debtor under this chapter whose debts are primarily consumer debts, or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title, if it finds that the granting of relief would be an abuse of the provisions of this chapter.

11 U.S.C. § 707 (b)(2)(A)(i) provides guidance for granting such relief, as follows:

In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or \$8,175 whichever is greater; or

(II) \$13,650

The presumption of abuse may be rebutted by demonstrating "special circumstances," e.g., a serious medical condition. § 707 (b)(B)(i).

In his means test, Debtor calculated his disposable income as \$88.89 and listed his monthly income as \$5,875 and monthly expenses as \$5,786.11, including secured debt payments of \$2,955.22.

Based on review of the Debtor's earning statements and noting overstated secured debt payments, Trustee calculated that Debtor's current monthly income for the period preceding the bankruptcy, per the requirements of the means test, as \$7,839.48 with total deductions of \$6,535.68. This results in net income of \$1,303.80 or \$78,228 over a sixty-month period, amounts not low enough to pass the means test to be eligible to file under Chapter 7. With this amount, Debtor can also pay over 25% of his unsecured non-priority debt over sixty months. Accordingly, the presumption of abuse applies. Debtor having not shown any special circumstances, the Court is inclined to dismiss the case.

Further, the Court notes that service was proper and no opposition was filed, which the

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

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

CONT... Raynaldo De Dios De Leon

Chapter 7

Court deems consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

For the reasons set forth above, in the motion, and on the record, the Court is inclined to GRANT Trustee's motion and DENY the alternate request to extend the discharge deadline as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raynaldo De Dios De Leon

Represented By
Ivan Trahan

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

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 21, 2021

Hearing Room 303

11:00 AM

6:21-10517 Howard E Terrell

Chapter 13

#12.00 Order to Show Cause why Anthony Cara should not be: (1) Sanctioned in the amount of \$5000.00; and (2) Referred to the State Bar

(Placed on calendar by order entered 3/11/21)

EH__

(Tele. appr. Cameron Ridley, rep. United States Trustee's Office)

Docket 26

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Howard E Terrell

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**

Wednesday, April 21, 2021

Hearing Room 303

11:00 AM

6:21-11043 Wyatt Clancy Cheek

Chapter 7

#13.00 Order to Show Cause re: Dismissal for Failure to Comply with Rule 1006(b)

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wyatt Clancy Cheek

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, April 21, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#14.00 CONT. Status Conference RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

Also #15

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21, 4/7/21

(Holding date)

EH__

(Tele. appr. Charles Schrader, Plaintiff)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Pro Se

Plaintiff(s):

Charles Edward Schrader

Pro Se

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

Wednesday, April 21, 2021

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, April 21, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#15.00 Motion for Default Judgment Against Defendant Narinder Sangha

Also #14

EH ____

Docket 440

***** VACATED *** REASON: CONTINUED TO 5/19/21 @ 1:00 P.M.**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Pro Se

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, April 21, 2021

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

#16.00 CONT Pre-Trial 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 \$350.00). 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)
(AS TO CONESTOGA)

From: 2/12/20, 4/29/20,10/28/20

Also #8

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/18/21 BY ORDER
ENTERED 4/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John E. Tackett

Represented By
Stefan R Pancer

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

Wednesday, April 21, 2021

Hearing Room 303

2:00 PM

CONT... John E. Tackett

Chapter 7

Defendant(s):

Conestoga Settlement Services, LLC Represented By
Charles Miller

Conestoga International Holdings, Represented By
Charles Miller

Conestoga Trust Represented By
Charles Miller

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
Rafael R Garcia-Salgado

Trustee(s):

Steven M Speier (TR) Represented By
Robert P Goe
Thomas J Eastmond
Rafael R Garcia-Salgado

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

Wednesday, April 21, 2021

Hearing Room 303

2:00 PM

6:19-19674 James Dimitri Tsirtsis

Chapter 7

Adv#: 6:20-01032 Whitmore v. Tsirtsis et al

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01032. Complaint by Robert S. Whitmore against James Dimitri Tsirtsis, Pota N. Tsirtsis, Christos Minoudis, Maria Minoudis, Angelo D. Tsirtsis. (Charge To Estate \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer))

*Complaint dismissed as to Defendants Christos Minoudis and Maria Minoudis on 9/22/20, (doc. 26)

*Complaint dismissed as to Defendant James Dimitri Tsirtsis on 10/30/20, (doc.29)

From: 5/27/20, 7/1/20, 10/18/20,2/3/21,2/17/21, 3/17/21

EH__

(Tele. appr. Michelle Marchisotto, rep. chapter 7 trustee)

(Tele. appr. Brad Mokri, rep. Defendants Pota Tsirtsis and Angelo Tsirtsis)

Docket 1

***** VACATED *** REASON: ORDER DISMISSING CASE 4/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Dimitri Tsirtsis

Represented By
Donald W Sieveke

Defendant(s):

James Dimitri Tsirtsis

Represented By
Elliott H Stone

Pota N. Tsirtsis

Represented By
Brad A Mokri

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

Wednesday, April 21, 2021

Hearing Room 303

2:00 PM

CONT... James Dimitri Tsirtsis

Chapter 7

Christos Minoudis

Represented By
Brad A Mokri
Michelle A Marchisotto

Maria Minoudis

Represented By
Brad A Mokri
Michelle A Marchisotto

Angelo D. Tsirtsis

Represented By
Brad A Mokri

Plaintiff(s):

Robert S. Whitmore

Represented By
Michelle A Marchisotto

Trustee(s):

Robert Whitmore (TR)

Represented By
Michelle A Marchisotto

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

Wednesday, April 21, 2021

Hearing Room 303

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#18.00 CONT. Status Conference re: Complaint by Lynda T. Bui against Lourdes P. Vargas. (\$350.00 Fee 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))),(11 (Recovery of money/property - 542 turnover of property))

From: 4/7/21

EH__

(Tele. appr. Carmela Pagay, rep. Planitiff, Lynda Bui)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Pro Se

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By
Carmela Pagay

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

Wednesday, April 21, 2021

Hearing Room 303

2:00 PM

CONT... Juan Vargas

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Todd A Frealy

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

Wednesday, April 21, 2021

Hearing Room 303

2:00 PM

6:20-13525 Dimlux, LLC

Chapter 7

Adv#: 6:21-01002 Barghi v. Dimlux, LLC.

#19.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01002. Complaint by Mansour Hossein Barghi against Dimlux, LLC.. (91 (Declaratory judgment))

From: 3/10/21

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL OF
ADVERSARY FILED 4/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dimlux, LLC

Represented By

Donald Beury - SUSPENDED -

Defendant(s):

Dimlux, LLC.

Pro Se

Plaintiff(s):

Mansour Hossein Barghi

Represented By

Fari B Nejadpour

Trustee(s):

Larry D Simons (TR)

Represented By

Nancy H Zamora

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

Tuesday, April 27, 2021

Hearing Room 303

11:00 AM

6:18-19272 Walter Harrington

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 30439 WHITE FIR DRIVE MENIFEE, CA 92584

MOVANT: CALIBER HOME LOANS, INC.

EH__

Docket 50

Tentative Ruling:

4/27/2021

Service: Proper

Opposition: None

The Court, having reviewed and considered the motion, finds cause exists where Debtor has missed seven mortgage payments. The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request for relief from § 1301(a) co-debtor stay;
- 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):

Walter Harrington

Represented By
Kevin Cortright

Movant(s):

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

Tuesday, April 27, 2021

Hearing Room 303

11:00 AM

CONT... Walter Harrington
Caliber Home Loans, Inc.

Chapter 13

Represented By
Erin Elam
Cassandra J Richey
Sean C Ferry
Christina J Khil

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 27, 2021

Hearing Room 303

11:00 AM

6:19-14828 Portia Wondaline Barmes

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6635 Cathy Place, Riverside, CA 92504

MOVANT: AJAX MORTGAGE LOAN TRUST 2019-E, MORTGAGE BACK SECURITIES, SERIES 2910-E BY U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE

From: 2/16/21

EH__

(Tele. appr. Donna Travis, rep. Debtor, Portia Barmes)

(Tele. appr. Reilly Wilkinson, rep. AJAX Mortgage Loan Trust 2019-E)

Docket 78

***** VACATED *** REASON: CONTINUED TO 5/25/21 BY ORDER
ENTERED 4/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Portia Wondaline Barmes

Represented By
Dana Travis

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Reilly D Wilkinson
Joshua L Scheer

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 27, 2021

Hearing Room 303

11:00 AM

6:20-15370 Michael J. Slowinski

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15470 Legendary Dr., Moreno Valley, CA 92555

MOVANT: WELLS FARGO BANK, NATIONAL ASSOCIATION

EH__

Docket 55

Tentative Ruling:

4/27/2021

Service: Proper

Opposition: Debtor

Parties to apprise the Court of the status of mortgage arrears and of any adequate protection discussion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael J. Slowinski

Represented By
Michael Smith

Movant(s):

Wells Fargo Bank

Represented By
Sean C Ferry
Eric P Enciso

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 27, 2021

Hearing Room 303

11:00 AM

6:20-16119 Ethel Ntom Odimegwu

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15625 Mesa Verde Drive, Moreno Valley, CA 92555

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

Docket 41

Tentative Ruling:

4/27/2021

Service: Proper

Opposition: None

The Court, having reviewed and considered the motion, finds cause exists where Debtor has missed two mortgage payments and Debtor's most recent payment appears to have been made more than four month ago. The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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):

Ethel Ntom Odimegwu

Represented By
Stephen L Burton

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

Tuesday, April 27, 2021

Hearing Room 303

11:00 AM

CONT... Ethel Ntom Odimegwu

Chapter 13

Movant(s):

Deutsche Bank National Trust

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, April 27, 2021

Hearing Room 303

11:00 AM

6:21-11606 Charles Gregory

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Cruze, VIN: 1G1BC5SM6J7207359

MOVANT: AMERICREDIT FINANCIAL SERVICES

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Americredit Financial Services)

Docket 8

Tentative Ruling:

4/27/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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 Gregory

Represented By
Christopher Hewitt

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

Tuesday, April 27, 2021

Hearing Room 303

11:00 AM

CONT... Charles Gregory

Chapter 7

Movant(s):

AmeriCredit Financial Services, 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, April 27, 2021

Hearing Room 303

11:00 AM

6:21-11680 Malta Centeno Lambert

Chapter 13

#5.10 Notice of Motion and Motion in Individual Case for Order Imposing a Stay or Continuing the Automatic Stay as the Court Deems Appropriate 834 Hurstland Avenue, Beaumont, CA 92223

MOVANT: MALTA CENTENO LAMBERT

EH__

(Tele. appr. Yelena Gurevich, rep. Debtor, Malta Lambert)

Docket 13

Tentative Ruling:

4/27/2021

Service: Proper

Opposition: None

Debtor had a previous case dismissed on February 1, 2021. Therefore, pursuant to § 362(c)(3)(A), the automatic stay in the instant case terminates on the thirtieth (30th) day following the petition date unless the stay is continued. The Court notes that Debtor styled the relief requested as *imposing* an automatic stay, which only applies where two or more cases were dismissed in the previous year. As Debtor only had one previous case dismissed, the Court will construe the requested relief as continuing the stay.

11 U.S.C. § 362(c)(3)(C)(i)(II)(aa) provides for a presumption that this case was filed in bad faith as to all creditors because Debtor's previous case was dismissed for failure to make plan payments. The presumption also exists if there is no "substantial change in the financial or personal affairs of the Debtor." 11 U.S.C. § 362(c)(3)(C)(i)(III). Therefore, pursuant to 11 U.S.C. § 362(c)(3)(B)-(C), to continue the automatic stay, Debtor must rebut this statutory presumption by providing "clear and convincing" evidence to the contrary.

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

Tuesday, April 27, 2021

Hearing Room 303

11:00 AM

CONT... Malta Centeno Lambert

Chapter 13

Debtor states that she previously failed to make plan payments due to Covid-19 related financial set-backs, but now she has sufficient income to complete a 60 month plan and become current on the mortgage arrears as evidence that the case was filed in good faith. Debtor, however, has not provided any evidence to show the difference in her previous income at the time of dismissal and her income as of today. To properly determine whether Debtor is likely to successfully complete his Chapter 13 plan, the Court requires more evidence and further explanation. Pending further submissions, the Court is inclined to:

-DENY continuing the automatic stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Malta Centeno Lambert

Represented By
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**

Tuesday, April 27, 2021

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc and Anthony Pisano

Chapter 11

#6.00 CONT Post Confirmation Status Conference

From: 10/23/18, 4/10/19, 10/9/19, 4/22/20, 8/25/20,12/15/20

EH__

(Tele. appr. Robert Opera, rep. Michael Issa, Plan Agent)

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, April 27, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#7.00 CONT. Motion to permit insider compensation for Christopher S. Demint during chapter 11 case

From: 3/30/31, 4/7/21

EH__

(Tele. appr. Chris De Mint, rep. client, DW Trim, Inc.)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Cameron Ridley, rep. Peter C. Anderson, U.S. Trustee)

Docket 51

Tentative Ruling:

4/27/2021

BACKGROUND

On February 15, 2012, D.W. Trim, Inc. ("Debtor") filed a voluntary petition for Chapter 11 bankruptcy. Debtor's statement of financial affairs listed the sole shareholder and officer, Christopher S. De Mint's ("Mr. De Mint") 2020 annual salary at \$85,956.00.

Debtor filed a notice increasing insider compensation with the U.S. Trustee seeking to set Mr. De Mint's annual salary at \$85,956.00, including approximately \$1,265 in weekly shareholder distributions. The U.S. Trustee objected, and the matter was heard on April 7, 2021. The Court indicated the salary request was reasonable but denied the shareholder distributions. Debtor argued that if Mr. De Mint did not receive distributions, he would need a higher salary. The Court continued the matter for Debtor to provide authority showing Mr. De Mint should be entitled to a higher salary as reasonable compensation.

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

Tuesday, April 27, 2021

Hearing Room 303

2:00 PM

CONT... DW Trim, Inc.

Chapter 11

On April 8, 2021, Debtor filed the instant motion to permit insider compensation in the amount of \$173,551 for Mr. De Mint along with a request for judicial notice. On April 19, 2021, the U.S. Trustee filed an opposition and a variety of evidentiary objections. Debtor filed its reply on April 22, 2021.

DISCUSSION

As the U.S. Trustee argues, Debtor's requested salary now significantly exceeds the Debtor's reported compensation to Mr. De Mint on Debtor's tax returns for the years 2018 and 2019. Per the 2018 tax return Mr. De Mint's salary was \$106,600 when he owned 50% of the stock and devoted 100% of his time to the business. In 2019, Mr. De Mint's reported salary was \$78,709 as a 100% shareholder, devoting 100% of his time to the business. With respect to the 2018 compensation, Debtor appears to argue that Mr. De Mint's salary represents a lesser amount because he shared responsibilities with another officer (although it is unclear what those responsibilities are). Therefore, his salary, as the only officer, should have been about double the \$106,600 in 2019. Instead, he reduced his salary to offset business losses, receiving additional payments through distributions in the amount of \$199,058 to save on employment taxes.

For Debtor to now re-characterize the distributions as payments that should make up Mr. De Mint's reasonable compensation presents a tax issue. The Internal Revenue Service ("IRS") has long challenged attempts by shareholders acting as employees to minimize compensation in favor of distributions. *TONI NITTI, S Corporation Shareholder Compensation: How Much Is Enough?* (Jul. 31, 2011). In 1974, IRS Revenue Ruling 74-44 stated that "dividends" paid to shareholders will be recharacterized as wages when such "dividends" are paid to shareholders in lieu of reasonable compensation for services performed for the S Corp. *See* Rev. Rul. 74-44, 1974-1 C.B. 287. For example, in *JD & Assocs., Ltd. v. United States*, No. 3:04-CV-59, 2006 WL 8440376 at *1, 2 (D.N.D. June 5, 2006), Jefferey Dahl was the sole shareholder of an accounting firm taxed as an S Corporation. He was responsible for every aspect of the firm's business, however, he drew a salary of \$19,000 in 1997, \$30,000 in 1998, and \$30,000 in 1999, opting instead to take distributions from the S corporation totaling \$47,000 in 1997 and \$50,000 in both 1998 and 1999. *Id.* The IRS argued that his salary was unreasonably low and recharacterized distributions to

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

Tuesday, April 27, 2021

Hearing Room 303

2:00 PM

CONT... DW Trim, Inc.

Chapter 11

wages of \$42,817 in 1997, \$33,072 in 1998, and \$35,582 in 1999. *Id.* The Court agreed with the IRS that Dahl's compensation was unreasonably low and upheld the IRS's re-characterization. *Id.* at *5. Accordingly, to receive distributions in lieu of reasonable compensation is tax evasion.

That Debtor contends that the U.S. Trustee's position is "extreme as it runs counter to ordinary common business practice" that the IRS "recognizes and allows," is inapposite to the IRS's position. *See* Dkt. 100, pg. 3. Certainly, distributions are permitted, but not to offset what would have been a reasonable salary. If indeed in 2019, Mr. De Mint should have received double his compensation, a significant portion of the \$199,058 in received distributions should be re-characterized as wages subject to employment taxes.

Here, on the record before the Court, Debtor's past practices show that Mr. De Mint's reasonable compensation reported to the IRS is approximately between \$78,709-\$106,600 when devoting 100% of his time to the business. Debtor has not provided any legal authority that "reasonable compensation" should now include distribution payments where it has reported the contrary to the IRS. Nor has Debtor submitted any caselaw that an officer can declare one amount as "reasonable compensation" to the IRS and then seek a higher amount in bankruptcy where services to the business remain largely unchanged. Finally, while Debtor alleges that taking compensation as part salary and part distributions is common practice, there is no evidence that doing so is a legitimate, permissible practice.

In other words, Mr. De Mint has been profiting indirectly by paying payroll taxes only on those amounts claimed as salary, which per IRS guidelines is deemed to be his reasonable compensation. This Court sees no reason why that admission of reasonable compensation should not continue into the Debtor's bankruptcy absent evidence indicating an increase in salary is warranted.

The Court is not unsympathetic to this conundrum, however, Debtor having not met its burden to show the Court should deviate from Debtor's stated amounts of his reasonable compensation to the IRS, particularly considering the IRS's rulings, the Court is inclined to DENY Debtor's motion.

APPEARANCES REQUIRED.

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

Tuesday, April 27, 2021

Hearing Room 303

2:00 PM

CONT... DW Trim, Inc.

Chapter 11

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Wednesday, April 28, 2021

Hearing Room 303

11:00 AM

6:13-10714 Steven A Velasquez, Sr. and Paisley E Velasquez

Chapter 7

#1.00 Debtors' Motion to Avoid Lien with Capital One Bank (USA)

(Placed on calendar by order entered 4/9/21)

EH__

(Tele. appr. James Lee, rep. Debtors, Steven and Paisley Velasquez)

Docket 28

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven A Velasquez Sr.

Represented By
Marc E Grossman

Joint Debtor(s):

Paisley E Velasquez

Represented By
Marc E Grossman

Movant(s):

Steven A Velasquez Sr.

Represented By
Marc E Grossman

Paisley E Velasquez

Represented By
Marc E Grossman

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, April 28, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#2.00 CONT. Hrg. on Order to Show Cause why Section 6 of docket number 365, prohibiting Debtor from objecting to professional fees, should not be vacated

Also #3

From: 4/7/21, 4/21/21

EH__

(Tele. appr. Ali Matin, rep. Office of the United States Trustee)

(Tele. appr. Ivan Kallick, rep. chapter 7 trustee)

(Tele. appr. Howard Grobstein, chapter 7 trustee)

Docket 489

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, April 28, 2021

Hearing Room 303

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

**#3.00 CONT Trustee's Final Report and Applications for Compensation
(Holding Date) Status Conference for OSC**

Also #2

From: 4/1/20, 5/13/20, 9/9/20,10/14/20,12/16/20,2/10,21, 4/7/21, 4/21/21

EH ____

(Tele. appr. Ali Matin, rep. Office of the United States Trustee)

(Tele. appr. Ivan Kallick, rep. chapter 7 trustee)

(Tele. appr. Howard Grobstein, chapter 7 trustee)

Docket 464

Tentative Ruling:

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, April 28, 2021

Hearing Room 303

11:00 AM

6:17-17749 Joshua Cord Richardson

Chapter 7

#4.00 CONT. Notice of Trustee's Final Report and Application for Compensation

From: 3/31/21

EH__

(Tele. appr. Todd Frealy, chapter 7 trustee)

(Tele. appr. Anthony Friedman, rep. Todd Frealy, chapter 7 trustee)

Docket 124

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

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, April 28, 2021

Hearing Room 303

11:00 AM

6:20-14960 Joseph Anthony Perez

Chapter 7

#5.00 CONT Debtor's Motion to Convert Case From Chapter 7 to 13

From: 3/31/21

EH__

(Tele. appr. Everett Green, rep. Peter C. Anderson, U.S. Trustee)

(Tele. appr. David Akintimoye, rep. Debtor, Joseph Perez)

(Tele. appr. Brandon Iskander, rep. Lynda Bui, chapter 7 trustee)

Docket 51

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph Anthony Perez

Represented By
David A Akintimoye

Movant(s):

Joseph Anthony Perez

Represented By
David A Akintimoye

Trustee(s):

Lynda T. Bui (TR)

Represented By
Brandon J Iskander

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

Wednesday, April 28, 2021

Hearing Room 303

11:00 AM

6:20-17295 Anna M Gonzales

Chapter 7

#6.00 CONT. Debtor's Motion to Convert Case From Chapter 7 to 13

From: 3/31/21

EH__

(Tele. appr. Sundee Teeple, rep. Debtor, Anna Gonzales)

(Tele. appr. Brandon Iskander, rep. Todd Frealy, chapter 7 trustee)

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna M Gonzales

Represented By
Sundee M Teeple

Movant(s):

Anna M Gonzales

Represented By
Sundee M Teeple

Trustee(s):

Todd A. Frealy (TR)

Represented By
Brandon J Iskander

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#7.00 CONT Plaintiffs Motion For Summary Judgment

From 10/28/20, 11/10/20,12/9/20,12/22/20, 3/24/21

EH__

(Tele. appr. Reid Winthrop, rep. Plaintiff William G. Morschauser)

(Tele. appr. Cara Hagan, rep. Cross-Defendants Stephen Collias and Continental Capital, LLC)

Docket 365

Tentative Ruling:

4/28/2021

I. STATEMENT OF FACTS

The operative facts arise out of an assignment of a promissory note with a face value of \$150,000. The facts that led to this assignment are complex and best understood in chronological order, although the central concern is ultimately the value of this assignment. The Court has taken judicial notice to matters on the record pursuant to FED R. EVID. 201(c) to ensure the accuracy of the factual background.

On April 4, 2003, Devore Stop ("Debtor"), a partnership between William G. Morschauser ("Morschauser" or "Plaintiff") and Mohammed Abdizadeh ("Abdizadeh") commenced case 6:03-bk-15174 before Judge Naugle by filing a voluntary chapter 11 petition for relief. Property of the estate included three parcels ("Parcel 1," "Parcel 2," "Parcel 3," collectively "the Parcels") located at 1677 Devore Road, Devore, CA 92407 secured by two notes held by Continental Capital ("ConCap"). Stephen Collias ("Collias") is the principal and member of ConCap

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

(collectively "Defendants"). One note was for the principal amount of \$850,000 and secured by a deed of trust ("DOT 1") on Parcel 1 and 2 ("Note 1"). The other note ("Note 2," collectively, "the Notes"), which is the Court's main concern, was for the principal amount of \$150,000 and secured by a deed of trust ("DOT 2") on Parcel 3. These Notes originated in 1998, and ConCap had purchased them from Wells Fargo on or about April 30, 2003. The copies of the Notes include allonges with non-recourse indorsements from Wells Fargo to ConCap.

ConCap moved for relief from stay on April 29, 2003. In response, Debtor filed several motions to sell Parcel 1. On July 21, 2003, parties entered into a stipulation for relief from the automatic stay. The terms required that Debtor make adequate protection payments and for the close of the sale by July 11, 2003, allowing for two fifteen day extensions.¹ So long as Debtor met these conditions, ConCap could not exercise any of its foreclosure or other remedial rights. In a hearing held July 25, 2003, the Court approved the sale motion filed on June 27, 2003. At the hearing on the motion, Debtor's attorney agreed to submit an employment application for court approval of the real estate broker, Jesse Bojorquez and American Business Investments (collectively "Bojorquez").² The Court conditioned the sale on the escrow of broker's commission and on a demand from ConCap on Note 1. Although, the exact numbers were not finalized, ConCap was to receive an estimated \$888,262 (\$794,692+\$93,570 in interest), and the net proceeds to the estate were supposed to be \$95,261. No order was lodged reflecting these terms.

On August 11, 2003, a sale order ("2003 Sale Order") (Dkt. 56-1) was lodged approving the July 25, 2003 sale motion; however, the terms were inconsistent with what had been discussed and approved at the hearing.³ The order approved the sale of Parcel 1 in the amount of \$1,450,000. Of that amount, ConCap was to receive \$1,075,000.⁴ The 2003 Sale Order included a fee waiver from Bojorquez on his broker fees and required ConCap's demand for payment by 5 p.m. that day, or its demand would be null and void. Net proceeds to the estate were whittled down to \$1,935.54.

Bojorquez had waived his commission fee⁵ in exchange for an assignment of Note 2 ("Note Assignment") and assignment of DOT 2 ("DOT Assignment") (collectively, "Assignments"). There are amended escrow instructions dated August 7, 2003 stating

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

that sellers and Bojorquez have agreed that ConCap will assign DOT 2 and Note 2 to Bojorquez in lieu of commission. The DOT Assignment has a document date of August 7, 2003 and was notarized on August 12, 2003. The DOT Assignment was recorded on August 14, 2003 as Document No. 2003-0607055. The Note Assignment is dated August 13, 2003 and signed by Collias as managing member for ConCap. The Note Assignment states in its entirety:

Continental Capital LLC ("Assignor") shall assign and transfer to American Business Investments and Jesse Bojorguez ("Assignee") all its interest in that certain Promissory Note dated March 24, 1999 made by Mohammad Abdizadeh and Reyhanneh Abdizadeh in the face principal amount of \$150,000, as such evidence of indebtedness has been amended, modified, supplemented, renewed, endorsed, negotiated, sold, assigned, conveyed, or otherwise transferred to date.

The sale on Parcel 1 closed on August 13, 2003, pursuant to a mutual release and settlement agreement ("Settlement Agreement"), rather than the Court's 2003 Sale Order.⁶ The pertinent language that provided for payment in satisfaction of not only Note 1, but also Note 2 is as follows:

1. ConCap contends there is a total, due and owing on Note 1, Agreement 1, Deed 1, Assignment 1, the Changes in Terms Agreement, Note 2, Agreement 2, Deed 2 and Assignment 2 by the Borrowers, Reyhanneh and the Debtor to ConCap, as of August 13, 2003, amounts to \$1,253,773.99.
2. ConCap nevertheless hereby agrees to accept the amount of \$1,175,000 in full and complete satisfaction of all obligations of Borrowers, Reyhanneh and Debtor under the Notes, Agreements, Deeds and Assignments.

The agreement then divided up the payments. In exchange for \$1,100,000 ConCap would release claims to Parcel 1. ConCap would retain the deed of trust recorded against Parcel 2⁷ to secure the remaining \$75,000. The Settlement Agreement is signed by Debtor, ConCap, the Abdizadehs, and Morschauser.⁸

On August 14, 2003, escrow paid ConCap the \$1,100,000. On March 17, 2004, Devore Stop paid ConCap \$81,464.61 in satisfaction of the \$75,000 outstanding note to prevent ConCap from foreclosing on Parcel 2. As of March 2004, ConCap agrees that both loan obligations were settled.

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

On March 31, 2004, the bankruptcy was converted to a chapter 7.

In 2005, Plaintiff filed multiple actions in state court for fraud, deceit, fraudulent concealment, negligence and intentional infliction of emotional distress challenging the Notes and obligations claiming his signature had been forged.⁹ Judgment was entered in favor of ConCap and confirmed on appeal.

On May 23, 2006, Trustee filed a sales motion subject to liens and encumbrances to transfer Parcels 2 and 3 to Plaintiff. (Dkt. 93). The Court takes judicial notice that Bojorquez's Note Assignment was listed as one of the liens that would continue to encumber Parcel 3. Interestingly, though, Plaintiff asserted that he was the current holder of the Note by assignment from Bojorquez. Neither Bojorquez nor his counsel appear to have been served with the sales motion. The Court notes that in the Order to Show Cause proceedings ("OSC proceedings"), Plaintiff had declared that this was a "typo" and "mistake of fact."¹⁰

The motion was granted on August 31, 2007 ("2007 Sale Order"). The terms of the sale were subject to liens and encumbrances on record, however; without prejudice to Morschauer or any party in interest to bring an action before the Court to determine the validity of any lien, including Morschauer's right to demand release of any liens. *See* Dkt. 101. The Court expressly retained jurisdiction to:

- (1) enforce and implement the terms and provisions of the Sale, and this Order;
- (2) resolve any disputes, controversies or claims arising out of or relating to the Sale or this Order;
- (3) interpret, implement and enforce provision of this Order;
- (4) determine in subsequent action(s) the nature, extent and validity of any lien or encumbrance upon the subject Property.

Dkt. 101.

On January 26, 2009, the bankruptcy case closed.

II. ADVERSARY PROCEDURAL HISTORY

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

On November 30, 2012, Morschauser commenced Adv. No. 6:12-ap-01498-MH by filing a complaint against ConCap, Collias, Bojorquez, American Business Investments, and Mohammed Abdizadeh seeking the following relief: 1) quiet title, 2) declaratory relief, and 3) injunction.

On March 29, 2013, ConCap filed a motion to dismiss on the basis that it was not asserting any interests in the Parcels and was willing to execute reconveyances necessary to clear title. On July 10, 2013, The Court denied the motion noting the inconsistency in ConCap's statements with its behavior. Subsequently, ConCap delivered the reconveyances of both deeds of trust to the Plaintiff. Plaintiff claimed that the documents contained warnings that they may not be legally sufficient due to ConCap's assignments to Bojorquez. The Court notes the parties have not submitted copies of these reconveyances with their motions.

On May 14, 2013, Bojorquez filed a cross complaint against ConCap and Collias based on six causes of action: 1) conversion; 2) constructive trust; 3) unjust enrichment; 4) an accounting; 5) declaratory relief, and; 6) primary and secondary indemnification and contribution. On January 21, 2014, the Court granted ConCap's motion to dismiss on the Fourth, Fifth, and Sixth causes of action and denied it as the First, Second, and Third causes of action in the cross complaint leaving only the actions for conversion, constructive trust, and unjust enrichment pending.

On June 30, 2015, Bojorquez filed *Nunc Pro Tunc Application for Employment as Realtor, Application for Alternate Compensation Plan* seeking to have the Court retroactively employ him as the realtor with respect to the sale of Parcel 1 in 2003 and allow him to be paid via the Note Assignment. (Dkt. 125). The Court denied his application on September 18, 2015.

On September 22, 2015, ConCap filed a motion for summary judgment. As the Court attempted to flesh out the dispute between ConCap and Plaintiff, ConCap having repeatedly claimed it was willing to cooperate with Plaintiff to clear title, the Court learned of the parties' out of court settlement in 2003. The summary judgment proceedings were interrupted to try and clarify the facts surrounding the out of court settlement, the Court indicating its intention to set an order to show cause. On May 16, 2017, the Court issued its *Order to Show Cause Why Jesse Bojorquez, American*

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Business Investments, William Morschauer, 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 ("OSC") (Dkt. 242). The issues and allegations surrounding the 2003 Sale Order were heavily litigated during these OSC proceedings.

As the issues surrounding the sale became clearer to the Court, on May 10, 2019, Bojorquez filed an application to reconsider the Court's earlier order denying his *nunc pro tunc* employment application. (Dkt. 135). At the hearing on August 21, 2019, the Court explained the effect of granting Bojorquez's realtor employment only gave him the right to retroactively receive the Note Assignment and DOT Assignment as payment, whatever the value may be. The order granting the motion (Dkt. 443) was ultimately entered on April 7, 2021, and states in relevant part:

The Court, having considered the moving papers, opposition, declaration in support of motion and reply brief submitted by the parties, it is hereby ordered that: The Motion is granted and Jesse Bojorquez/American Business Investments is deemed to be employed, *nun pro tunc*. As his compensation for services rendered to the bankruptcy estate as real estate broker, Jesse Bojorquez/American Business Investments shall be entitled to that note and deed of trust ("Note" and "Deed of Trust"), assigned to him pursuant to the Assignment of Deed of Trust and Assignment of Promissory Note, dated August 7, 2013, and August 13, 2013, respectively, and pursuant to those certain escrow instructions, dated August 13, 2013. No other compensation shall be awarded to Mr. Bojorquez for his services to the bankruptcy estate. The Court does not assume any specific value of the Note and Deed of Trust. The enforceability of the Note and Deed of Trust, and the value thereof, shall be as determined under state law.

Dkt. 443.

On January 13, 2020, the Court granted the parties' stipulation to resolve the OSC proceedings.

All parties subsequently moved for summary judgment. On August 28, 2020, both Plaintiff and Defendants filed motions for summary judgment. (Dkt. 364, 365). Plaintiff's motion proceeded against all Defendants, except Abdizadeh. ConCap's

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

motion also requested summary judgment as to Bojorquez's remaining causes of action. (Dkt. 364). On the same day, Bojorquez filed his motion for summary judgment against ConCap. Both Plaintiff and Defendants filed oppositions and replies to the other's motion. On September 22, 2020, Bojorquez filed an opposition against Plaintiff and ConCap's motions for summary judgment (Dkt. 392), which was subsequently amended on September 26, 2020 to comply with rules for electronic signatures and to add Bojorquez's declaration in support of his summary judgment motion (Dkt. 400).¹¹

After reviewing the motions and determining the issues, at the hearing on November 10, 2020, the Court indicated it did not believe it had subject matter jurisdiction on the parties' motions, as any issues related to the bankruptcy had been resolved during the OSC proceedings. The Court continued the hearing to March 24, 2021 for the parties to brief on the issue of subject matter jurisdiction.

On February 11, 2021, Plaintiff filed his brief (Dkt. 431). Bojorquez filed his brief on February 12, 2021, indicating he was also joining Plaintiff's brief (Dkt. 432). On February 25, 2021, ConCap filed its opposition (Dkt. 433). Plaintiff filed a reply on March 12, 2021 (Dkt. 434) and Bojorquez filed his reply on March 15, 2021 (Dkt. 435).

The Court then continued the hearing on the issue of subject matter jurisdiction to April 28, 2021 for Bojorquez to enter the order on his compensation as determined by the August 21, 2019 hearing discussed above. Plaintiff filed a supplemental brief on jurisdiction on April 16, 2021

The Court now turns to address the motions for summary judgment and decide the issue of subject matter jurisdiction.

III. PARTIES' ARGUMENTS ON SUMMARY JUDGMENT

Defendants submitted two primary arguments in support of their motion for summary judgment: 1) Plaintiff's actions are time barred, and in any case; 2) Defendants have no adverse claims to Parcels 2 or 3. In support of its motion, Defendants stated that it

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

has released all claims to the parcels since March 2004. Therefore, Plaintiff cannot satisfy the elements necessary to prove an action to quiet title.

Plaintiff opposed Defendants' motion, arguing in its motion for summary judgment that judicial determination on title is necessary as to ConCap. In support of its motion, Plaintiff pointed to Collias's statement that ConCap was paid off on both its Notes. Additionally, Defendants' reconveyances contained language that they may not be legally sufficient on account of Bojorquez's interest. As Plaintiff has already satisfied Note 2 by paying ConCap, Plaintiff argued that title should be quieted against any interest Bojorquez has in Parcel 3 on account of the DOT Assignment and the Note Assignment.

Bojorquez opposed Plaintiff's action to quiet title against him as to Parcel 3. He holds the Note Assignment, which assigned him all interests in Note 2, and DOT Assignment from Defendants secured by Parcel 3. He has never received payment to satisfy the Note. The fact that Defendants accepted payment to satisfy Note 2 is insufficient to satisfy Bojorquez's interest in Note 2 and Parcel 3. Bojorquez asserted that Defendants were not entitled to accept the payment on Note 2, and therefore they have converted the payment that was rightfully his and are holding the funds "constructively" for him.

IV. DISCUSSION

As the Court indicated at the previous hearings, upon review of parties' motions, it appeared that parties were ultimately arguing over non-bankruptcy claims between non-debtor parties years after the bankruptcy case had closed. Therefore, as a threshold matter, the Court considers whether there is subject matter jurisdiction. Additionally, as a "housekeeping matter," related to bankruptcy law, the Court clarifies a legal issue brushed on by Bojorquez's reply brief (Dkt. 435) that ConCap purchased the Notes from Wells Fargo after the bankruptcy was filed in violation of the automatic stay.

A. SUBJECT MATTER JURISDICTION

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

Every federal court has a duty to examine subject matter jurisdiction on its own motion before proceeding to the merits of a case. *Ins. Corp. of Ireland, Ltd. v. Compagnie de Guinee*, 456 U.S. 694, 702 (1982); *see also In re Incor, Inc.*, 100 B.R. 790, 793 (Bankr. D. Md. 1989), *aff'd*, 113 B.R. 212 (D. Md. 1990) (a bankruptcy court has "the inherent power to question its own jurisdiction in any given case, and its ability to dismiss a cause of action for want of subject matter jurisdiction is not dependent upon the timeliness of a motion to dismiss"). Consequently, parties cannot agree to subject matter jurisdiction. *In re Resorts Int'l, Inc.*, 372 F.3d 154, 161 (3d Cir. 2004) (citation omitted). Likewise, a court cannot "write its own jurisdictional ticket." *In re Cary Metal Products, Inc.*, 23 F.3d 159, 164 (7th Cir. 1994). Federal courts presume that they lack jurisdiction and the burden is on the party to provide the basis for such jurisdiction. *In re Popular Run Five Limited Partnership*, 192 B.R. 848, 855 (Bankr. E.D. Va. 1995) *citing to Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 377 (1994).

Bankruptcy court jurisdiction derives from 28 U.S.C. §§ 1334 and 157. *In re Resorts Int'l*, 372

F.3d at 161. 28 U.S.C. § 1334(b) provides that "the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11." In turn, the district courts may refer "any or all proceedings arising under title 11 or arising in or related to a case under title 11...to the bankruptcy judges for the district." 28 U.S.C. § 157 (a). Jurisdiction is further broken down between core and non-core proceedings. § 157 (b)(1), (c)(1).

Additionally, in certain circumstances, a court may retain jurisdiction. *See, e.g., In re Smith*, 866 F.2d 576, 580 (3rd Cir. 1989) (holding bankruptcy court properly retained jurisdiction after discharge over related claims arising under Pennsylvania law).

1. Core Proceedings

"Core" proceedings are matters "arising under" and "arising in" cases under title 11. *In re Wood*, 825 F.2d 90, 96 (5th Cir. 1987). Matters "arise under" title 11 if they involve a *cause of action created or determined by a statutory provision of title 11*. *Id.* (emphasis added). Matters "arise in" a bankruptcy if they concern the administration of the bankruptcy case and have *no existence outside of the bankruptcy*. *Id.* at 97 (emphasis added). Bankruptcy judges may hear and determine core

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

proceedings and enter final orders and judgments. 28 U.S.C. § 157(b)(1). The Bankruptcy Appellate Panel ("BAP") for the Ninth Circuit held that "a case should not be deemed a core proceeding if it is a state law claim that could exist outside of bankruptcy and is not inextricably bound to the claims allowance process or a right created by the Bankruptcy Code." *In re Harris Pine Mills*, 44 F.3d 1431, 1438 (9th Cir. 1995) *citing to Honigman, Miller, Schwartz & Cohn v. Weitzman (In re DeLorean Motor Co.)*, 155 B.R. 521 (9th Cir. BAP 1993) (internal quotations and brackets omitted).

Plaintiff advances two arguments that the requested relief in the parties' motions are core matters: 1) the actions involve the Court interpreting and enforcing its' prior sale orders and the Court has previously found it had "proper jurisdiction over issues raised to the extent that they request to determine the effect of a prior order of the bankruptcy court." (Dkt. 39, pg. 8, Jul. 25, 2013), and 2) the state law claims are "inextricably intertwined" with bankruptcy court proceedings because if not for the circumstances surrounding the Court's 2003 Sale Order, none of the parties' claims would exist. Plaintiff relies primarily on *In re Franklin*, 802 F.2d 324 (9th Cir. 1986) and *In re Harris Pine Mills*.

The Court does not discount the well-settled law in *Franklin* that it retains jurisdiction to interpret and enforce its own orders or that the Court previously acknowledged that its jurisdiction extends to "issues raised to the extent that they request to determine the effect of a prior order of the bankruptcy court." *See* Dkt. 39 (emphasis added). Nor does the Court disagree with the *In re Harris Pine Mills* ruling. Rather, neither case is applicable to the causes of action here. *In re Franklin* is not analogous as that case dealt with the effect of a previous order on the automatic stay, and *In re Harris Pine Mills* only addressed the issue of a purchaser of bankruptcy assets suing a Trustee for misconduct post-petition. By contrast, Plaintiff, is not suing a trustee for misconduct, let alone for any misconduct of the parties during the bankruptcy. Additionally, the court in *In re Harris Pine Mills* only articulated that the bankruptcy was "post-petition," and therefore was presumably not post-confirmation and more significantly the bankruptcy was not closed.

Instead, Plaintiff's attempt to stretch the holdings of *In re Franklin* and *In re Harris Pine Mills* to characterize the parties' actions as arising out of this Court's sale orders

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

and thus necessarily requiring the Court's interpretation or effectuation of its orders are strikingly similar to those of the appellants in *Gupta v. Quincy Med. Ctr.*, 858 F.3d 657 (1st Cir. 2017). In *Gupta*, the Appellants argued that "their state claims "arise in" Debtors' bankruptcy case because, "but for" Debtors' Chapter 11 case and the Sale Order approving the sale of Debtors' assets to Steward in the APA, their claims for severance pay would not exist." *Gupta*, 858 F.3d at 664 (quotations in original). The court rejected their argument and held the bankruptcy court had no subject matter jurisdiction, noting that "arising in" jurisdiction was a "narrow category." *Id.* at 666. The *Gupta* court's analysis is decidedly relevant to the Plaintiff's arguments:

This argument misapprehends the relevant law. As we have explained, it is not enough for "arising in" jurisdiction that a claim arose in the context of a bankruptcy case. Instead, our case law makes clear that for "arising in" jurisdiction to apply, the relevant proceeding must have "no existence outside of the bankruptcy." Hence, there is no "but for" test for "arising in" jurisdiction as Appellants suggest. That is, "the fact that a matter would not have arisen had there not been a bankruptcy case does not ipso facto mean that the proceeding qualifies as an 'arising in' proceeding." Instead, the fundamental question is whether the proceeding by its nature, not its particular factual circumstance, could arise only in the context of a bankruptcy case. In other words, *it is not enough that Appellants' claims arose in the context of a bankruptcy case or even that those claims exist only because Debtors (Appellants' former employer) declared bankruptcy; rather, "arising in" jurisdiction exists only if Appellants' claims are the type of claims that can only exist in a bankruptcy case.*

. . .

Appellants here have failed to identify any provision of the Sale Order itself or any related questions of bankruptcy law underlying their claims that would require interpretation by the bankruptcy court. Indeed, the bankruptcy court's own analysis of Appellants' claims was based entirely on the terms of the APA and state contract law. The court mentioned the Sale Order only in reference to the retention-of-jurisdiction provision.

Therefore, *a court deciding Appellants' claims on the merits would only need to perform a state law breach of contract analysis.* As the district court explained, *Appellants' claims "look like ones that could have arisen entirely outside the bankruptcy context. They are essentially employment disputes that could arise in any asset sale, regardless of whether the sale involved a bankruptcy proceeding."* Appellants' claims are therefore not merely "framed as state law claims," but are claims which may be decided solely under Massachusetts law.

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Id. at 664-65 (internal citations omitted) (emphasis added).

Here, having reviewed the motions for summary judgment, the Court determines that the central question that Plaintiff's case turns on is whether Bojorquez holds an interest in Parcel 3 that clouds title as a result of the DOT and Note Assignment. Although the complaint also proceeds against ConCap, the determination of ConCap's alleged interest in the Parcels appears to arise because of reconveyances which contain a warning that the reconveyances may be legally insufficient because of Bojorquez's interest, and thus is ensnared with the main issue. Either way, this determination does not involve any bankruptcy law analysis.

Although Plaintiff consistently refers to ConCap's violation of the 2003 Sale Order in an attempt to characterize the action as necessarily implicating the Court's orders, none of the parties' causes of action are moving forward on the basis that the Court's 2003 Sale Order was violated (and in any case per the OSC hearings, Plaintiff was implicated with ConCap in the out of court settlement). More significantly, Plaintiff's and Bojorquez's briefs both fail to "identify any provision" of this Court's orders, "or any related questions of bankruptcy law underlying their claims that would require interpretation by the bankruptcy court." *See Gupta*, 858 F.3d at 665.

For the Court to decide the issue, as identified above, on the merits, it would require only an analysis of state laws for quiet title, which would necessarily implicate laws of negotiable instruments with respect to Bojorquez's property interest. Therefore, Plaintiff's action can only be characterized as a state court action to determine whether he is the sole owner of Parcel 2, and more importantly Parcel 3, whether the cause of action is styled as a declaratory judgment, an injunction, or an action to quiet title. Moreover, to the extent it is meaningful, Bojorquez's cross claims for conversion, unjust enrichment, and constructive trust do not either implicate any bankruptcy law, only requiring a state law analysis to decide the merits.

Accordingly, it is insufficient that the parties "claims arose in the context of a bankruptcy case or even that those claims exist only because" of Devore Stop's bankruptcy; "rather "arising in" jurisdiction exists only if [the parties] claims are the type of claims that can only exist in a bankruptcy case." *See id.* Therefore, as both

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

Plaintiff's complaint and Bojorquez's cross-complaint are "state law claim[s] that could exist outside of bankruptcy and [are] not inextricably bound to the claims allowance process or a right created by the Bankruptcy Code," they cannot "be deemed a core proceeding." *See In re Harris Pine Mills*, 44 F.3d at 1438 *accord In re DeLorean Motor Co.*, 155 B.R. 521 (9th Cir. BAP 1993); *see also In re Wood*, 825 F.2d at 96.

As an aside, with respect to Plaintiff's argument that the Court previously acknowledged its jurisdiction over the effect of prior orders, to the extent the issues here required any determination of the Court's prior orders, those have already been resolved during the Court's OSC proceedings where the Court approved Bojorquez's employment in 2019, thereby allowing him to prosecute whatever claims and rights he may have pursuant to the DOT and Note Assignment. In its order, the Court explicitly stated the value, if any, of those Assignments were to be determined under state law.

Therefore, neither the Plaintiff's actions nor Bojorquez's cross claims are core matters. Thus, the Court next considers whether they fall within non-core proceedings.

2. Non-Core Proceedings/ "Related to" Jurisdiction

"Non-core" proceedings are those that do not depend on the bankruptcy laws for their existence and that could proceed in another court even in the absence of bankruptcy. *In re Wood*, 825 F.2d at 96. These proceedings must be "related to" the bankruptcy case. *See* § 28 U.S.C. 157(c)(1). Related to jurisdiction cases contain two 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. *Celotex Corp. v. Edwards*, 514 U.S. 300, 307 (1995). A bankruptcy court may hear a non-core proceeding and issue a final judgment if the parties consent, otherwise the judge must submit proposed findings of fact and conclusions of law to the district court for final order to be entered by the district judge. 28 U.S.C. 157(c)(1), (2).

The primary test for "related to" jurisdiction is the Third Circuit's *Pacor* test:

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT...

Devore Stop A General Partners

Chapter 7

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.

Pacor, Inc. v. Higgins, 743 F.2d 984, 994 (3rd Cir. 1984) (emphasis added). 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*, 514 U.S. at 308 n.6 (citations omitted).

The Ninth Circuit has since limited the *Pacor* "related to" test to pre-confirmation matters and imposed the "close nexus" test, a more demanding test for post-confirmation matters. *See In re Pegasus Gold Corp.*, 394 F.3d 1189, 1194 (9th Cir. 2005) ("We agree that post-confirmation bankruptcy court jurisdiction is necessarily more limited than pre-confirmation jurisdiction, and that the *Pacor* formulation may be somewhat overbroad in the post-confirmation context. Therefore, we adopt and apply the Third Circuit's "close nexus" test for post-confirmation "related to" jurisdiction . . ."). The "close nexus" test requires that the matter directly affect the bankruptcy proceeding for subject matter jurisdiction to be present. *See id*; *see In re Valdez Fisheries Dev. Ass'n, Inc.*, 439 F.3d 545, 548 (9th Cir. 2006) ("...matters affecting the interpretation, implementation, consummation, execution, or administration of the confirmed plan will typically have the requisite close nexus").

Here, as explained above, although Plaintiff attempts to characterize the action as one that affects the bankruptcy estate because it "arises" due to circumstances surrounding the sale of estate property in 2003, his cause of action proceeds under a theory of quiet title, a state law claim. Additionally, even if the Court could determine the status of title by somehow avoiding Bojorquez's pure state law issues, it would have no effect on the bankrupt estate, as the case was closed over ten years ago and any recovery would not go to a debtor, a creditor, or the defunct estate.

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

To the extent Bojorquez attempts to characterize himself as a creditor of the bankruptcy estate who is due commission from the estate, the Court has already ruled that his payment is in the form of the DOT Assignment and Note Assignment, whatever value it holds. Determining what, if any, rights the Assignments have, as the Court explained at the August 21, 2019 hearing, requires the Court to determine Bojorquez's rights in instruments created by state law against non-debtor parties, Plaintiff and ConCap, and has no bearing on an already administered, effectuated, and closed bankruptcy.

As such, all the parties' actions lack the requisite "close nexus" to the administration of the estate. *See In re Valdez Fisheries Dev. Ass'n, Inc.*, 439 F.3d at 548 ("...matters affecting the interpretation, implementation, consummation, execution, or administration of the confirmed plan will typically have the requisite close nexus"). Consequently, none of the parties' actions fall within the definition of "related to" jurisdiction. *See In re Pegasus Gold Corp.*, 394 F.3d at 1194. Because the Court finds that the actions do not fall within the Court's authority to hear non-core proceedings, Plaintiff and Bojorquez's request that the Court hear the matter and issue conclusions of law and fact to refer it to the district court is inapplicable. *See* 28 U.S.C. 157(c)(1), (2).

The Court next entertains "retained" jurisdiction.

3. Retained Jurisdiction

Generally, the closing of a bankruptcy case should result in the dismissal of all *remaining* adversary proceedings. *In re Pocklington*, 21 B.R. 199, 202 (Bankr. S.D. Cal. 1982); *accord In re Rush*, 49 B.R. 158 (Bankr. N.D. Ala. 1985) (emphasis added). This is particularly true of adversary proceedings which are "related to" the bankruptcy case because related proceedings can only be heard by a bankruptcy court because of their nexus to the debtor's bankruptcy case. *See generally Pacor*, 743 F.2d 984. Retaining jurisdiction over "related to" adversary proceedings is discretionary and based on principles of equity and judicial economy. *See, e.g., In re Smith*, 866 F.2d 576, 580 (3rd Cir. 1989) ("Drawing upon an analogy to the disposition of ancillary and pendent claims, the courts have held that they may consider a number of factors to determine whether jurisdiction should be retained.").

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

Such discretion appears to only apply where adversary complaints were filed *before* the bankruptcy estate is closed. See *In re Bass*, 171 F.3d 1016, 1023-242 (5th Cir. 1999)("[B]efore a court can exercise its discretion to 'retain' jurisdiction over a 'related proceeding,' the court must have had jurisdiction over that proceeding in the first place. The Denneys did not file their suit in Texas until *after* the bankruptcy case in Utah had been closed. From a purely temporal standpoint, there was no proceeding over which bankruptcy court jurisdiction could be 'retained.'"). As such, where the action does not have a "close nexus" to the estate, a bankruptcy court lacks jurisdiction over actions filed *after* the underlying bankruptcy is closed.

Moreover, "[b]ecause bankruptcy court jurisdiction is conferred by statute, parties to litigation cannot confer subject matter jurisdiction where none exists." *In re Nobel Group, Inc.*, 529 B.R. 284, 291 (Bankr. N.D. Cal. 2015). Therefore, explicit retention of jurisdiction provisions are only valid to the extent there is an independent basis to support bankruptcy court jurisdiction. The court in *In re Resorts Int'l* clearly articulates this:

Retention of jurisdiction provisions will be given effect, assuming there is bankruptcy court jurisdiction. But neither the bankruptcy court nor the parties can write their own jurisdictional ticket. Subject matter jurisdiction "cannot be conferred by consent" of the parties. Where a court lacks subject matter jurisdiction over a dispute, the parties cannot create it by agreement, even in a plan of reorganization. Similarly, if a court lacks jurisdiction over a dispute, it cannot create that jurisdiction by simply stating it has jurisdiction in a confirmation or other order. Bankruptcy courts can only act in proceedings within their jurisdiction. *If there is no jurisdiction under 28 U.S.C. § 1334 or 28 U.S.C. § 157, retention of jurisdiction provisions in a plan of reorganization or trust agreement are fundamentally irrelevant.* But if there is jurisdiction, we will give effect to retention of jurisdiction provisions.

372 F.3d at 161 (citations omitted).

As the parties' complaints were filed in 2012 and 2013, three and four years after the bankruptcy estate was closed, the Court has no discretionary authority to retain jurisdiction, as it never exercised jurisdiction over the action during bankruptcy. See *In re Bass*, 171 F.3d at 1023-242. Furthermore, the Court's express retention of jurisdiction in the 2007 Sale Order is only valid to the extent it is enforceable under the statutes 28 U.S.C. §§ 1334 and 157. See *In re Resorts Int'l* 372 F.3d at 161. The

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... **Devore Stop A General Partners**

Chapter 7

provision allowing Plaintiff or any party in interest to bring an action to determine the validity of liens is only valid to the extent it still falls within the bankruptcy court's jurisdiction. As analyzed above, the Court's potential analysis of the parties' issues on the merits would not fall within either bases of the Court's jurisdiction, whether core or related. Additionally, the two provisions numbered (2) and (4) in the 2007 Sale Order that could conceivably provide a basis to hear the additional dispute between Bojorquez and ConCap are invalid because it retains "related to" jurisdiction that cannot possibly lie after a chapter 7 case is closed, as, in this case, there is no "close nexus" between the closed bankruptcy and an after-filed adversary. *See In re Pegasus Gold Corp.*, 394 F.3d at 1194.

Accordingly, the Court finds it has no authority to retain jurisdiction.

B. THE AUTOMATIC STAY'S EFFECT ON ASSIGNMENTS OF DEBT

As the Court noted Bojorquez submitted briefly, without referring to any legal authority, that ConCap's purchase of the Notes violated the automatic stay. Therefore, the Court finds it necessary to clarify the effect of the automatic stay to prevent further unsupported assertions.

The automatic stay bars any act to "create, perfect or enforce any lien against property of the estate." 11 U.S.C. § 362(a)(4). The issue of whether this provision applies to stay assignments of notes and deeds of trusts and any subsequent recording of those assignments has been addressed by the court in *In re Samuels*:

The postpetition assignment of a mortgage and the related note from one holder to another is not a transfer of property of the estate. The mortgage and note are assets of the creditor mortgagee, not of the Debtor. Nor is the postpetition assignment of a mortgage and the related note an act to collect a debt; the assignment merely transfers the claim from one entity to another. The Debtor cites no particular subsection of 11 U.S.C. § 362(a), the automatic stay, that she contends such an assignment violates, and the court is aware of none.

I need not address the Debtor's further unsupported contention that the postpetition recording of an assignment of mortgage is a violation of the automatic stay¹³ or of 11

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT...

Devore Stop A General Partners

Chapter 7

U.S.C. § 549(a). As the Debtor herself acknowledges, an assignment of mortgage need not be recorded in order to be valid against the mortgagor or her grantees. *Lamson & Co. v. Abrams*, 305 Mass. 238, 241–242, 25 N.E.2d 374 (1940); *O'Gasapian v. Danielson*, 284 Mass. 27, 32, 187 N.E. 107 (1933). Therefore, even if the recording were void and ineffectual, the assignment to Deutsche Bank would still be valid.

415 B.R. 8, 22-23 (Bankr. D. Mass. 2009) (citations in original). *See also In re Halabi*, 184 F.3d 1335 (C.A.11 (Fla.),1999) ("But the assignment of the perfected mortgage—from Republic to Farragut, from Farragut to Atlantic and, finally, from Atlantic to Federal—did not involve the transfer of any property belonging to the debtor or to the debtor's estate. In each instance, the assignment was merely the transfer of one mortgagee's interest to a successor mortgagee.").

The court in *In re Sprouse* specifically addressed the recording of an assignment after the stay is in place, holding it was permitted:

Plaintiff's claim that the assignment and/or recording of the assignment is an "act to create, perfect, or enforce any lien against property of the estate" is unsupported based on the plain language of § 362. An assignment does not create a lien; rather, it is the original execution of the deed of trust that creates the lien and the original recording that perfects the lien. Neither an assignment nor the recording of an assignment constitutes an enforcement of the lien, which could only be enforced through a foreclosure. At most, an assignment would only give the assignee the right to enforce the lien or indebtedness. The automatic stay provisions of the Bankruptcy Code do not prohibit a creditor of a debtor from transferring any interest or claim it might have against the debtor's bankruptcy estate to a third party. Such a transfer merely substitutes the party that holds the interest or claim against the debtor's bankruptcy estate, and such transfer does not serve to increase or decrease the interest or claim the party asserts against the debtor's bankruptcy estate."

In re Sprouse, No. 09-31054, 2014 WL 948490, at *4 (Bankr. W.D.N.C. Mar. 11, 2014) (citations and quotations omitted).

As mortgages and notes are not considered assets of the Debtor's estate, rather they are assets of the creditor, there is no violation of the stay where Wells Fargo sells its Notes to ConCap or ConCap assigns its rights under the Notes to Bojorquez.

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners
VI. TENTATIVE RULING

Chapter 7

In accordance with the above analysis, the Court having determined it does not have subject matter jurisdiction over the parties' motions, the Court is inclined to DISMISS:

- Plaintiff's Complaint
- Bojorquez's Cross Complaint

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
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Movant(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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 28, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#8.00 CONT Cross Complainants Motion For Summary Judgment

From 10/28/20,11/10/20,12/9/20,12/22/20, 3/24/21

EH__

(Tele. apr. Reid Winthrop, rep. Plaintiff William G. Morschauser)

Docket 379

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
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By

Cara J Hagan
Lawrence J Kuhlman

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

	Reid A Winthrop
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
American Business Investments	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
Mohammed Abdizadeh	Pro Se

Movant(s):

Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ

Plaintiff(s):

William G Morschauser	Represented By Hutchison B Meltzer Reid A Winthrop Cara J Hagan
-----------------------	--

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 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#9.00 CONT Defendants' Motion For Summary Judgment

From 10/28/20,11/10/20,12/9/20,12/22/20, 3/24/21

EH__

(Tele. apr. Reid Winthrop, rep. Plaintiff William G. Morschauser)

Docket 364

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
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By

Cara J Hagan
Lawrence J Kuhlman

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

	Reid A Winthrop
Jesse Bojorquez	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
American Business Investments	Represented By Lawrence J Kuhlman Autumn D Spaeth ESQ Cara J Hagan Reid A Winthrop
Mohammed Abdizadeh	Pro Se

Movant(s):

Continental Capital LLC	Represented By Cara J Hagan Lawrence J Kuhlman Reid A Winthrop
Continental Capital LLC	Represented By Cara J Hagan
Continental Capital LLC	Represented By Cara J Hagan

Plaintiff(s):

William G Morschauer	Represented By Hutchison B Meltzer Reid A Winthrop Cara J Hagan
----------------------	--

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 28, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#10.00 CONT Status Conference Hearing RE: Complaint by William G Morschauser against Continental Capital LLC , Stephen Collias , Jesse Bojorquez , American Business Investments , Mohammed Abdizadeh

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, 11/13/19, 12/17/19, 1/15/20, 2/12/20, 3/11/20, 8/19/20, 10/28/20, 11/10/20,12/9/20,12/22/20, 3/24/21

EH ____

(Tele. apr. Reid Winthrop, rep. Plaintiff William G. Morschauser)

Docket 1

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
Lawrence J Kuhlman
Reid A Winthrop

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Stephen Collias

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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 28, 2021

Hearing Room 303

1:00 PM

6:03-15174 Devore Stop A General Partners

Chapter 7

Adv#: 6:12-01498 Morschauser v. Continental Capital LLC et al

#11.00 CONT Status Conference RE: [29] Crossclaim/Cross-Complaint for: 1 conversion; 2 constructive trust; 3 unjust enrichment; 4 an accounting; 5 declaratory relief; and 6 primary and secondary indemnification and contribution by American Business Investments , Jesse Bojorquez against Stephen Collias , Continental Capital LLC

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, 11/13/19, 12/17/19, 1/15/20, 2/12/20, 3/11/20, 8/19/20, 10/28/20, 11/10/20,12/9/20,12/22/20, 3/24/21

EH__

(Tele. apr. Reid Winthrop, rep. Plaintiff William G. Morschauser)

Docket 29

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

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

Wednesday, April 28, 2021

Hearing Room 303

1:00 PM

CONT... Devore Stop A General Partners

Chapter 7

Defendant(s):

Continental Capital LLC

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Stephen Collias

Represented By
Cara J Hagan
Lawrence J Kuhlman
Reid A Winthrop

Jesse Bojorquez

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

American Business Investments

Represented By
Lawrence J Kuhlman
Autumn D Spaeth ESQ
Cara J Hagan
Reid A Winthrop

Mohammed Abdizadeh

Pro Se

Plaintiff(s):

William G Morschauser

Represented By
Hutchison B Meltzer
Reid A Winthrop
Cara J Hagan

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 28, 2021

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Revere Financial Corporation v. OIC MEDICAL CORPORATION, a

#12.00 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, 12/19/18, 3/27/19, 6/12/19, 7/31/19, Advanced 3/4/20, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/28/20, 11/25/20,12/2/20,2/17/21

EH__

(Tele. appr. Misty Petty Isaacson, rep. Defendants, OIC Medical Corporation)

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas J Roger, MD, Inc., A

Represented By
Summer M Shaw
Michael S Kogan
George Hanover

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

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

Plaintiff(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, April 28, 2021

Hearing Room 303

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

Adv#: 6:15-01308 Revere Financial Corporation v. BWI CONSULTING, LLC et al

#13.00 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, 11/28/18, 2/27/19, 5/29/19, 8/28/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20,12/2/20,2/17/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/26/21**

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

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

BLACK AND WHITE INK Pro Se

MEHRAN DEVELOPMENT Pro Se

Plaintiff(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, April 28, 2021

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

#14.00 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, 10/31/18, 7/31/19, 9/11/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20,12/2/20,2/17/21

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw
Thomas J Eastmond
Marc C Forsythe

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Franklin R Fraley Jr
Anthony J Napolitano

Trustee(s):

Helen R. Frazer (TR)

Represented By
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 28, 2021

Hearing Room 303

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

**#15.00 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, 12/19/18,
3/27/19, 5/8/19, 6/12/19, 7/31/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20,
11/25/20,12/2/20,2/17/21

EH__

Docket 333

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Trustee(s):

Helen R. Frazer (TR)

Represented By
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 28, 2021

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#16.00 CONT. Status Conference re: Complaint by Charles W Daff (TR) against Sean Karadas). To Revoke and Deny Discharge of Debtor (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Daff (TR), Charles)

From: 12/16/20,1/20/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/26/21 (ANOTHER SUMMONS ISSUED 4/13/21)**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

Charles W Daff (TR)

Pro Se

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, April 28, 2021

Hearing Room 303

2:00 PM

6:20-10762 Daisy Wheel Ribbon Co., Inc.

Chapter 7

Adv#: 6:21-01021 STEVEN M. SPEIER, solely in his capacity as Chapte v. Baer et al

#17.00 Status Conference RE: [1] Adversary case 6:21-ap-01021. Complaint by STEVEN M. SPEIER, solely in his capacity as Chapter 7 Trustee against Harold W. Baer, Kimberly A Baer, Laura Losquardo, HBall Properties, LLC. (\$350.00 Fee Charge To Estate). Complaint: 1. To Avoid And Recover Preferential Transfers Pursuant to 11 U.S.C. §§ 547 AND 550; 2. To Avoid And Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), AND 550, AND CALIFORNIA CIVIL CODE §§ 3439.04(a)(1); 3. To Avoid And Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(B) AND 550, and California Civil Code §§ 3439.04(a)(2) and 3439.05; 4. To Recover and Preserve Transfers For The Benefit Of The Estate Pursuant to 11 U.S.C. § 551; 5. To Recover Fraudulent Transfers Pursuant to 11 U.S.C. § 550(a); and 6. Breach Of Fiduciary Duty Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

EH__

(Tele. appr. Robert Goe, rep. Planitiff, Steven Speier)

(Tele. appr. Louis Esbin, rep. Defendants, Harold Baer and Laura Losquadro)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Wheel Ribbon Co., Inc.

Represented By
Louis J Esbin

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

CONT... Daisy Wheel Ribbon Co., Inc.

Chapter 7

Defendant(s):

Harold W. Baer	Pro Se
Kimberly A Baer	Pro Se
Laura Losquardo	Pro Se
HBall Properties, LLC	Pro Se

Plaintiff(s):

STEVEN M. SPEIER, solely in his	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 303 Calendar**

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

6:20-13417 Eddie C. DeGracia, Jr.

Chapter 7

Adv#: 6:20-01106 Daff v. DeGracia

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01106. Complaint by Charles W. Daff against Satoko DeGracia. (Charge To Estate - \$350.00). FOR: 1. Avoidance of Intentional Fraudulent Transfers and Recovery of Same [11 U.S.C. §§ 544, 548, 550, 551; CAL. CIV. CODE §§ 3439.04, 3439.07, 3439.08]; 2. Avoidance of Constructive Fraudulent Transfers and Recovery of Same [11 U.S.C. §§ 544, 548, 550, 551; CAL. CIV. CODE §§ 3439.04, 3439.05, 3439.07, 3439.08, 3439.09]; 3. Disallowance of Claims [11 U.S.C. §502(d)]; 4. Unjust Enrichment [11 U.S.C. § 105]; 5. Declaratory Relief [11 U.S.C. §§ 541, 544, 548; FRBP 7001(9)]; and 6. Turnover of Property of the Estate [11 U.S.C. § 542] Nature of Suit: (01 (Determination of removed claim or cause)),(13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)) (Iskander, Brandon)

From: 7/22/20, 8/19/20, 10/28/20,12/23/20, 2/17/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eddie C. DeGracia Jr.

Represented By
James D. Hornbuckle

Defendant(s):

Satoko DeGracia

Represented By
Scott Talkov

Plaintiff(s):

Charles W. Daff

Represented By

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

CONT... Eddie C. DeGracia, Jr.

Chapter 7

Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

6:20-16066 Amjad Yousef Salem

Chapter 7

Adv#: 6:20-01192 Price v. Salem et al

#19.00 CONT. Status Conference RE: [1] Adversary case 6:20-ap-01192. Complaint by David Price against Amjad Yousef Salem, Lina Amjad Salem. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Weil, David)

From: 2/3/21

EH__

(Tele. appr. David Weil, rep. Plaintiff, David Price)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amjad Yousef Salem

Represented By
Brian J Soo-Hoo

Defendant(s):

Amjad Yousef Salem

Pro Se

Lina Amjad Salem

Pro Se

Joint Debtor(s):

Lina Amjad Salem

Represented By
Brian J Soo-Hoo

Plaintiff(s):

David Price

Represented By
David Weil

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

Wednesday, April 28, 2021

Hearing Room 303

2:00 PM

CONT... Amjad Yousef Salem

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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:15-16079 Tracy Lynne Crooks

Chapter 13

#1.00 CONT. Motion to Deem Debtor Owner of Unclaimed Funds

From: 1/21/21, 3/18/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Tracy Crooks)

Docket 137

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

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Tracy Lynne Crooks

Chapter 13

Debtor(s):

Tracy Lynne Crooks

Represented By
Steven A Alpert

Movant(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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:20-13425 Margarito Martinez

Chapter 13

#2.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

(Placed on calendar by order signed 3/31/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Michael Smith, rep. Debtor, Margarito Martinez)

Docket 36

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

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Margarito Martinez

Chapter 13

Debtor(s):

Margarito Martinez

Represented By
Michael Smith

Movant(s):

Margarito Martinez

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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10387 Jaime Mendez Gonzalez

Chapter 13

#3.00 CONT. Confirmation of Chapter 13 Plan

From: 4/15/21

EH____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, specially appearing for Debtor, Jaime Gonzalez)

Docket 2

Matter Notes:

Appearances: _____

Consent Calendar_____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$_____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Jaime Mendez Gonzalez
() Case Dismissed

Chapter 13

() without prejudice () Under § 109(g)

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jaime Mendez Gonzalez

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 29, 2021

Hearing Room 303

11:00 AM

6:21-10621 Erik L. Liebherr

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

EH___

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joseph Roberts, rep. Debtor, Erik Liebherr)

Docket 24

Matter Notes:

Appearances: _____

Consent Calendar_____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$_____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

() **Case Dismissed**

() without prejudice () Under § 109(g)

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... **Erik L. Liebherr** **Chapter 13**
() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erik L. Liebherr

Represented By
Joseph Arthur 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, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10641 Carl A Collins

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Natalie Alvarado, rep. Debtor, Carl Collins)

Docket 2

Matter Notes:

Appearances: _____

Consent Calendar_____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$_____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

() **Case Dismissed**

() without prejudice () Under § 109(g)

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT...

Carl A Collins

Chapter 13

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carl A Collins

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, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10660 Mary S Reeves

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jackie Geller, rep. Debtor Mary Reeves)

Docket 19

Matter Notes:

Appearances: _____

Consent Calendar_____

Confirmed per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$_____

Continued to _____ at **11:00 a.m.**

341 (a) to _____ at _____

Objection: Withdrawn Sustained Overruled Interlineated

Case Dismissed

without prejudice Under § 109(g)

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT...

Mary S Reeves

Chapter 13

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary S Reeves

Represented By
Jackie R Geller

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 29, 2021

Hearing Room 303

11:00 AM

6:21-10713 Augusto Mora

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Matter Notes:

Appearances: _____

Consent Calendar _____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$ _____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

() **Case Dismissed**

() without prejudice () Under § 109(g)

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

**CONT... Augusto Mora
Tentative Ruling:**

Chapter 13

- NONE LISTED -

Party Information

Debtor(s):

Augusto Mora

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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10716 Jerry David Ayala

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Matter Notes:

Appearances: _____

Consent Calendar _____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$ _____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

() **Case Dismissed**

() without prejudice () Under § 109(g)

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Jerry David Ayala

Chapter 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerry David Ayala

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, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10762 Crucita Cruz Cruz

Chapter 13

#9.00 Debtor's Motion to Disallow Claims number 6 filed by Department of the Treasury/Internal Revenue Service

Also #10, 11

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 24

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/9/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Crucita Cruz Cruz

Represented By
Dana Travis

Movant(s):

Crucita Cruz 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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10762 Crucita Cruz Cruz

Chapter 13

#10.00 CONT. Debtor's Motion to Disallow Claims number 1 of Cavalry SPV I, LLC as assignee of TD Auto Finance, LLC/Chrysler Financial

Also #11

From: 4/1/21

EH__

(Tele. appr. Donna Travis, rep. Debtor, Crucita Cruz)

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 14

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 -

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Crucita Cruz Cruz

Chapter 13

Party Information

Debtor(s):

Crucita Cruz Cruz

Represented By
Dana Travis

Movant(s):

Crucita Cruz 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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10762 Crucita Cruz Cruz

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

Also #10

EH____

(Tele. appr. Donna Travis, rep. Debtor, Crucita Cruz)

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 6

Matter Notes:

Appearances: _____

Consent Calendar _____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$_____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

() **Case Dismissed**

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... **Crucita Cruz Cruz** **Chapter 13**
() without prejudice () Under § 109(g)

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Crucita Cruz 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**

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10772 Adam Lee Smith and Ann Dee Smith

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Kevin Mahan, rep. Debtors, Adam & Ann Smith)

(Tele. appr. Ann Dee Smith, Joint Debtor)

(Tele. appr. Adam Smith, Debtor)

Docket 2

Matter Notes:

Appearances: _____

Consent Calendar_____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$_____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Adam Lee Smith and Ann Dee Smith

Chapter 13

Objection: Withdrawn Sustained Overruled Interlineated

Case Dismissed

without prejudice Under § 109(g)

if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Adam Lee Smith

Represented By
Kevin M Mahan

Joint Debtor(s):

Ann Dee Smith

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, April 29, 2021

Hearing Room 303

11:00 AM

6:21-10842 Monica Galvan

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 2

Matter Notes:

Appearances: _____

Consent Calendar _____

() **Confirmed** per Tr's recommendation-Plan provisions:% to pay _____

Duration _____

Payment \$ _____

() **Continued** to _____ at **11:00 a.m.**

341 (a) to _____ at _____

() **Objection:** () Withdrawn () Sustained () Overruled () Interlineated

() **Case Dismissed**

() without prejudice () Under § 109(g)

() if conversion to chapter 7 not filed and fee paid within 10 days

Evidentiary Hearing Set: _____

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

Thursday, April 29, 2021

Hearing Room 303

11:00 AM

CONT... Monica Galvan

Chapter 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica Galvan

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 29, 2021

Hearing Room 303

11:01 AM

6:17-18720 Patricia Morales

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Donna Travis, rep. Debtor, Patricia Morales)

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 117

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/19/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia 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

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

6:18-14149 Alfredo Pena and Veronica Pena

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Donna Travis, rep. Debtor, Alfredo Pena)

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 92

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alfredo Pena

Represented By
Dana Travis
Milton Williams

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, April 29, 2021

Hearing Room 303

11:01 AM

6:19-10370 Jorge Avendano Sosa

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, rep. Debtor, Jorge Sosa)

Docket 52

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):

Jorge Avendano Sosa

Represented By
Jaime A Cuevas Jr.

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

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

CONT... Jorge Avendano Sosa

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 29, 2021

Hearing Room 303

11:01 AM

6:19-18464 Griseldo Rodriguez

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, rep. Debtor, Griseldo Rodriguez)

Docket 32

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):

Griseldo Rodriguez

Represented By
Jaime A Cuevas Jr.

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

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

CONT... Griseldo 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**

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

6:17-11456 Jose Alberto Lara-Pena and Yanisleidy Sanchez-Quinonez

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/20/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alberto Lara-Pena

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Yanisleidy Sanchez-Quinonez

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, April 29, 2021

Hearing Room 303

11:01 AM

6:20-12392 Angelita Kurmen

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 49

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):

Angelita Kurmen

Represented By
Rebecca Tomilowitz

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

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

CONT... Angelita Kurmen

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 29, 2021

Hearing Room 303

11:01 AM

6:20-15848 Nicholas Head

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/20/21**

Matter Notes:

- NONE LISTED -

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, April 29, 2021

Hearing Room 303

11:01 AM

6:20-12027 Dana Edward Pettus and Andrea Lynn Doster

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Chantal Van Ongevalle, rep. Debtors, Dana Pettus and Andrea Doster)

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 49

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):

Dana Edward Pettus

Represented By

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

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

CONT... Dana Edward Pettus and Andrea Lynn Doster
Raj T Wadhvani

Chapter 13

Joint Debtor(s):

Andrea Lynn Doster

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, April 29, 2021

Hearing Room 303

11:01 AM

6:20-11786 Paul Trevino

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 57

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Trevino

Represented By
Christopher J Langley
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**

Thursday, April 29, 2021

Hearing Room 303

11:01 AM

6:19-17080 Cesar Orozco

Chapter 13

#23.00 CONTG. Trustee's Motion to Dismiss Case

From: 4/15/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 75

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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, April 29, 2021

Hearing Room 303

11:01 AM

6:19-15511 Ralph Carver Lowe

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 72

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/20/21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ralph Carver Lowe

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, April 29, 2021

Hearing Room 303

11:01 AM

6:19-10486 Nagazaki Lung and Veronica Lung

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. apr. Nathan Fransen, rep. Debtors, Nagazaki and Veronica Lung)

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/28/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nagazaki Lung

Represented By
Nathan Fransen

Joint Debtor(s):

Veronica Lung

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, April 29, 2021

Hearing Room 303

11:01 AM

6:18-17117 Brandon Scott Jones and Lizette Rosita Jones

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/20/21**

Matter Notes:

- NONE LISTED -

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, April 29, 2021

Hearing Room 303

11:01 AM

6:19-20193 Nery B. Mejia

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21**

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nery B. Mejia

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, April 29, 2021

Hearing Room 303

11:01 AM

6:19-15270 La Chatta P Hunter

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 57

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/28/21

Matter Notes:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

La Chatta P Hunter

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, May 3, 2021

Hearing Room 303

12:00 PM

6:21-12300 Alondra Guerrero

Chapter 7

#1.00 Application for Waiver of Filing Fees

EH__

Docket 5

Party Information

Debtor(s):

Alondra Guerrero

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**

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14950 Deerfield St, Victorville, CA 92394 Under 11 U.S.C. § 362. - Granted in its entirety with the exception of adequate protection which is denied as moot.

MOVANT: NATIONSTAR MORTGAGE

From: 3/2/21

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Nationstar Mortgage)

Docket 84

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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**

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

Debtor(s):

Rodolfo Aguiar

Represented By
Alla Tenina

Joint Debtor(s):

Irma D Aguiar

Represented By
Alla Tenina

Movant(s):

Nationstar Mortgage LLC d/b/a Mr.

Represented By
Dane W Exnowski
Arnold L Graff

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 4, 2021

Hearing Room 303

11:00 AM

6:19-10001 Jose Diaz and Betty Diaz

Chapter 13

#2.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: 2013 Ford Focus, VIN: 1FADP3K20DL297942

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Sheryl Ith, rep. creditor, AmeriCredit Financial Services, Inc.)

Docket 91

Tentative Ruling:

5/4/2021

Service: Proper

Opposition: None

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

- (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 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 good or proceeds in question;
- (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditor's committee and other interested parties;
- (8) whether the judgment

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

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

CONT...

Jose Diaz and Betty Diaz

Chapter 13

claim arising from the foreign action is subject to equitable subordination; (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 and the "balance of hurt."

In re Roger, 539 B.R. 837, 844-45 (C.D. Cal. 2015). In *Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

Id. at 845 (quotations and citations omitted). As is typically the case, "[t]he record does not indicate that *Curtis* factors 3, 4, [] 6, 8, or 9 are at issue in this case, nor do the parties argue to the contrary." *Id.*

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

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

CONT... Jose Diaz and Betty Diaz

Chapter 13

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting Movant relief from the automatic stay. Specifically, while the eleventh factor may weigh against granting relief from stay, because no proceeding has of yet been commenced, the remainder of the factors weigh in favor of relief from stay being granted because Movant "seeks recovery primarily from third parties and agrees that the stay will remain in effect as to the enforcement of any resulting judgment against the Debtor." Because Movant is not seeking to recover from Debtors or the bankruptcy estate, granting relief from stay will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT waiver of Rule 4001(a)(3) stay
- GRANT request under ¶¶ 2 and 8.

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 Diaz

Represented By
Nima S Vokshori

Joint Debtor(s):

Betty Diaz

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 4, 2021

Hearing Room 303

11:00 AM

6:19-15539 Rebeca Olivas

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: N 2017 CHEVROLET SILVERADO 3500H; VIN NO. 1GC4C0EY6HF241884 with Exhibits and Proof of Service

MOVANT: BANK OF AMERICA

EH__

(Tele. appr. Robert Zahradka, rep. creditor, Bank of America)

Docket 34

Tentative Ruling:

5/4/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from § 1301(a) co-debtor stay
- 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):

Rebeca Olivas

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 4, 2021

Hearing Room 303

11:00 AM

CONT... Rebeca Olivas

Chapter 13

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

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

6:20-13525 Dimlux, LLC

Chapter 7

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 20 Parcels (0294-061-19; 0294-071-03; 0294-081-55, 56, 57; 471-110-010,011,012,013,015,018,019,020; 471-130-001, 002;471-140-001, 002, 005, 007)

MOVANT: LINKAGE FINANCIAL GROUP, INC.

EH__

Docket 93

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dimlux, LLC

Represented By
Donald Beury - SUSPENDED -

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

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

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

6:21-11498 Maria Elena Sigala and BENJAMIN RAMIREZ SIGALA

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Volkswagen Jetta, VIN: 3VW2K7AJ9DM381625

MOVANT: EXETER FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. Exeter Finance LLC)

Docket 9

Tentative Ruling:

5/4/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Maria Elena Sigala

Represented By
Reiko J Hicks

Joint Debtor(s):

BENJAMIN RAMIREZ SIGALA

Represented By

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

Tuesday, May 4, 2021

Hearing Room 303

11:00 AM

CONT... Maria Elena Sigala and BENJAMIN RAMIREZ SIGALA
Reiko J Hicks

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

11:00 AM

6:21-11717 Douglas L Norris and Cynthia K Norris

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Sunseeker by Forest River Motorhome

MOVANT: BANK OF THE WEST

EH__

(Tele. appr. Mary Ellmann Tang, rep. Bank of the West)

Docket 15

Tentative Ruling:

5/4/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Douglas L Norris

Represented By
Maryann Briseno

Joint Debtor(s):

Cynthia K Norris

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 304 Calendar**

Tuesday, May 4, 2021

Hearing Room 304

11:00 AM

CONT... Douglas L Norris and Cynthia K Norris

Chapter 7

Maryann Briseno

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 4, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#7.00 CONT. Motion By David M. Goodrich for Order: (1) Approving Disclosure Statement for Trustee's Plan of Liquidation; (2) Establishing Voting, Plan Confirmation, and Other Procedures; (3) Scheduling Plan Confirmation Hearing and Setting Other Related Dates and Deadlines; and (4) Providing Other Ancillary and Related Relief, with Proof of Service

Also #8, 9

From: 3/30/31

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

(Tele. appr. Marc Lieberman, rep. John Larson)

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupan, rep. David Goodrich, chapter 11 trustee)

Docket 528

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Allied Injury Management, Inc.

Represented By
Alan W Forsley

Movant(s):

David M Goodrich (TR)

Represented By
Mark S Horoupan
Jason Balitzer

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

Tuesday, May 4, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Victor A Sahn
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, May 4, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#8.00 CONT First Omnibus Objection of Debtor-In-Possession Allied Injury Management, Inc. Seeking Disallowance of Certain Proofs of Claim
(Holding Date)

Also #7, 9

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21, 3/30/21

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 trustee)

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

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

Tuesday, May 4, 2021

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, May 4, 2021

Hearing Room 303

2:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

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

Also #7, 8

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,
11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20,
7/29/20, 9/30/20, 1/12/21, 3/30/21

EH__

**(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical
Funding Group II, LLC)**

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 trustee)

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

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

Tuesday, May 4, 2021

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, May 4, 2021

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

#10.00 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))

(HOLDING DATE)

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/28/20, 1/13/21, 3/30/21

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

(Tele. appr. David Goodrich, trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 trustee)

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

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

Tuesday, May 4, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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

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, May 4, 2021

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,

#11.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/20/20, 9/30/20/1/13/21, 3/30/21

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

(Tele. appr. David Goodrich, Plaintiff)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 trustee)

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, May 4, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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
Steven Werth

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

Tuesday, May 4, 2021

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

#12.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21, 3/30/21

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

(Tele. appr. Marc Lieberman, rep. Defendant, John Larson)

(Tele. appr. David Goodrich, Plaintiff)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 trustee)

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, May 4, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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
Steven Werth

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

Tuesday, May 4, 2021

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

#13.00 CONT 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)

HOLDING DATE

From: 7/10/18, 2/27/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20,1/13/21, 3/30/21

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

Docket 1

***** VACATED *** REASON: CASE DISMISSED 4/6/2021**

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

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

Tuesday, May 4, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

Plaintiff(s):

David M. Goodrich, Chapter 11

Represented By
Steven Werth
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, May 4, 2021

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,

#14.00 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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 3/4/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21, 3/30/21

EH__

(Tele. appr. Kenneth Hennesay, Jr., rep. creditor, Cambridge Medical Funding Group II, LLC)

(Tele. appr. David Goodrich, Plaintiff)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 trustee)

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

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

Tuesday, May 4, 2021

Hearing Room 303

2:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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

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

Wednesday, May 5, 2021

Hearing Room 303

10:00 AM

6:21-10314 Zulma Lopez

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and Ford Motor Credit Company LLC re 2019 Ford Fusion, in the amount of \$11,121.30

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Zulma Lopez

Represented By
Richard Mark Garber

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 5, 2021

Hearing Room 303

10:00 AM

6:21-10421 Angelina Vasquez

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and OneMain Financial Group, LLC, in the amount of \$3116.50 re 2001 Mitsubishi Montero

EH__

Docket 16

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angelina Vasquez

Represented By
Gary S Saunders

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 5, 2021

Hearing Room 303

10:00 AM

6:21-10592 Gabriel Zepahua Mendoza

Chapter 7

#3.00 Pro se Reaffirmation Agreement Between Debtor and Partners Federal Credit Union, in the amount of \$21,718.47, rep 2019 Honda Accord

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabriel Zepahua Mendoza

Represented By
Judy P Hsu

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 5, 2021

Hearing Room 303

10:00 AM

6:21-10658 Heriberto Hernandez Cuevas

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and Flagship Credit Acceptance, in the amount of \$13,925.21, re: 2016 Hyundai Sonata

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Heriberto Hernandez Cuevas

Represented By
Irma C Coler

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 5, 2021

Hearing Room 303

10:00 AM

6:21-10681 Sandra G Garcia

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and OneMain Financial Group, LLC, in the amount of \$2,900.54 re: 2003 Chevy

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra G Garcia

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, May 5, 2021

Hearing Room 303

10:00 AM

6:21-11898 Kathryn Jean Gomez

Chapter 7

#6.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Financial

(Vehicle description, annual percentage rate, and amount financed not detailed in Reaffirmation Agreement)

EH__

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Jean Gomez	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 5, 2021

Hearing Room 303

11:00 AM

6:18-11895 Rosendo Adaiberto Lobos

Chapter 7

#7.00 Motion of Chapter 7 Trustee for an Order to Abandon the Estate's Assets to the Debtor and file a No Asset Report

EH__

(Tele. appr. Arturo Cisneros, chapter 7 trustee)

Docket 28

Tentative Ruling:

5/5/2021

Service proper
No opposition

TENTATIVE RULING

On April 14, 2021 Trustee filed the instant motion seeking an order to abandon the estate's assets in case 6:18-11895 filed by Debtor Rosendo Adaiberto Lobos on March 9, 2018. 11 U.S.C. § 554(a) states:

After notice and a hearing, the trustee may abandon any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate.

As set forth in the motion, there being no unsecured claims to disburse the \$7,706.76 funds Trustee holds, the funds are of inconsequential value to the estate. As such, the Court is inclined to GRANT the motion, ordering the funds to be abandoned to Debtor less any payment of bond and bank fees.

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**

Wednesday, May 5, 2021

Hearing Room 303

11:00 AM

CONT... Rosendo Adaiberto Lobos

Chapter 7

Debtor(s):

Rosendo Adaiberto Lobos

Represented By
Neil R Hedtke

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 5, 2021

Hearing Room 303

11:00 AM

6:20-11274 Nelly Guadalupe Seneff

Chapter 7

#8.00 CONT. Notice of Trustee's Final Report and Applications for Compensation

From: 3/3/21

EH__

(Tele. appr. Matthew Kennedy, rep. chapter 7 trustee)

Docket 40

Tentative Ruling:

5/5/2021

No opposition has been filed.
Service was proper.

The applications for compensation of the Trustee and Attorney have been set for hearing on the notice required by LBR 2016-1. At the initial hearing on March 3, 2021, the Court was inclined to disallow attorney fees and reduce Trustee's compensation, noting Trustee, without Court approval, had entered into a compromise to sell the estate's interest in Debtor's residence. Having now approved that compromise retroactively by order entered on April 1, 2021, and 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: \$ 2,150
Trustee Expenses: \$ 92.36

Attorney Fees: \$ 6,203.51
Attorney Expenses: \$ 207.15

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

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

Wednesday, May 5, 2021

Hearing Room 303

11:00 AM

CONT... Nelly Guadalupe Seneff

Chapter 7

Party Information

Debtor(s):

Nelly Guadalupe Seneff

Represented By
Todd L Turoci

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, May 5, 2021

Hearing Room 303

11:00 AM

6:20-12261 Jose Jimenez

Chapter 7

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

EH__

Docket 35

Tentative Ruling:

5/5/2021

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: \$ 550
Trustee Expenses: \$ 0

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 Jimenez

Represented By
Tristan L Brown

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, May 5, 2021

Hearing Room 303

11:00 AM

6:20-15054 Luis Alberto Pineda-Mata

Chapter 7

#10.00 Notice of Objection and Motion to Extend Time to File Additional Evidence in Support of Objection to Debtor's Claimed Homestead Exemption, with Proof of Service

EH__

(Tele. appr. Tinho Mang, rep. chapter 7 trustee)

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Pineda-Mata

Represented By
Todd L Turoci

Trustee(s):

Charles W Daff (TR)

Represented By
Chad V Haes
Tinho Mang
D Edward Hays

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:19-01114 Sonnenfeld v. Diaz et al

#11.00 CONT. Status Conference RE: [1] Adversary case 6:19-ap-01114. Complaint by Cleo Sonnenfeld against Gabriela Nieto Diaz, Laguna Motors, Inc.. Recovery, and Preservation of Preferential Transfer; (2) Avoidance, Recovery, and Preservation of Constructive Fraudulent Transfer; and (3) Avoidance, Recovery, and Preservation of Actual Fraudulent Transfer [11 U.S.C. Sections 544, 547, 548, 550 and 551; Cal. Civ. Code Sections 3439.04, 3439.05] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Hays, D)

From: 10/28/20,3/31/21

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/23/21 BY ORDER
ENTERED 2/17/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Gabriela Nieto Diaz

Pro Se

Laguna Motors, Inc.

Represented By
Julian K Bach

Plaintiff(s):

Cleo Sonnenfeld

Represented By

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Joshua Cord Richardson

Chapter 7

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, May 5, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

#12.00 CONT Motion to Disallow Homestead Exemption
HOLDING DATE

Also #13

From: 12/18/19, 5/20/20, 9/9/20,11/4/20,12/2/20,1/6/21,2/3/21

EH__

Docket 49

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/28/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

#13.00 CONT Motion for Order Compelling Debtor to Vacate and Turnover Real Property
HOLDING DATE

Also #12

From: 11/13/19, 12/18/19, 5/20/20, 9/9/20,11/4/20, 2/2/20,1/6/21,2/3/21

EH ____

(Tele. appr. Douglas Plazak, rep. Plaintiff, Robert Whitmore)

Docket 40

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/28/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

Adv#: 6:19-01144 Whitmore v. Hammond

#14.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01144. Complaint by Robert S. Whitmore against Kenneth Hammond. (Charge To Estate) \$350.00 (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Unexecuted Summons) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))),(91 (Declaratory judgment))

HOLDING DATE

From: 12/18/19, 5/20/20, 9/9/20, 11/4/20, 12/2/20,1/6/21,2/3/21

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/30/21 BY ORDER
ENTERED 4/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Defendant(s):

Kenneth Hammond

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

6:19-19387 Corinne Lara Ramirez

Chapter 7

Adv#: 6:20-01006 Eggleston et al v. Ramirez

#15.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01006. Complaint by David Eggleston, Karin Doerr, Richard Alvarado, Yan Sum Alvarado against Corinne Lara Ramirez. (d),(e)),(62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury))

Also #16

From 10/7/20, 10/14/20,11/18/20,2/3/21

EH__

(Tele. appr. Scott Talkov, rep. Defendant, Connie Ramirez)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corinne Lara Ramirez

Represented By
Natalie A Alvarado

Defendant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Plaintiff(s):

David Eggleston

Represented By
Tyler H Brown

Karin Doerr

Represented By
Tyler H Brown

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Richard Alvarado

Represented By
Tyler H Brown

Yan Sum Alvarado

Represented By
Tyler H Brown

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 5, 2021

Hearing Room 303

2:00 PM

6:19-19387 Corinne Lara Ramirez

Chapter 7

Adv#: 6:20-01006 Eggleston et al v. Ramirez

#16.00 Defendants' Motion to Dismiss Second Amended Complaint for Failure to State a Claim; Points and Authorities; Request for Judicial Notice

Also #15

EH__

(Tele. appr. Scott Talkov, rep. Defendant, Connie Ramirez)

Docket 82

Tentative Ruling:

5/5/2021

Service proper
Opposition filed

BACKGROUND

On October 24, 2019, Corinne Lara Ramirez ("Defendant") filed a Chapter 7 voluntary petition. On October 5, 2020 the order of discharge was entered closing the bankruptcy case on October 6, 2020.

While the bankruptcy was still proceeding, on January 22, 2020, David Eggleston, Karin Doerr, Richard Alvarado, and Yan Sum Alvarado ("Plaintiffs") filed a non-dischargeability complaint ("Complaint") against Defendant pursuant to 11 U.S.C. § 523(a)(2)(A) and (a)(6). On October 2, 2020, Plaintiffs filed a motion for leave to amend. The hearing was held on November 18, 2020, in which the Court orally granted the Plaintiff's request.

On December 1, 2020, Plaintiffs filed the first amended complaint ("FAC"). On December 3, 2020, the Court entered an order granting Defendant's first motion to dismiss as to the § 523(a)(6) second cause of action and denying Defendant's motion

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

as to the § 523(a)(2)(A) first cause of action, granting Plaintiffs leave to amend the first cause of action.

On December 23, 2020, Defendant filed a second motion to dismiss arguing the allegations in the FAC do not meet the heightened pleading requirement of FED. R. CIV. P. Rule 9(b). The Court granted Defendant's motion with leave to amend pursuant to order entered on February 10, 2021.

On February 19, 2021, Plaintiff's filed the second amended complaint ("SAC"). On March 22, 2021, Defendant filed the instant and third motion to dismiss for failure to state a claim. Plaintiffs opposed on April 1, 2021. On April 28, 2021, Defendant filed a reply.

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 (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 (2009) (quoting *Twombly*, 550 U.S. at 570). 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).

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT...

Corinne Lara Ramirez

Chapter 7

II. *NON-DISCHARGEABILITY STANDARD*

- (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).

III. *RULE 9(B) STANDARD*

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). 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."

"In order to properly plead fraud with particularity, the complaint must allege the time, and content of the fraudulent representation such that a defendant can prepare an adequate response to the allegations." *In re Kimmel*, 2008 WL 5076380 at *1. The heightened pleading standard is commonly cited as requiring the allegations to identify "the who, what, when, where, and how of the misconduct charged." *See, e.g. U.S. v. United Healthcare Ins. Co.*, 848 F.3d 1161, 1167 (9th Cir. 2016); *Ebeid ex rel. United States v. Lungwitz*, 616 F.3d 993, 998 (9th Cir. 2010); *Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1106 (9th Cir. 2003).

IV. *ANALYSIS*

The SAC lists two sets of representations. As to the Alvarado Plaintiffs, the only

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

alleged false representation made by Defendant that the Court can discern as remotely sufficient is as to the value of the wine, which representation was allegedly made by George Walker in the presence of Defendant (and so Defendant is apparently liable under some theory not elaborated on by Plaintiff that George Walker's representation was, the Court assumes, somehow adopted by and deemed made also by Defendant through her silence). Aside from the vagueness of that theory and the allegations, however, there is no allegation that Defendant had any knowledge of the value of the wine or that it was vinegar. Moreover, there is no allegation that any such "representation" by Defendant was made with intent to deceive, nor is there any allegation that Plaintiffs relied on that representation or that such representation was reasonable. Thus, and for reasons otherwise set forth in the Defendant's moving papers, Plaintiff has failed to state a claim with respect to the Alvarado Plaintiffs.

As to the Eggleston and Doerr Plaintiffs, the Court finds that the only somewhat meritorious representation is the following: "Defendant Corinne Lara Ramirez stated that she knew how to operate a wine business and had a complete knowledge of the financial and operating aspects of the wine making industry." [SAC ¶ 6]. While the statement lacks detail to support her alleged knowledge, the Court disagrees with Defendant that this is mere "puffing" given that the representation related to Defendant's knowledge and experience specifically in the wine making industry—it was a statement that she had knowledge, not the degree of her knowledge. Moreover, as it was a statement about her own abilities and knowledge, the statement necessarily assumes Defendant's knowledge of the falsity. However, there is no allegation that the representation was made with the intent to deceive, with allegation of supporting facts, nor is there any allegation that reliance on Defendant's statement was reasonable, also with allegation of supporting facts. Thus, and for reasons otherwise set forth in the Defendant's moving papers, Plaintiff has failed to state a claim with respect to the Eggleston and Doerr Plaintiffs.

TENTATIVE RULING

Given the existence of such material deficiencies notwithstanding having already amended the Complaint twice, and the apparent futility of further amendment, it is the Court's intention to GRANT the motion to dismiss WITHOUT leave to amend.

APPEARANCES REQUIRED.

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Party Information

Debtor(s):

Corinne Lara Ramirez

Represented By
Natalie A Alvarado

Defendant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Plaintiff(s):

David Eggleston

Represented By
Tyler H Brown

Karin Doerr

Represented By
Tyler H Brown

Richard Alvarado

Represented By
Tyler H Brown

Yan Sum Alvarado

Represented By
Tyler H Brown

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 5, 2021

Hearing Room 303

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#17.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01015. Complaint by Matthew Cotter, Courtney Cotter against Christopher Edward Hutchinson, false pretenses, false representation, actual fraud)) (Pagter)

*Alias summons issued on 3/3/21 for defendant Veronica Hutchinson

Also #18

From: 3/31/21

EH__

(Tele. appr. Baruch Cohen, rep. Defendants, Christopher and Veronica Hutchinson)

(Tele. appr. Misty Perry Isaacson, rep. Plaintiffs)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Edward Hutchinson

Represented By
Paul Y Lee

Defendant(s):

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

Veronica Aurora Hutchinson Pro Se

Joint Debtor(s):

Veronica Aurora Hutchinson Represented By
Paul Y Lee

Plaintiff(s):

Courtney Cotter Represented By
R Gibson Pagter Jr.

Matthew Cotter Represented By
R Gibson Pagter Jr.

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 5, 2021

Hearing Room 303

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#18.00 Defendants' Motion to Dismiss First Amended Complaint

Also #17

EH__

(Tele. appr. Baruch Cohen, rep. Defendants, Christopher and Veronica Hutchinson)

Docket 16

Tentative Ruling:

5/5/2021

Service proper
Opposition filed

BACKGROUND

On December 8, 2020, Christopher and Veronica Hutchinson ("Debtors") filed a Chapter 7 voluntary petition for bankruptcy. On Schedule E/F, Debtors listed a business debt in the amount of \$725,000 to Matthew and Courtney Cotter. Debtors received a discharge on March 15, 2021.

On January 27, 2021, Matthew and Courtney Cotter ("Plaintiffs") commenced adversary proceeding No. 6:21-ap-01015 by filing a complaint for non-dischargeability. Debtors filed their first motion to dismiss on February 25, 2021. On March 2, 2021, Plaintiffs filed a first amended complaint [Dkt. 8] to determinate dischargeability of debt and for declaratory relief re community property liability pursuant to 11 U.S.C. §§ 523(a)(2)(A), (a)(4), and (a)(6) ("FAC") mooted Debtors' motion.

On March 22, 2021, Debtors filed the instant motion to dismiss for failure to state a

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

claim pursuant to FED. R. CIV. P. Rule 12(b)(6) and FED. R. CIV. P. Rule 9(b) ("Rule 9(b)"). [Dkt. 16]. On April 21, 2021, Plaintiffs filed an opposition. [Dkt. 21].

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 (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 (2009) (quoting *Twombly*, 550 U.S. at 570). 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. NON-DISCHARGEABILITY STANDARD

Plaintiff's FAC proceeds under a theory of non-dischargeability pursuant to 11 U.S.C. §§ 523(a)(2)(A) for fraud, (a)(4) for embezzlement, (a)(6) for willful and malicious injury. Specifically, these sections provide:

- (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

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT...

Christopher Edward Hutchinson

Chapter 7

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;

11 U.S.C. §§ 523(a)(2)(A), (a)(4), (a)(6).

With respect to the first claim, the elements of a § 523(a)(2)(A) claim are well-established: (1) the debtor made representations; (2) which were known to be false; (3) the representations were made with the intention and purpose of deceiving the creditor; (4) the creditor relied on such representations; (5) 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).

To succeed on the second claim for embezzlement, creditor must prove: "(1) the property was rightfully in the possession of a non-owner; (2) the non-owner appropriated the property to a use other than which it was entrusted; and (3) circumstances indicating fraud." *In re Laos*, 513 B.R. 119, 125 (Bankr. D. Ariz. 2014). A creditor becomes the owner of funds when transferred pursuant to a contract. *See In re Wada*, 210 B.R. 572, 576 (B.A.P. 9th Cir. 1997) *accord In re Mercer*, 169 B.R. 694, 697 (Bankr. W.D. Wash. 1994) ([u]nder federal bankruptcy law, absent agreement to the contrary, a contractor receiving progress payments takes the funds as owner); *see also In re Schultz*, 46 B.R. 880, 889 (Bankr. D. Nev. 1985) (Where building contract provides for certain services at certain prices, and there is a transfer of money within the contract price, ownership as well as possession passes, and all that remains is a contractual obligation.).

Last, as to the third claim, creditor must prove that the injury was both willful and malicious. *See In re Barboza*, 545 F.3d 702, 706 (9th Cir. 2008). "A "willful" injury is a deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury. *Id.* 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.*

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

III. *RULE 9(B) STANDARD*

As Debtors correctly point out, 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). Additionally, where plaintiff alleges a "unified course of fraudulent conduct" and relies entirely on that conduct as the basis of a claim, "the claim is said to be grounded in fraud or to sound in fraud, and the pleading of that claim as a whole must satisfy the particularity requirement of Rule 9(b)." *Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1103–04 (9th Cir. 2003) (internal quotations omitted). By contrast, where "fraud is not an essential element of a claim, only allegations ("averments") of fraudulent conduct must satisfy the heightened pleading requirements of Rule 9(b)." *Id.* at 1105.

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." "In order to properly plead fraud with particularity, the complaint must allege the time, and content of the fraudulent representation such that a defendant can prepare an adequate response to the allegations." *In re Kimmel*, 2008 WL 5076380 at *1. The heightened pleading standard is commonly cited as requiring the allegations to identify "the who, what, when, where, and how of the misconduct charged." *See, e.g. U.S. v. United Healthcare Ins. Co.*, 848 F.3d 1161, 1167 (9th Cir. 2016); *Ebeid ex rel. United States v. Lungwitz*, 616 F.3d 993, 998 (9th Cir. 2010).

IV. *ANALYSIS*

As an initial matter, the causes of action in the FAC need to indicate which Defendant each cause is against. With respect to the first claim for fraud, the FAC boils down to two sets of misrepresentations. The first set is grounded in what Christopher was purportedly supposed to do pursuant to a construction contract entered into on September 12, 2018. *See* FAC ¶ 9, 10, 17 (providing for completion date, type of work, and timely service according to code). However, at some point when Christopher received funds to perform such work under the contract, he instead allegedly kept those funds and did not follow through under the terms of the contract. *See* FAC ¶ 18 ("These material Representations were false in that Christopher kept the

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson Chapter 7

funds and did not use them for their intended purpose under the Contract."); FAC ¶ 22 ("Christopher abandoned the unfinished project. . . .).

Essentially, if the Court extrapolates, Plaintiff is attempting to plead that Christopher must have lied to Plaintiffs when entering the contract and accepted payments because in hindsight work was not completed. Although Debtors correctly point out that these are misrepresentations of a promise to do work and are not typically actionable, there is a subset of § 523(a)(2)(A) authority in the Ninth Circuit that validates nondischargeability actions for promissory fraud. *See, e.g., Tobin v. Sans Souci Ltd. P'ship (In re Tobin)*, 258 B.R. 199, 203 (9th Cir. BAP 2001); *In re Carlson*, 426 B.R. 840, 854 (Bankr. D. Idaho 2010) ("These cases require proof that at the time the promise was made, it was then known to the maker to be false and that there was no intent or ability to perform the promise.").

Notwithstanding, the Court is inclined to agree with Debtors' general argument that the FAC does not provide facts to support Plaintiff's conclusion to the extent required by Rule 9(b). The key element of falsity amounts to the conclusory statement that Christopher did not use the funds for the intended purposes. While arguably plausible, under a Rule 9(b) analysis, the circumstances of the fraud must have sufficient detail, i.e., "the who, what, when, where, and how of the misconduct charged." *See United Healthcare Ins. Co.*, 848 F.3d at 1167. Plaintiffs' arguments in its opposition are illustrative of the problem with the FAC:

Christopher failed to provide the above noted materials and fixtures to the Plaintiffs nor did he return the deposits for the same. As such, it is disingenuous of the Defendants to argue that Plaintiffs have failed to show that Plaintiffs never received the materials and fixtures and Christopher did not return the funds.

[Dkt. 21, pg. 4].

The reason for the Debtors' argument is apparent in Plaintiffs' above response—these facts, which may have supported falsity, are not included in the FAC. And this is just one example of the lack of circumstances surrounding the fraud. For example, when was the \$98,218 furnished? When and how did Christopher request each amount and make each representation? Under what contract terms or invoices? Before or after some work was completed? At what point after receiving the funds did Christopher

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

cease working? Facts purportedly clarifying some of these details appear in Plaintiffs' opposition, where the Plaintiffs argue that a total of \$62,103 was tendered due to invoices falsely misrepresenting the completion of certain steps in the construction process. *See* [Dkt. 21, pg. nos. 2-3]. Although Plaintiff is correct that Rule 9b does not require a plaintiff to make detailed evidentiary allegations or forecast the evidence that the plaintiff hopes to adduce in discovery or at trial, on the first set of representations alone, the Court cannot find that there is enough specificity for Debtors to "prepare an adequate response to the allegations" to satisfy Rule 9b. *See In re Kimmel*, 2008 WL 5076380 at *1.

With respect to the second set of misrepresentations that Christopher failed to disclose that his contractor's license had been revoked [FAC ¶ 13-16], the Court notes an inconsistency between the FAC and Plaintiffs' opposition. The FAC ¶ 13 states that the license was suspended on November 25, 2018, reinstated, and then revoked on January 10, 2019, however, the opposition states it was suspended on two prior occasions on November 21, 2015 and again on June 19, 2017. [Dkt. 21, pg. 6]. The acknowledgement in the opposition that the disclosure has to be made before the contract date, and the new suspension dates, further illustrate the problem with the FAC.

In addition, FAC ¶ 17 appears incorrect because it defines "Representations" as those in ¶¶ 9, 10, 13, 14. But ¶ 14 is not a representation while ¶ 17 appears to be to be a representation. This apparent error leads to more confusion. For example, ¶ 18 says the Representations are false because Christopher kept the funds, however; this only alleges falsity for some of the Representations, not all. In this view, the Court also notes there is no allegation as to how the Representations in ¶¶ 9, 10 were false.

As to claims two and three for embezzlement and willful and malicious injury, the Court finds neither are sufficient to state a claim. On the embezzlement claim, the FAC includes no allegations that Christopher was a "non-owner" of the funds, rather he received the funds pursuant to a contract, and thus there is no "cognizable legal theory." *See In re Laos*, 513 B.R. 119, 125 (Bankr. D. Ariz. 2014) (elements of embezzlement); *In re Schultz*, 46 B.R. 880, 889 (Bankr. D. Nev. 1985) (ownership passes on transfer of money pursuant to a contract); *Johnson*, 534 F.3d at 1121 (standard for dismissing under Rule 12(b)(6)). With respect to the willful and malicious cause of action, as with the § 523(a)(2)(A) claim, such facts would need to

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

be pled with particularity as the claim is grounded in Christopher's fraud. *See Vess*, 317 F.3d at 1103–04.

Finally, as to the fourth claim for declaratory relief, Plaintiffs are correct that Debtors have misconstrued the determination sought. 11 U.S.C § 524(a)(3) states that a discharge:

operates as an injunction against the commencement or continuation of an action, the employment of process, or an act, to collect or recover from, or offset against, property of the debtor of the kind specified in section 541(a)(2) of this title that is acquired after the commencement of the case, on account of any allowable community claim, *except a community claim that is excepted from discharge under section 523, 1192, 1228(a)(1), or 1328(a)(1), or that would be so excepted, determined in accordance with the provisions of sections 523(c) and 523(d) of this title, in a case concerning the debtor's spouse commenced on the date of the filing of the petition in the case concerning the debtor, whether or not discharge of the debt based on such community claim is waived.*

As such, there is a cognizable legal theory to support a declaratory judgment that should the debt be a community claim and excepted from discharge, Plaintiffs could pursue community property in satisfaction of its judgment.

FED. R. CIV. P. Rule 15(a)(2), incorporated into bankruptcy proceedings by FED. R. BANKR. P. Rule 7015, provides that "a party may amend its pleading only with opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." *See also Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) ("Although Rule 15(a) gives the trial court discretion over this matter, we have repeatedly stressed that the court must remain guided by the underlying purpose of Rule 15 . . . to facilitate decision on the merits, rather than on the pleadings or technicalities.") (internal quotation omitted). Given the liberal standard, at this time, the Court will grant leave to amend the claims.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to:

- GRANT the motion to dismiss the first, second, and third claims, with leave to

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

Wednesday, May 5, 2021

Hearing Room 303

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

amend;
- DENY the motion to dismiss the fourth claim.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Christopher Edward Hutchinson	Represented By Paul Y Lee
-------------------------------	------------------------------

Defendant(s):

Veronica Aurora Hutchinson	Represented By Baruch C Cohen
----------------------------	----------------------------------

Christopher Edward Hutchinson	Represented By Baruch C Cohen
-------------------------------	----------------------------------

Joint Debtor(s):

Veronica Aurora Hutchinson	Represented By Paul Y Lee
----------------------------	------------------------------

Plaintiff(s):

Courtney Cotter	Represented By R Gibson Pagter Jr. Misty A Perry Isaacson
-----------------	---

Matthew Cotter	Represented By R Gibson Pagter Jr. Misty A Perry Isaacson
----------------	---

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, May 11, 2021

Hearing Room 303

11:00 AM

6:20-14908 Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

#1.00

Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Riverside Superior Court Case PSC2002569

MOVANT: SUN, LLC

EH__

(Tele. appr. James Hodgkins, rep. creditor, Sun, LLC)

Docket 53

Tentative Ruling:

5/11/21

Service: Proper

Opposition: None

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

- (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 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 good or proceeds in question;
- (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditor's

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

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

CONT...

Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

committee and other interested parties; (8) whether the judgment claim arising from the foreign action is subject to equitable subordination; (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 and the "balance of hurt."

In re Roger, 539 B.R. 837, 844-45 (C.D. Cal. 2015) *citing to In re Curtis*, 40 B.R. 795, 800 (Bankr. D. Utah 1984) (emphasis added). *In Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

Id. at 845 (quotations and citations omitted). As is typically the case, "[t]he record does not indicate that *Curtis* factors 3, 4, [] 6, 8, or 9 are at issue in this

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

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

CONT... Fury Investments, Inc. fdba Zelda's Nightclub

Chapter 7

case, nor do the parties argue to the contrary." *Id.*

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting Movant relief from the automatic stay. Specifically, although the eleventh factor may weigh against granting relief from stay, because the state court litigation is in its early stages, the remainder of the factors, particularly the fifth factor, weigh in favor of granting relief from stay because Movant "seeks recovery only from applicable insurance, if any, and waives any deficiency or other claim against the Debtor or property of the Debtor's bankruptcy estate." Because Movant has agreed to waive any deficiency claim against Debtor, the continuation of the state court proceedings will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and GRANT the 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):

Fury Investments, Inc. fdba Zelda's

Represented By
Jenny L Doling

Movant(s):

Sun LLC

Represented By
Catherine Gayer

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ori S Blumenfeld

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

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

6:21-11659 Juan Navarro-Lagos

Chapter 7

#2.00

Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Honda Accord, VIN: 1HGC R2F5 9HA2 81496

MOVANT: AMERICAN HONDA FINANCE CORPORATION

EH__

(Tele. appr. Vincent Frounjan, rep. creditor, American Honda Finance Corporation)

Docket 8

Tentative Ruling:

5/11/21

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 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):

Juan Navarro-Lagos

Represented By
Andy Nguyen

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

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

CONT... Juan Navarro-Lagos

Chapter 7

Movant(s):

American Honda Finance

Represented By
Vincent V Frounjian

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 11, 2021

Hearing Room 303

11:00 AM

6:21-11740 Yvonne Miranda and Linda Juarez

Chapter 7

#3.00

Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 MERCEDES C CLASS, VIN: 55SW F4JB 7FU0 77120

MOVANT: MECHANICS BANK AUTO FINANCE

EH__

(Tele. appr. Vincent Frounjan, rep. creditor, Mechanics Bank Auto Finance)

Docket 13

Tentative Ruling:

5/11/21

Service: Proper

Opposition: None

In relevant part, 11 U.S.C. § 362 states:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and *such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--*

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, *if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as*

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

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

CONT... **Yvonne Miranda and Linda Juarez**
applicable; and

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor's statement of intention selects an option to retain the property and continue making payments based on the pre-bankruptcy loan agreement. This option is known as "ride-through" and is not available in this circuit, and as such Debtor cannot properly select it under the statute. *See In re Dumont*, 581 F.3d 1104 (9th Cir. 2009). The Debtor was required to select to either surrender, redeem the property, or to enter a reaffirmation agreement. *See id.* As the thirty-day deadline for filing or amending the statement of intention was April 30, 2021, the automatic stay at to the Mercedes has terminated as a matter of law. *See* 11 U.S.C. § 521(a)(2)(A). Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Yvonne Miranda

Represented By
Freddie V Vega

Joint Debtor(s):

Linda Juarez

Represented By
Freddie V Vega

Movant(s):

Mechanics Bank Auto Finance

Represented By
Vincent V Frounjian

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 11, 2021

Hearing Room 303

11:00 AM

6:21-12133 Samuel Dominguez Uribe, Jr.

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 707 Orchard Street, Coachella, CA 92236

MOVANT: SAMUEL DOMINGUEZ URIBE JR.

EH__

(Tele. appr. Sofya Davtyan, rep. Dennison C. Williams, Trustee of the Williams 1980 Trust "B" Whose servicing agent is FCI Lender Services, Inc.)

Docket 10

Tentative Ruling:

5/11/21

Service: Proper (Shortened)

Opposition: Creditor

Debtor had a previous case dismissed on March 18, 2021. Therefore, pursuant to § 362(c)(3)(A), the automatic stay in the instant case terminates on the thirtieth (30th) day following the petition date.

11 U.S.C. § 362(c)(3)(C)(i)(II)(aa) provides for a presumption that this case was filed in bad faith as to all creditors because Debtor's previous case was dismissed for failure to file required documents and a plan. Therefore, pursuant to 11 U.S.C. § 362(c)(3)(B)-(C), Debtor must rebut this statutory presumption by providing "clear and convincing" evidence to the contrary.

Here, without detail, Debtor claims that he has taken measures to budget and has obtained the required documents as evidence that the case was filed in good faith. Debtor further explains that he filed the previous case on an "emergency basis" to stop

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

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

CONT... Samuel Dominguez Uribe, Jr.

Chapter 13

a foreclosure, but because he was "out of town," he couldn't access documents that were required to be filed as part of the petition. The Court notes that in his previous case, Debtor filed a motion to extend the filing deadline, which the Court denied noting a variety of errors with the motion, including a lack of adequate explanation as to the filing delay. The bare bones declaration now submitted by Debtor does not amount to clear and convincing evidence that this case was not filed in bad faith, e.g. merely to temporarily avert the foreclosure as Secured Creditor argues. Additionally, as Secured Creditor, Dennison C. Williams, points out in his opposition filed on May 6, 2021, there appears to be a variety of other issues with respect to the confirmability of a Chapter 13 Plan, such as the failure to: disclose a junior lienholder, fully account for Secured Creditor's claim, and substantiate Debtor's income.

To properly determine whether Debtor is likely to successfully complete a Chapter 13 plan, the Court requires more evidence (e.g. detail as to where he was, why he couldn't access the records, how his finances have changed, etc.). For the foregoing reasons, the Court is inclined to:

-DENY the request to continue the automatic stay.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Samuel Dominguez Uribe Jr.

Represented By
Benjamin R Heston

Movant(s):

Samuel Dominguez Uribe Jr.

Represented By
Benjamin R Heston
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**

Tuesday, May 11, 2021

Hearing Room 303

11:00 AM

6:21-12554 Nancy Demara

Chapter 7

#5.00 Application for Waiver of Fees

EH__

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Demara	Pro Se
--------------	--------

Movant(s):

Nancy Demara	Pro Se
--------------	--------

Trustee(s):

Steven M Speier (TR)	Pro Se
----------------------	--------

Todd A. Frealy (TR)	Pro Se
---------------------	--------

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

6:14-17350 Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

#1.00 Notice of Objection to Claim #1 and 8 filed by Anita Silker and Edward Silker

EH__

Docket 240

Tentative Ruling:

5/12/2021

BACKGROUND:

On June 3, 2014, Dean & Tami Springer ("Debtors") filed a Chapter 7 voluntary petition. On July 7, 2014, Anita Silker filed a proof of claim for an unsecured claim in the amount of \$280,000 ("Claim 1"). On September 18, 2014, Anita Silker filed a proof of claim for a priority unsecured claim in the amount of \$280,000 ("Claim 7"). And, that same day, Edward and Anita Silker (collectively, "Creditors"); individually, "Anita" and "Edward") filed a proof of claim for an unsecured claim in the amount of 280,000. The Court notes that Claim 1, Claim 7, and Claim 8 all appear to relate to the same debt, and the supporting information filed with Claim 8 is identical to the supporting information filed with Claim 7.

On April 5, 2021, Trustee filed an objection to Claim 1 and Claim 8. Trustee asserts that Claim 7 appears intended to replace Claim 1, Claim 1 was filed without any supporting information, and Claim 8 appears to be a duplicate of Claim 7 and/or Claim 1.

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

The Court has not received any opposition to the Trustee's claim objection.

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, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

ANALYSIS:

Claim 1 and Claim 8 appear to both be duplicative of Claim 7. As one bankruptcy court has stated:

Section 502(b)(1) contemplates disallowance of a claim, proof which has been filed in a bankruptcy case, to the extent such claim is unenforceable against the debtor and property of the debtor, under any agreement or applicable law for reason other than because such claim is contingent or unmatured. It is axiomatic that one cannot recover for the same debt twice. Therefore, claims that assert a right to payment on the same liability for which payment is sought in another claim filed by the same creditor state no independent right to recovery, and are unenforceable to the extent of the duplication.

In re GGS Liquidation, Inc., 2016 WL 6808510 at *3 (Bankr. N.D. Ill. 2016) (quotations and citation omitted).

Therefore, Claim 1 and Claim 8 being duplicative of Claim 7, the Court is inclined to sustain Trustee's objection.

The Court also notes that it deems failure to oppose to be 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, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Dean L. Springer, Sr. and Tami Jo Springer

Chapter 7

TENTATIVE RULING

The Court is inclined to SUSTAIN the objection, DISALLOWING Claim 1 and Claim 8.

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):

Dean L. Springer Sr.	Pro Se
----------------------	--------

Joint Debtor(s):

Tami Jo Springer	Pro Se
------------------	--------

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 12, 2021

Hearing Room 303

11:00 AM

6:17-17761 Ghazi Khan Ghori

Chapter 7

#2.00 CONT. Motion to Avoid Lien Judicial Lien with College Square, L.P. and Notice of Motion **(Status Conference)**

From: 4/21/21

(Placed on calendar by order entered 3/25/21)

EH__

(Tele. appr. Michele Saadeh, rep. creditor, College Square, L.P.)

Docket 33

Tentative Ruling:

4/21/2021

BACKGROUND

On September 15, 2017, Ghazi Khan Ghori ("Debtor") filed a Chapter 7 voluntary petition. Debtor received a discharge on December 27, 2017. The case was reopened pursuant to order entered on January 7, 2021.

Debtor filed the instant motion seeking to avoid the junior judicial lien held by College Square, L.P. ("Creditor") in the amount of \$27,671.60 pursuant to 11 U.S.C. § 522(f) in the property Debtor claims as his homestead located at 14126 Bay Circle, Corona, Riverside, California 92800 ("Bay Circle residence"). The Bay Circle residence is currently encumbered by a first position lien in the amount of \$461,798.40 and a second position lien in the amount of \$836,101.70. Per the appraisal, the fair market value is \$605,000.

On March 24, 2021, Creditor filed an opposition and request for a hearing arguing that the Bay Circle residence was not Debtor's homestead at the time of the bankruptcy petition, rather Debtor lived at 21610 Dunrobin way, Yorba Linda, CA 92887 in 2017

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Ghazi Khan Ghori

Chapter 7

at time of filing bankruptcy ("Dunrobin residence"). The Court set the motion for hearing on March 25, 2021. On April 14, 2021, Debtor filed a reply.

DISCUSSION

11 USC 522(f) allows Debtor to avoid a judicial lien only to the extent it impairs an exemption he is entitled to under § 523(b)(3), which states, in relevant part:

- (3) Property listed in this paragraph is--
- (A) subject to subsections (o) and (p), any property that is exempt under Federal law, other than subsection (d) of this section, or State or local law that is applicable on the date of the filing of the petition to the place in which the debtor's domicile has been located for the 730 days immediately preceding the date of the filing of the petition or if the debtor's domicile has not been located in a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place;

Accordingly, for Debtor to claim a homestead exemption in the Bay Circle residence, he had to have been domiciled there within the time parameters set by the statute. Here, the Court finds that Creditor has met its burden to create a dispute as to the homestead status of the Bay Circle residence. Creditor provided a property profile for the Bay Circle residence from 2016 listing Debtor's mailing address as the Bay Circle residence. In 2016, after a stakeout, Debtor was served at the Dunrobin residence. In 2016 and 2017, Debtor sent his children to school in Yorba Linda. Additionally, a copy of Debtor's real estate broker license lists the Dunrobin Residence as his address as of March 22, 2021.

Debtor argues that he used the Dunrobin Way residence as only a mailing address to protect his privacy from the tenants renting in the Bay Circle residence. Debtor, however, does not clarify or provide any evidence that he lived at the Bay Circle residence at the time of filing, or at the very least shown it was intended as his primary residence, other than declaring it so. More importantly, Debtor does not explain or dispute why his children were in school in Yorba Linda, rather than Corona. The Court questions if Debtor rented the Dunrobin Way residence during the bankruptcy

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... **Ghazi Khan Ghori**

Chapter 7

or even owned it. The Court notes a rental or home ownership expenses in the amount of \$3,089 on Debtor's schedule J. Without Debtor residing in the Bay Circle residence at the time of filing, the Court cannot be certain of Debtor's domicile there, and thus eligibility for the homestead exemption.

As to Debtor's argument that Creditor's objection to exemption is asserted years after the 30-day deadline prescribed by FED. BANKR. Rule 4003(b)(1), subsection (d) provides that "[n]otwithstanding the provisions of subdivision (b), a creditor may object to a request under §522(f) by challenging the validity of the exemption asserted to be impaired by the lien."

The Court also notes that although a 17-day deadline is generally required to oppose a motion upon notice of opportunity to request a hearing, it is within the Court's discretion to treat late filings as a waiver to oppose the requested relief. Here, more significantly the opposition is an objection to an exemption claim. Pursuant to LBR 9013(o)(2) claim objections should not be determined through the notice of opportunity for hearing procedure.

Creditor having met its burden to call into question Debtor's homestead exemption, the Court is inclined to CONTINUE the motion and ORDER supplemental briefing and evidence on the issue of the homestead exemption.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ghazi Khan Ghori

Represented By
Jerome S Demaree

Movant(s):

Ghazi Khan Ghori

Represented By
Jerome S Demaree
Jerome S Demaree

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 12, 2021

Hearing Room 303

11:00 AM

6:19-14650 Blanca Flor Torres

Chapter 7

#3.00 Chapter 7 Trustee's Objection to Claims #6 by Claimant Ford Motor Credit Company, LLC

EH__

Docket 60

Tentative Ruling:

5/12/2021

BACKGROUND:

On May 30, 2019, Blanca Torres ("Debtor") filed a Chapter 7 voluntary petition. On December 9, 2019, Debtor received a discharge.

On December 12, 2019, Ford Motor Credit Company LLC ("Creditor") filed a proof of claim for a secured claim in the amount of \$16,240.56 ("Claim 6"). On April 6, 2021, Trustee filed an objection to Claim 6, requesting that the Court allowed the claim as a secured claim. Trustee also requests an order providing that if Claim 6 is amended, it be deemed 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*

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... **Blanca Flor Torres**

Chapter 7

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(a) provides that: " A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor of a general partner in a partnership that is a debtor in a case under chapter 7 of this title, objects." Therefore, pursuant to § 502(a), Claim 6 is automatically allowed as a fully secured claim, and Trustee's motion does not appear to request any

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Blanca Flor Torres

Chapter 7

relief. *See generally Simon v. E. Ky. Welfare Rights Org.*, 426 U.S. 26, 37 (1976) ("No principle is more fundamental to the judiciary's proper role in our system of government than the constitutional limitation of federal-court jurisdiction to actual cases or controversies."); *see also* U.S. Const. art. III, § 2, cl. 1. The Court notes that to the extent Trustee's motion actually does not request relief, such as by modifying the automatic order of distribution, such request would seem to be inappropriate.

Trustee's alternative request, that Claim 6 be treated as tardily filed if it is amended, is, on its face, not ripe.

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to DENY the motion as not raising a justiciable issue.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Blanca Flor Torres

Represented By
Brian J Horan

Movant(s):

Robert Whitmore (TR)

Represented By
Hydee J Riggs

Trustee(s):

Robert Whitmore (TR)

Represented By
Hydee J Riggs

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Blanca Flor Torres

Chapter 7

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

6:20-14970 Abraham Llamas

Chapter 7

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

From: 3/10/21

EH__

Docket 27

Tentative Ruling:

3/3/2021

No opposition has been filed.

Service was Improper

Notice of the hearing on the Trustee's final report was sent out on February 18, 2021, resulting in notice being short one day. Additionally, the Court notes that Trustee entered into a settlement regarding the estate's interest in Debtor's vehicles, but failed to seek Court approval of the transaction. To the extent Trustee proceeded under FED. R. BANKR. P. Rule 6004(d), such transaction still required notice to all creditors. Importantly, FED. R. BANKR. P. Rule 6004(d) only applies to sales *under* \$2,5000. Here, the sale was for the amount of \$2,500, which requires a motion and order. Therefore, Trustee having lacked authorization to engage in the transaction, and having failed to administer the estate in accordance with the Federal and Local Rules, the Court is inclined to disallow the requested compensation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Abraham Llamas

Represented By
Jaime A Cuevas Jr.

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, May 12, 2021

Hearing Room 303

11:00 AM

6:20-15446 Brookville 79405 Inc

Chapter 11

#5.00 Order to Show Cause why the Court should not enter an order: (a) finding William E. Walls And Thomas J. Downie in contempt of court for their failure to comply with the Court's Order entered on January 27, 2021 ("Order"); (b) imposing sanctions in the amount of \$100 per day until Contemnors comply with the Order; and (c) imposing compensatory sanctions in the amount of the attorney fees and costs incurred by Trustee in connection with the Motion.

EH__

(Tele. appr. Arturo Cisneros, trustee)

(Tele. appr. Thomas Downie, authorized representative of Debtor)

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brookville 79405 Inc

Represented By
William E Walls

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

6:20-16365 Irene Lopez

Chapter 7

#6.00 Motion For Sale of Property located at 7637 Eastwood Ave., Rancho Cucamonga, CA (1) Outside the ordinary course of business; (2) Free and clear of liens, claims, and interests under 11 U.S.C. §363(f) with all such liens, claims, and interests to attach to proceeds of sale; (3) For good faith determination under 11 U.S.C. §363(m); and (4) For waiver of 14-day stay

EH__

(Tele. appr. Nancy Lee, rep. creditor, U.S. Bank National Association)

(Tele. appr. Paul Reza, rep. Debtor, Irene Lopez)

(Tele. appr. Karl T. Anderson, chapter 7 trustee)

(Tele. appr. Tinho Mang, rep. chapter 7 trustee)

(Tele. appr. Stefan Riderer, Buyer/Qualified Bidder)

(Tele. appr. Jennifer Toyama, real estate agent for Karl Anderson)

(Tele. appr. Clarence Yoshikane, rep. real estate agent for Karl Anderson)

(Tele. appr. Lucia Riderer, Buyer/Qualified Bidder)

(Tele. appr. Sonia Estrada, realtor for buyer, Luis Macias)

(Tele. appr. Chris Veal, realtor/agent representing buyer)

(Tele. appr. Sean Ouji, buyer of the real property)

Docket 39

Tentative Ruling:

5/12/2021

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Irene Lopez

Chapter 7

BACKGROUND

On September 21, 2020, Irene Lopez ("Debtor") filed a Chapter 7 voluntary petition. Schedule A listed certain real property located at 7637 Eastwood Ave., Rancho Cucamonga, CA 91730 (the "Property"). Schedule A identified the value of the Property as \$500,000. Schedule C claimed an exemption in the Property in the amount of \$28,432.15. Schedule D identified two creditors holding a security interest in the Property: (1) Rushmore Loan Management Services (in the amount of \$285,145); and (2) Wells Fargo Bank NA (in the amount of \$43,970). On December 11, 2020, Debtor amended her claimed exemption in the Property, increasing the claimed exemption to \$175,000. On January 4, 2021, Debtor received a discharge.

On March 4, 2021, the Court approved a compromise motion between Debtor and Trustee which provided that Debtor would subordinate her homestead exemption to costs of sale and Trustee's compensation, and, to the extent of \$50,000, to the remainder of claims. On March 18, 2021, the Court approved the employment of Clarence Yoshikane as real estate agent for the estate.

On April 13, 2021, Trustee filed the instant sale motion. Trustee proposes to sell the Property to Stefan & Lucia Riderer (the "Purchasers") for \$540,000. Proposed payments from the proceeds include: (1) \$285,145 for the secured claim of Rushmore Loan Management Services; (2) \$43,970 for the secured claim of Wells Fargo; (3) \$30,250 for a broker's commission (the Court notes that this broker's commission, which Trustee asserts is 4.5% of the purchase, is not 4.5% of the purchase price. The maximum broker's commission is \$24,300); and (4) \$10,800 for costs of sale, leaving \$145,535 for the bankruptcy estate (while not technically the subject of the instant motion, the Court notes that the proposed Trustee's compensation appears to include a commission based on money to be paid to Debtor, which is prohibited by 11 U.S.C. § 326(a)). Pursuant to the distribution outlined in the motion, all claims would be paid in full. On April 19, 2021, U.S. Bank Trust National Association (the actual holder of the first lien) filed a non-opposition to the sale motion.

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Irene Lopez

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.).

The motion contains evidence of the Property's marketing, which the Court deems sufficient to establish the reasonableness of the sale. Specifically, the Court notes that Trustee employed a real estate estate to begin marketing the Property in March 2021, and the real estate agent showed the Property nine time, and received sixteen calls from agents and two purchase offers.

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-

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT...

Irene Lopez

Chapter 7

- (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 sale price exceeds the aggregate value of the liens encumbering 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).

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 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).

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Irene Lopez

Chapter 7

As noted in footnote 2, the Court has reviewed the proposed broker's commission and finds the proposed commission to be excessive. As noted in footnote 3, the Court has reviewed the estimated Trustee's compensation, and the compensation appears to be incorrectly calculated.

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety subject to any overbids being received, and with a reduction in the proposed broker's commission of \$5,950. Trustee to update the Court with a revised proposed windfall based on the concerns raised in this tentative ruling.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Irene Lopez

Represented By
Paul V Reza

Movant(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Chad V Haes

Trustee(s):

Karl T Anderson (TR)

Represented By
Richard A Marshack
Tinho Mang
Chad V Haes

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Irene Lopez

Chapter 7

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#7.00 Motion to Approve Compromise Under Rule 9019 with Debtor, Oceana Gwen, LLC, and Emmanuel Andrade with Proof of Service

EH__

(Tele. appr. Tinho Mang, rep. chapter 7 trustee)

Docket 58

Tentative Ruling:

5/12/2021

BACKGROUND

On September 23, 2020, Maria Hernandez ("Debtor") filed a Chapter 7 voluntary petition.

On November 23, 2020, Trustee filed a notice of assets. The next day, Trustee filed a complaint against Oceana Gwen, LLC ("Oceana") and Emmanuel Andrade ("Andrade"). Andrade is Debtor's son, and Andrade and Debtor together comprise the two members of Oceana. On December 15, 2020, Debtor filed a motion to convert the case to Chapter 13; the hearing was continued by stipulation twice, and is currently set for May 26, 2021. On December 18, 2020, the Court entered an order approving a stipulation to extend the deadlines to file a complaint to deny discharge and to file a motion to dismiss the bankruptcy case.

On April 21, 2021, Trustee filed a motion to approving a compromise with Debtor,

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... **Maria Elvia Hernandez**

Chapter 7

Oceana, and Andrade. The motion relates to certain real property located at 1015-1017 W. Mission Blvd., Pomona, CA 91766 (the "Property"). According to Trustee, Debtor transferred the Property to Oceana less than two years before the petition date for no consideration.

Pursuant to the compromise motion, Debtor will pay Trustee \$8,000, waive any exemption in those funds and in funds previously turned over, totaling \$25,355.49, and withdraw the motion to convert the case to Chapter 13. Trustee asserts that approval of the compromise motion will allow all claims to be paid in full.

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 collection; (3) the complexity, expense, inconvenience and delay of litigation; and (4) the interest of creditors with deference to their reasonable expectations. *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.*

The instant compromise meets the *A&C Properties* factors and is in the best interests of the estate. Trustee's declaration in support of the motion states that the compromise

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... **Maria Elvia Hernandez**

Chapter 7

will "provide funds in an amount sufficient to pay all creditor claims in full."
Therefore, the compromise will provide the maximum benefit to the estate while minimizing the costs, delay, and uncertainty that would arise from the prosecution of the pending adversary proceeding. For that reason, the Court concludes that the proposal is in the best interests of the estate and satisfies all of the *A&C Properties* factors.

Additionally, the Court deems the absence of opposition to be consent to the relief requested pursuant to Local Rule 9013-1(h).

TENTATIVE RULING

The Court is inclined to GRANT the motion, APPROVING the compromise.

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 Elvia Hernandez

Represented By
Christopher J Langley

Movant(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang

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

Wednesday, May 12, 2021

Hearing Room 303

11:00 AM

CONT... Maria Elvia Hernandez

Richard A Marshack
Chad V Haes

Chapter 7

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#8.00 Defendant's Motion For Summary Judgment

EH__

Docket 17

*** VACATED *** REASON: CONTINUED TO 6/23/21 BY ORDER
ENTERED 4/9/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Manal Eskarous

Represented By
Michael A Corfield

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich
Sonja Hourany

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

Wednesday, May 12, 2021

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, May 12, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01089 Pringle v. Barsoom

#9.00 Motion for Default Judgment Motion for Default Judgment Against Defendant Sameh Roshdy Wahba Barsoom Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1; Memorandum of Points and Authorities, Declarations of John P. Pringle and David M. Goodrich in Support (with Proof of Service)

EH__

Docket 23

Tentative Ruling:

5/12/2021

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda (collectively, "Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. Dkt. 115. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Am Saber & Yousria Mikhail Guirguis (collectively, "Defendants"). Trustee's complaint contained three causes of action: (1) actual fraudulent transfer; (2) constructive fraudulent transfer; and (3) recovery of avoided transfers.

The complaint generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$16,500 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On January 12, 2021, Trustee filed a motion for default judgment against Defendants, only requesting judgment as to the first and third causes of action.

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 12, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

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, Defendant was served at 18700 Yorba Linda Blvd., Apt. 97, Yorba Linda, CA 92886-4176. It does not appear there is any information in the record that would establish that this is a proper service address for Defendants, or that would indicate how Trustee determined that the address used was a valid service address for Defendants .

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, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). 11 U.S.C. § 544(b)(1) provides that a "trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor." And CAL. CIV. CODE § 3439.04(a)(1) provides:

- (a) A transfer made or obligation incurred by a debtor is voidable as to a

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

Here, Debtors' bankruptcy estate was consolidated with a variety of entities, include PIG, and, as such, the adequately alleged transfer from PIG to Defendants constitutes a transfer of Debtors' property. The subject transfers, occurring during 2015, occurred within four years of the bankruptcy filing, and, pursuant to the claims register in Debtors' bankruptcy case, a creditor existed at the time the subject transfers were made.

Regarding intent, the Ninth Circuit in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a) (1) or a state's equivalent to that section." 525 F.3d 700, 704 (9th Cir. 2008). Here, the Court finds that the uncontroverted allegations in the complaint, taken as true, are sufficient to establish the existence of a Ponzi scheme, and, therefore, that Debtors' actual intent to defraud has been established.

While the Ninth Circuit's "netting rule," restricts the recovery in the context of a Ponzi scheme, that reduction is part of a good faith affirmative defense that has not been raised by Defendants here. *See, e.g., Donell v. Kowell*, 533 F.3d 762, 771 (9th Cir. 2008) ("Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered 'return of principal.' However, there is a 'good faith' defense that permits an innocent winning investor to retain funds up to the amount of the initial outlay.").

For the reasons stated in the motion for default judgment and the complaint, the Court finds that recovery and preservation of the avoided transfers, under 11 U.S.C. §§ 550 and 551, respectively, is appropriate.

TENTATIVE RULING

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Conditioned upon Trustee providing a representation regarding attempts to verify service upon Defendants, the Court is inclined to GRANT the motion, entering judgment on the first and third claims for relief.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sameh Roshdy Wahba Barsoom

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P. Pringle

Represented By
David M Goodrich

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, May 12, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01094 Pringle v. Wextron Ltd

#10.00 Motion for Default Judgment Motion for Default Judgment Against Defendant Wextron LTD. Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1; Memorandum of Points and Authorities, Declarations of John P. Pringle and David M. Goodrich in Support (with Proof of Service)

EH__

Docket 21

Tentative Ruling:

5/12/2021

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda (collectively, "Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. Dkt. 115. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Wextron Ltd. ("Defendant"). Trustee's complaint contained three causes of action: (1) actual fraudulent transfer; (2) constructive fraudulent transfer; and (3) recovery of avoided transfers.

The complaint generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$84,145.14 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On April 9, 2021, Trustee filed a motion for default judgment against Defendant, only requesting judgment as to the first and third causes of action.

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 12, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

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, Defendant was served at 2220 Hillcrest St., Orlando, FL 3203. Trustee attaches as an exhibit a Westlaw Public Records search result for Defendant that lists its address as the address Trustee used for service. Based on the evidence submitted, the Court finds that 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, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). 11 U.S.C. § 544(b)(1) provides that a "trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor." And CAL. CIV. CODE § 3439.04(a)(1) provides:

- (a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT...

Mark Bastorous

Chapter 7

the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

Here, Debtors' bankruptcy estate was consolidated with a variety of entities, include PIG, and, as such, the adequately alleged transfer from PIG to Defendants constitutes a transfer of Debtors' property. The subject transfers, occurring during 2015, occurred within four years of the bankruptcy filing, and, pursuant to the claims register in Debtors' bankruptcy case, a creditor existed at the time the subject transfers were made.

Regarding intent, the Ninth Circuit in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a) (1) or a state's equivalent to that section." 525 F.3d 700, 704 (9th Cir. 2008). Here, the Court finds that the uncontroverted allegations in the complaint, taken as true, are sufficient to establish the existence of a Ponzi scheme, and, therefore, that Debtors' actual intent to defraud has been established.

While the Ninth Circuit's "netting rule," restricts the recovery in the context of a Ponzi scheme, that reduction is part of a good faith affirmative defense that has not been raised by Defendants here. *See, e.g., Donell v. Kowell*, 533 F.3d 762, 771 (9th Cir. 2008) ("Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered 'return of principal.' However, there is a 'good faith' defense that permits an innocent winning investor to retain funds up to the amount of the initial outlay.").

For the reasons stated in the motion for default judgment and the complaint, the Court finds that recovery and preservation of the avoided transfers, under 11 U.S.C. §§ 550 and 551, respectively, is appropriate.

TENTATIVE RULING

The Court is inclined to GRANT the motion and enter judgment against Defendant on

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT... **Mark Bastorous**
the first and third claims for relief.

Chapter 7

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Wextron Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P. Pringle

Represented By
David M Goodrich

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, May 12, 2021

Hearing Room 303

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#11.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01210. Complaint by Vivian Kim against Young Jin Yoon, Hyunmyung Park, Joshua Park. false pretenses, false representation, actual fraud)),(72 (Injunctive relief - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Kym, Jiyoung)

(Holding date)

From: 12/12/18, 1/9/19, 7/31/19, 10/16/19, 3/11/20, 7/15/20, 9/14/20, 3/4/21
9/15/20, 10/18/20 ,2/3/21, 3/3/21

EH__

(Tele. appr. Jiyoung Kym, rep. Plaintiff, Vivian Kim)

Docket 1

Tentative Ruling:

- NONE LISTED -

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

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon

Chapter 7

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, May 12, 2021

Hearing Room 303

2:00 PM

6:20-10762 Daisy Wheel Ribbon Co., Inc.

Chapter 7

Adv#: 6:21-01031 Steven M. Speier, solely in his capacity as Chapte v. Briggs Law

#12.00 Status Conference RE: [1] Adversary case 6:21-ap-01031. Complaint by Steven M. Speier, solely in his capacity as Chapter 7 Trustee of the bankruptcy estate of Daisy Wheel Ribbon Co., Inc. against Briggs Law Corporation, a California Corporation. (\$350.00 Fee Charge To Estate). Complaint For: 1. To Avoid And Recover Fraudulent Transfers Pursuant To 11 U.S.C. §§ 544(b), 548(a)(1)(A), and 550, and California Civil Code § 3439.04(A)(1); 2. To Avoid And Recover Fraudulent Transfers Pursuant To 11 U.S.C. §§ 544(b), 548(a)(1)(B) and 550, and California Civil Code §§ 3439.04(a)(2) and 3439.05; 3. Avoidance And Recovery Of Fraudulent Transfers Pursuant To 11 U.S.C. § 550(a); 4. To Recover And Preserve Transfers For The Benefit Of The Estate; 5. Disallowance Of Claims Pursuant To 11 U.S.C. § 502(b)(4); and 6. Disallowance Of Claims Pursuant To 11 U.S.C. §502(d) and (j) Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goe, Robert)

EH__

(Tele. appr. Robert Goe, rep. Steven Speier, chapter 7 trustee)

(Tele. appr. Cory J. Briggs, rep. Defendant, Briggs Law Corporation)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Wheel Ribbon Co., Inc.

Represented By
Louis J Esbin

Defendant(s):

Briggs Law Corporation, a

Represented By
Cory J Briggs

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

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

CONT... Daisy Wheel Ribbon Co., Inc.

Chapter 7

Plaintiff(s):

Steven M. Speier, solely in his

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 303 Calendar**

Wednesday, May 12, 2021

Hearing Room 303

2:00 PM

6:20-12197 Russell Ray Bomar, Jr.

Chapter 7

Adv#: 6:20-01151 Chaffey Federal Credit Union v. Bomar, Jr.

#13.00 CONT. Status Conference RE: [1] Adversary case 6:20-ap-01151. Complaint by Chaffey Federal Credit Union against Russell Ray Bomar Jr.. false pretenses, false representation, actual fraud)) (Simon, A. Lysa)

EH__

From: 11/4/20,12/2/20

(Tele. appr. Lysa Simon, rep. Plaintiff, Chaffey Federal Credit Union)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Russell Ray Bomar Jr.

Represented By
Neil R Hedtke

Defendant(s):

Russell Ray Bomar Jr.

Represented By
A. Lysa Simon

Plaintiff(s):

Chaffey Federal Credit Union

Represented By
A. Lysa Simon

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, May 13, 2021

Hearing Room 303

11:00 AM

6:17-12232 Margarito Martinez

Chapter 13

Adv#: 6:19-01051 Martinez v. Garza et al

#1.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01051. Complaint by Margarito Martinez against Cesar Emilo Garza, Noe Pelayo, George Arthur Macias, Flor Valladares, Henry Gonzalez, West Coast Realty, Inc., Grand Capital Group, M&M Associates. (Charge To Estate - \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 5/23/19, 8/22/19, 10/17/19, 12/19/19, 2/20/20, 3/19/20, 4/16/20, 4/30/20,12/17/20

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

Party Information

Debtor(s):

Margarito Martinez

Represented By

Christopher J Langley

Defendant(s):

Cesar Garza

Pro Se

Noe Pelayo

Pro Se

George Arthur Macias

Pro Se

Flor Valladares

Pro Se

Henry Gonzalez

Pro Se

West Coast Plus Realty, Inc.

Pro Se

Grand Capital Group

Pro Se

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

Thursday, May 13, 2021

Hearing Room 303

11:00 AM

CONT... **Margarito Martinez**
M&M Associates

Pro Se

Chapter 13

Plaintiff(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**

Thursday, May 13, 2021

Hearing Room 303

11:00 AM

6:20-12027 Dana Edward Pettus and Andrea Lynn Doster

Chapter 13

#2.00 Debtors' Motion for Authority to Incur Debt

Also #3, 4

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Chantal Van Ongevalle, rep. Debtors, Dana Pettus and Andrea Doster)

Docket 55

Party Information

Debtor(s):

Dana Edward Pettus

Represented By
Raj T Wadhvani

Joint Debtor(s):

Andrea Lynn Doster

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, May 13, 2021

Hearing Room 303

11:00 AM

6:20-12027 Dana Edward Pettus and Andrea Lynn Doster

Chapter 13

#3.00 CONT. Trustee's Motion to Dismiss Case

Also #2, 4

From: 4/29/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Chantal Van Ongevalle, rep. Debtors, Dana Pettus and Andrea Doster)

Docket 49

Party Information

Debtor(s):

Dana Edward Pettus

Represented By
Raj T Wadhvani

Joint Debtor(s):

Andrea Lynn Doster

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, May 13, 2021

Hearing Room 303

11:00 AM

6:20-12027 Dana Edward Pettus and Andrea Lynn Doster

Chapter 13

#4.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments - AMENDED

Also #2, 3

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Chantal Van Ongevalle, rep. Debtors, Dana Pettus and Andrea Doster)

Docket 63

Party Information

Debtor(s):

Dana Edward Pettus

Represented By
Raj T Wadhvani

Joint Debtor(s):

Andrea Lynn Doster

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, May 13, 2021

Hearing Room 303

11:00 AM

6:20-18008 ADRIANA VARGAS

Chapter 13

#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; Memorandum of Points and Authorities; Declaration of Adela Salgado in Support Thereof

EH__

Docket 21

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/28/21

Party Information

Debtor(s):

ADRIANA VARGAS

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, May 13, 2021

Hearing Room 303

11:00 AM

6:21-10880 Jayzelle Davon White

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Paul Lee, rep. Debtor, Jayzelle White)

Docket 0

Party Information

Debtor(s):

Jayzelle Davon White

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 13, 2021

Hearing Room 303

11:00 AM

6:21-10884 Sharon D. McIntosh

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

Docket 0

*** VACATED *** REASON: CASE DISMISSED 4/7/21

Party Information

Debtor(s):

Sharon D. McIntosh

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, May 13, 2021

Hearing Room 303

11:00 AM

6:21-10938 Bessie Johnson Desroches

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/16/21**

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, May 13, 2021

Hearing Room 303

11:00 AM

6:21-11001 Todd Hampton Elliott

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, specially appearing for Debtor, Nicholas Wajda)

Docket 0

Party Information

Debtor(s):

Todd Hampton Elliott

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, May 13, 2021

Hearing Room 303

11:00 AM

6:21-11009 Laura Chavis

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Party Information

Debtor(s):

Laura Chavis

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, May 13, 2021

Hearing Room 303

11:00 AM

6:21-11040 Leo F. Bly

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Suzette Douglas, rep. Debtor, Leo Bly)

(Tele. appr. Joseph Delmotte, rep. creditor, Wells Fargo Bank)

Docket 0

Party Information

Debtor(s):

Leo F. Bly

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, May 13, 2021

Hearing Room 303

11:00 AM

6:21-11057 Samuel Uribe Dominguez, Jr.

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: CASE DISMISSED 3/18/21**

Party Information

Debtor(s):

Samuel Uribe Dominguez Jr.

Represented By
Arete R Kostopoulos

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 13, 2021

Hearing Room 303

11:00 AM

6:21-11060 Thomas Lewis Weaver

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/6/21**

Party Information

Debtor(s):

Thomas Lewis Weaver

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 13, 2021

Hearing Room 303

11:00 AM

6:21-11119 Amparo De Leon

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Robert Chen, rep. Debtor, Amparo De Leon)

Docket 0

Party Information

Debtor(s):

Amparo De Leon

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 13, 2021

Hearing Room 303

11:01 AM

6:17-10620 Larry R. Hoddick and Joyce Kelly Hoddick

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21**

Party Information

Debtor(s):

Larry R. Hoddick

Represented By
Summer M Shaw

Joint Debtor(s):

Joyce Kelly Hoddick

Represented By
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 13, 2021

Hearing Room 303

11:01 AM

6:19-12676 Anthony P Mendoza and Lena E Mendoza

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH__

Docket 89

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/21**

Party Information

Debtor(s):

Anthony P Mendoza

Represented By
Paul Y Lee

Joint Debtor(s):

Lena E Mendoza

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 13, 2021

Hearing Room 303

11:01 AM

6:19-12769 Waryeva D. Anderson

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 33

Party Information

Debtor(s):

Waryeva D. Anderson

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

Thursday, May 13, 2021

Hearing Room 303

11:01 AM

6:19-13500 Joe A Pickens, II

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH ____

Docket 68

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21

Party Information

Debtor(s):

Joe A Pickens II

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, May 13, 2021

Hearing Room 303

11:01 AM

6:19-18080 Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 70

Party Information

Debtor(s):

Jose C Aguiar

Represented By
Dana Travis

Joint Debtor(s):

Maria Fatima Aguiar

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 13, 2021

Hearing Room 303

11:01 AM

6:20-10675 Michael D Guffa

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
4/26/21**

Party Information

Debtor(s):

Michael D Guffa

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 13, 2021

Hearing Room 303

11:01 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#21.00 CONT. Trustee's Motion to Dismiss Case

From: 3/18/21, 4/1/21,4/15/21

EH__

Docket 70

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/21**

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, May 13, 2021

Hearing Room 303

11:01 AM

6:20-12392 Angelita Kurmen

Chapter 13

#22.00 CONT. Trustee's Motion to Dismiss Case

From: 4/29/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Rebecca Tomilowitz, rep. Debtor, Angelita Kurmen)

Docket 49

Party Information

Debtor(s):

Angelita Kurmen

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 13, 2021

Hearing Room 303

11:01 AM

6:20-13401 Monica Aguirre

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Halli Heston, rep. Debtor, Monica Aguirre)

Docket 46

Party Information

Debtor(s):

Monica Aguirre

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 13, 2021

Hearing Room 303

11:01 AM

6:20-13858 Robert Lee Thomas, Sr.

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/21**

Party Information

Debtor(s):

Robert Lee Thomas, Sr.

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, May 13, 2021

Hearing Room 303

11:01 AM

6:20-16075 Margarita Barham

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH ____

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/4/21**

Party Information

Debtor(s):

Margarita Barham

Represented By
Christopher Hewitt
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**

Wednesday, May 19, 2021

Hearing Room 303

1:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#1.00 CONT. Motion for Default Judgment Against Defendant Narinder Sangha

From: 4/7/21

EH ____

Docket 440

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Pro Se

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, May 19, 2021

Hearing Room 303

1:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#2.00 CONT. Plaintiff's Motion in Limine on Defendant's exhibits

From: 3/31/21, 4/7/21,4/7/21

EH__

Docket 427

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Pro Se

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, May 19, 2021

Hearing Room 303

1:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#3.00 Pre-Trial Conference RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21, 4/7/21,4/21/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 5/26/21 @ 2:00 P.M.**

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

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, May 25, 2021

Hearing Room 303

11:00 AM

6:16-21236 Ronald A Waters and Trisha Waters

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 20527 Pitchfork Drive, Riverside CA 92507

MOVANT: PENNYMAC LOAN SERVICES LLC

EH__

(Tele. appr. Christina Khil, rep. creditor, Pennymac Loan Services LLC)

(Tele. appr. Paul Lee, rep. Debtors, Ronald and Trisha Waters)

Docket 134

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: Yes

Based upon the order entered May 24, 2021, granting Debtors' motion to sell the subject real property, and it appearing that such sale will result in Movant's claim being satisfied in full, the Court is inclined to CONTINUE the hearing on the motion for the sale to be completed and Movant's lien satisfied.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Ronald A Waters

Represented By
Paul Y Lee

Joint Debtor(s):

Trisha Waters

Represented By
Paul Y Lee

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Ronald A Waters and Trisha Waters

Chapter 13

Movant(s):

PennyMac Loan Services, LLC

Represented By
Christina J Khil

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 25, 2021

Hearing Room 303

11:00 AM

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

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 78560 Saguaro Rd, La Quinta, California 92253-2410

MOVANT: MEB LOAN TRUST IV

EH__

(Tele. appr. Josephine Salmon, rep. creditor, MEB Lolan Trust IV)

Docket 53

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2, 3, and 12
- DENY alternative request under ¶ 13 as moot

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 Edward Walker

Represented By
Jenny L Doling

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... William Edward Walker and Carla Sue Walker

Chapter 13

Joint Debtor(s):

Carla Sue Walker

Represented By
Jenny L Doling

Movant(s):

MEB Loan Trust IV

Represented By
Joseph C Delmotte

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 25, 2021

Hearing Room 303

11:00 AM

6:19-11399 Jeremiah M Moore

Chapter 13

#3.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 55749 Onaga Trail, Yucca Valley, California, 92284 Under 11 U.S.C. § 362

From: 4/20/21

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Freedom Mortgage Corporation)

Docket 34

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: Debtor

Movant to apprise Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jeremiah M Moore

Represented By
Tom A Moore

Movant(s):

Freedom Mortgage Corporation

Represented By
Ashley Popowitz
Dane W Exnowski

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Jeremiah M Moore

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 25, 2021

Hearing Room 303

11:00 AM

6:19-12195 Jerold Ray Hoxie

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13876 Dogwood Avenue, Chino, CA 91710 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 4/20/21

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Freedom Mortgage Corporation)

(Tele. appr. Jonny Asuncion (specially appearing for Suzette Douglas), rep. Debtor, Jerold Hoxie)

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerold Ray Hoxie

Represented By
Suzette Douglas

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski
Ciro Mestres

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 25, 2021

Hearing Room 303

11:00 AM

6:19-14828 Portia Wondaline Barmes

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6635 Cathy Place, Riverside, CA 92504

MOVANT: AJAX MORTGAGE LOAN TRUST 2019-E, MORTGAGE BACK SECURITIES, SERIES 2910-E BY U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE

From: 2/16/21,4/27/21

EH__

(Tele. appr. Donna Travis, rep. Debtor, Portia Barmes)

(Tele. appr. Reilly Wilkinson, rep. AJAX Mortgage Loan Trust)

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Portia Wondaline Barmes

Represented By
Dana Travis

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Reilly D Wilkinson
Joshua L Scheer

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 25, 2021

Hearing Room 303

11:00 AM

6:19-15018 Diana Nava and Ramiro Nava

Chapter 13

#6.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9684 Sharon Avenue, Riverside, CA 92503

From: 4/20/21

MOVANT: NEWREZ LLC

EH___

Docket 59

Tentative Ruling:

4/20/2021

Service: Okay

Opposition: Debtors

Given the evidence submitted by Debtors that Movant granted Debtors a COVID-19 related forbearance for the payments in question, the Court is inclined to DENY the motion for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana Nava

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Ramiro Nava

Represented By
Joseph A Weber
Fritz J Firman

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Diana Nava and Ramiro Nava

Chapter 13

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Eric P Enciso
Dane W Exnowski
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, May 25, 2021

Hearing Room 303

11:00 AM

6:19-20408 Juan Carlos De La Cruz and Claudia Veronica De La Cruz Chapter 13

#7.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 3465 Tipperary Way, Riverside, CA 92506

MOVANT: LAKEVIEW LOAN SERVICING, LLC

From: 12/15/20, 1/19/21, 3/2/21, 4/6/21, 4/20/21

EH__

(Tele. appr. Darlene Vigil, rep. creditor, Lakeview Loan Servicing, LLC)

Docket 72

Tentative Ruling:

12/15/2020

Service: Proper

Opposition: Debtors

Movant to apprise the Court of the status of arrears and parties to apprise the Court of the status of adequate protection discussions, if any.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan Carlos De La Cruz

Represented By
Sanaz Sarah Bereliani

Joint Debtor(s):

Claudia Veronica De La Cruz

Represented By
Sanaz Sarah Bereliani

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Juan Carlos De La Cruz and Claudia Veronica De La Cruz

Chapter 13

Movant(s):

Lakeview Loan Servicing, 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 25, 2021

Hearing Room 303

11:00 AM

6:20-11057 Joseph J Vargas

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 21341 Shakespeare Ct, Moreno Valley, CA 92557

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

Docket 42

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ON 5/7/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joseph J Vargas

Represented By
Julie J Villalobos

Movant(s):

U.S. Bank National Association

Represented By
Sean C Ferry
Eric P Enciso

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 25, 2021

Hearing Room 303

11:00 AM

6:21-10634 Carlos Alberto Landino and Tina Tehranchi

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7231 Acorn Place, Rancho Cucamonga, California 91739 with Proof of Service

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

EH__

(Tele. appr. Josephine Salmon, rep. creditor, U.S. Bank Trust National Association)

Docket 11

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT requests under ¶¶ 2 and 3

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Carlos Alberto Landino

Represented By
W. Derek May

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Carlos Alberto Landino and Tina Tehranchi

Chapter 7

Joint Debtor(s):

Tina Tehranchi

Represented By
W. Derek May

Movant(s):

U.S. Bank Trust National

Represented By
Joseph C Delmotte

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 25, 2021

Hearing Room 303

11:00 AM

6:21-11230 Qun Wang

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 7375 Maddox Ct Eastvale, CA 92880 .

MOVANT: DAVID Y. CHEN, HSUCH HUNG CHANG

EH__

(Tele. appr. Marjorie Johnson, rep. creditor, David Y. Chen, Hsuch Hung Chang)

(Tele. appr. Hanzhang Xu, rep. Debtor, Qun Wang)

Docket 37

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

The Court notes that Movant asserts that it "acquired title to the Property by foreclosure sale before the bankruptcy petition was filed and recorded the deed within the period provided by state law for perfection." The Court further notes that CAL. CIV. Code § 2924(h)(c) provides that the date of perfection relates back to the date of the sale if the deed of sale is recorded within fifteen days of the sale. Here, however, Movant waited forty-eight days to record the deed of sale, recording the deed after the instant petition was filed. As such, it would appear that Movant recorded its deed in violation of the automatic stay, and, therefore, the foreclosure sale appears to not be valid. *See generally In re Svacina*, 618 B.R. 852 (Bankr. C.D. Cal. 2020) (discussing § 2924(h)(c)); *see also Burton v. Infinity Capital Mgmt.*, 862 F.3d 740 (9th Cir. 2017) (actions taken in violation of the automatic stay are void.).

APPEARANCES REQUIRED.

Party Information

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Qun Wang

Chapter 7

Debtor(s):

Qun Wang

Represented By
Jianmin Zhou

Movant(s):

David/ Hsuch Chen/ Chang

Represented By
Barry L O'Connor

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 25, 2021

Hearing Room 303

11:00 AM

6:21-11308 Mary Soto

Chapter 7

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

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 7

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 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):

Mary Soto

Represented By
Jaime A Cuevas Jr.

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Mary Soto

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, May 25, 2021

Hearing Room 303

11:00 AM

6:21-11712 Jonatan Zepeda-Quirarte

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Ford Flex, VIN: 2FMGK5C87JBA12004

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

(Tele. appr. Sheryl Ith, rep. Ford Motor Credit Company LLC)

Docket 10

Tentative Ruling:

5/25/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Jonatan Zepeda-Quirarte

Represented By
Brian J Soo-Hoo

Movant(s):

Ford Motor Credit Company LLC

Represented By

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Jonatan Zepeda-Quirarte

Sheryl K Ith

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, May 25, 2021

Hearing Room 303

11:00 AM

6:21-11924 Michael Crawford and Delores Crawford

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Ford Explorer, VIN: 1FM5K7D80HGD55760

MOVANT: CAB WEST, LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Cab West, LLC)

Docket 8

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT relief from Rule 4001(a)(3) stay
- GRANT request under ¶ 2
- DENY alternative request under ¶ 11 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):

Michael Crawford

Represented By
Sundee M Teeple

Joint Debtor(s):

Delores Crawford

Represented By

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Michael Crawford and Delores Crawford

Chapter 7

Sundee M Teeple

Movant(s):

Cab West, 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, May 25, 2021

Hearing Room 303

11:00 AM

6:21-11941 Luis Enriquez

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Ford F-150, VIN: 1FTEW1CP9KKC21865

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance LLC)

Docket 9

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

11 U.S.C. § 362 provides in relevant part:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) *to file timely any statement of intention* required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Luis Enriquez

Chapter 7

11 U.S.C. § 362(h)(1)(A) (emphasis added).

Here, Debtor did not list the subject collateral on the statement of intention. Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention passed on May 12, 2021, pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Luis Enriquez

Represented By
Stephen D Brittain

Movant(s):

TD Auto Finance LLC

Represented By
Sheryl K Ith

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, May 25, 2021

Hearing Room 303

11:00 AM

6:21-12205 Luis Antonio Lopez Cisneros

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Nissan Sentra, V.I.N. 3N1AB7AP3EY325857 with proof of service.

MOVANT: PARTNERS FEDERAL CREDIT UNION

EH__

(Tele. appr. Yuri Voronin, rep. creditor, Partners Federal Credit Union)

Docket 10

Tentative Ruling:

5/25/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- GRANT relief from 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):

Luis Antonio Lopez Cisneros

Represented By
Daniel King

Movant(s):

Partners Federal Credit Union

Represented By

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

Tuesday, May 25, 2021

Hearing Room 303

11:00 AM

CONT... Luis Antonio Lopez Cisneros

Chapter 7

Yuri Voronin

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 25, 2021

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#15.10 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2164 E. Alondra Street Ontario, California 91764

MOVANT: SPECIALIZED LOAN SERVICING LLC

From: 1/5/21,2/16/21

EH__

Docket 36

***** VACATED *** REASON: CONTINUED TO 6/22/21 BY ORDER
ENTERED 5/20/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Pinedo

Represented By
James G. Beirne

Joint Debtor(s):

Laura Pinedo

Represented By
James G. Beirne

Movant(s):

Specialized Loan Servicing LLC

Represented By
John Rafferty
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, May 25, 2021

Hearing Room 303

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#16.00 Application for Compensation for Nicholas W Gebelt, Debtor's Attorney, Period: 2/10/2020 to 4/21/2021, Fees: \$8,610.00, Expenses: \$293.45

EH__

(Tele. appr. Nicholas Gebelt, rep. Debtor, Markus Boyd)

Docket 244

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, May 25, 2021

Hearing Room 303

2:00 PM

6:20-15400 Fasttrak Foods, LLC

Chapter 11

#17.00 Confirmation of Chapter 11 Plan

EH__

Docket 68

***** VACATED *** REASON: CONTINUED TO 7/27/21 BY ORDER
ENTERED 3/29/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fasttrak Foods, LLC

Represented By
Crystle Jane Lindsey
James R Selth
Daniel J Weintraub

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 94 Acres on Ft Irwin Road with proof of service. two # 2 Volume(s) three)

Also #19

MOVANT: BARSTOW DALUVOY FIRST MORTGAGE INVESTORS, LP

EH__

(Tele. appr. William Beall, rep. Barstow Daluvoy Morotgage Investors, LP)

(Tele. appr. Ali Matin rep. Office of the United States Trustee)

(Tele. appr. Dawn Coulson, rep. interested party)

(Tele. appr. Donald Reid, rep. Debtor, Raman Enterprises LLC)

Docket 66

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: Debtor

Raman Enterprises, LLC ("Debtor") filed a Chapter 11 voluntary petition on December 8, 2020. Debtor's only material assets are two parcels of real property, one in Barstow (zoned commercial) (the "Barstow Property") and one in Riverside (zoned residential) (the "Riverside Property"). Schedule A valued these real estate parcels at \$1.95 million each. On Schedule D. Debtor listed three liens against each parcel. The Barstow Property was identified as encumbered by a voluntary lien in the amount of \$761,099 and a tax lien in the amount of \$17,631.66. The Riverside Property was encumbered by a voluntary lien in the amount of \$525,000 and a tax lien in the

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation Chapter 11

amount of \$96,049.76. Both properties were encumbered by a cross-collateralized lien of an unknown amount, although Proof of Claim Number 4 identifies the amount of the cross-collateralized lien as \$565,098.40.

On January 11, 2021, the Court entered a scheduling order that provided for a deadline to file a Chapter 11 plan and disclosure statement of July 15, 2021. Debtor subsequently employed counsel and a real estate broker to market the two properties.

On April 20, 2021, Barstow Daluvoy First Mortgage Investors, LP ("Movant"), the holder of the voluntary lien against the Barstow Property, filed a motion for relief from the automatic stay. Movant seeks relief under 11 U.S.C. § 362(d)(1)-(3). On May 11, 2021, Debtor filed an opposition. On May 18, 2021, Movant filed a reply.

Regarding 11 U.S.C. § 362(d)(1), Movant argues that the case was filed in bad faith and that the fair market value of the properties is declining, eliminating any adequate protection for Movant. Regarding 11 U.S.C. § 362(d)(2), Movant asserts that there is no equity in the Barstow Property and that Debtor does not have reasonable prospects for reorganizing. Regarding 11 U.S.C. § 362(d)(3), Movant asserts that the Court should treat the Barstow and Riverside properties as a "single project," and if the Court finds that this is a single asset real estate case, then § 362(d)(3) is clearly applicable. The Court notes that Movant has not maintained its argument under § 362(d)(3) in the reply.

11 U.S.C. § 362(d)(1)

There are two proffered bases for relief under § 362(d)(1): (1) lack of adequate protection; and (2) bad faith. Regarding the former argument, it would appear that uncontested that Movant *presently* has an adequate equity cushion; indeed, the figures in the Motion (pgs. 7-8) indicate an equity cushion in excess of 50%. Pointing to the continuing decline in the valuations declared by Debtor, and the intention to continue decrease the listing price, Movant contends that its equity cushion is eroding.

The Court notes, however, that Debtor's intent to facilitate a quick sale by steadily decreasing the listing price does not necessarily indicate any decline in value. The steady decline in the properties' valuations does place the credibility of the valuations in question, but § 362(g)(1) places the burden on the issue of equity on the Movant.

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation Chapter 11

Here, lacking evidence that convincingly establishes that the Barstow Property is truly declining in value, and noting that Movant's argument that it is not adequately protected appears premature at the present time, the Court cannot find that Movant lacks adequate protection.

The Court also is not convinced by Movant's argument that this case was filed in bad faith. The fact that there are merely five creditors and that there were transfers of the subject property in 2018 and 2019 is not unusual for the type of Debtor that exists here – a business entity that was created for the sole purpose of owning parcels of real property. Instead, the record before the Court suggests that when Debtor filed this case it was reasonably plausible that Debtor would be able to sell the properties at a price that would enable it to pay all creditors in full.

11 U.S.C. § 362(d)(2) and (3)

First, the Court notes that Debtor does not appear to contemplate a *reorganization*. Instead, as indicated in the previous status report in this case, "Debtor believes its bankruptcy estate is solvent and can be expediently *liquidated* in this chapter 11 case." [Dkt. No. 65, pg. 2].

Turning to whether there is equity, the dispute between Movant and Debtor centers around the treatment of the cross-collateralized lien. Debtor contends that in the aggregate there is equity in the Barstow and Riverside properties, although it would appear, based on current listing prices, and because of the cross-collateralized lien, the amount of the liens secured against the Barstow Property exceeds its fair market value.

Debtor, however, asks this Court to attribute half (or all) of the value of the cross-collateralized lien to the Riverside Property, thereby reducing the amount attributable to the Barstow Property and creating equity in the latter. The Court notes that Debtor has not provided any caselaw supporting its proposed modification of the simply equity calculation. Importantly, Debtor's argument that the Court should consider the aggregate value of the two properties, and the aggregate value of the liens attaching to those properties, essentially asks this Court to consider the properties as a single project.

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation Chapter 11

But in its opposition to Movant's request under § 362(d)(3), Debtor points out that the two subject parcels are located in different counties and are zoned different, and therefore are not a single project. Outside of the context of a liquidation in bankruptcy, these two parcels would not appear to be part of a common project. In these Chapter 11 liquidation proceedings, however, the "project" is simple – sell the two properties and satisfy the existing liens, including the cross-collateralized lien.

In short, it appears plainly inconsistent for Debtor to assert that these two parcels of property are not a common project and should be treated separately, while also asking this Court to acknowledge that it intends to sell the two properties, generate a common pot, and pay all creditors. Regardless of their "use" in a different context, in the context of the proceedings at issue here, the properties would appear to be part of a "single project," and thus 11 U.S.C. § 362(d)(3) may be satisfied. And, if treated separately, as the Court believes is the correct approach, then it would appear that 11 U.S.C. § 362(d)(2) has been satisfied.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

Movant(s):

Barstow Daluvoy Project Lenders

Represented By
William C Beall

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

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

Also #18

From: 1/5/21, 4/6/21,4/20/21

EH__

(Tele. appr. William Beall, rep. Barstow Daluvoy First Mortgage Investors, LP)

(Tele. appr. Ali Matin rep. Office of the United States Trustee)

(Tele. appr. Donald Reid, rep. Debtor, Raman Enterprises LLC)

(Tele. appr. Dawn Coulson, rep. interested party)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#20.00 Notice of Motion and Motion For Order Setting Bar Date For Filing Proofs of Claim

Also #21

EH__

(Tele. appr. Christopher De Mint, principle of Debtor)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#21.00 CONT. Order (1) Settng Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

Also #20

From: 3/16/21, 3/30/21

EH__

(Tele. appr. Christopher De Mint, principle of Debtor)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Cameron Ridley, rep. Office of the United States Trustee)

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Tuesday, May 25, 2021

Hearing Room 303

2:00 PM

6:21-12270 Steven D Johns

Chapter 11

#22.00 Order (1) Setting Scheduling Hearing and Case Management Conference and
(2) Requiring Status Report

EH__

(Tele. appr. Summer Shaw, rep. Debtor, Steven Johns)

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven D Johns

Represented By
Summer M Shaw

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

6:17-13680 Nathan Loren Ingram and Bryta Lee Ingram

Chapter 7

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

EH__

(Tele. appr. Misty Perry Isaacson, rep. chapter 7 trustee)

Docket 59

Tentative Ruling:

5/26/2021

No opposition has been filed.
Service was proper.

The applications for compensation of the Trustee, Counsel, Accountant, and Special Litigation Counsel for the Trustee have been set for hearing on the notice required by LBR 2016-1. With respect to the fee application of Special Litigation Counsel Gary M. Bullock ("Special Counsel"), upon review of the billing records, the Court finds that the fees in general appear excessive. Moreover, the fee application does not include a narrative declaration explaining the services rendered in compliance with LBR 2016-1 (c)(1)(2). As such, review of fees lacks the context necessary for the Court to determine whether the fees are reasonable and necessary pursuant to 11 U.S.C. § 330(a)(1). Therefore, pursuant to the Trustee's Final Report and the applications of the associated professionals, the Court is inclined to CONTINUE the hearing for Special Counsel to supplement his fee application. Otherwise, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 10,057.80

Trustee Expenses: \$ 23.70

Counsel Fees: \$ 12,220

Counsel Expenses: \$ 1,054.77

Accountant Fees: \$ 2,967.50

Accountant Expenses: \$ 454.99

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

CONT... Nathan Loren Ingram and Bryta Lee Ingram Chapter 7

Party Information

Debtor(s):

Nathan Loren Ingram

Represented By
Bryant C MacDonald

Joint Debtor(s):

Bryta Lee Ingram

Represented By
Bryant C MacDonald

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson
Gary M Bullock

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

6:17-15953 William James Barnett and Tressa Luceile Barnett

Chapter 7

#2.00 Motion to Avoid Property Lien with TBF Financial 1, LLC

(Placed on calendar by order entered 5/5/21)

EH__

(Tele. appr. Daniel King, rep. Debtors, William and Tressa Barnett)

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

William James Barnett

Represented By
Daniel King

Joint Debtor(s):

Tressa Luceile Barnett

Represented By
Daniel King

Movant(s):

William James Barnett

Represented By
Daniel King

Tressa Luceile Barnett

Represented By
Daniel King
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, May 26, 2021

Hearing Room 303

11:00 AM

6:18-12027 Richard M. Thomas and Raquel Young

Chapter 7

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

EH__

Docket 59

Tentative Ruling:

5/26/2021

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 Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 6,350

Trustee Expenses: \$ 23.54

Attorney Fees: \$ 42,567.93

Attorney Expenses: \$ 544.93

Accountant Fees: \$ 2,575

Accountant Expenses: \$ 441.44

Court Charges: \$ 350

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):

Richard M. Thomas

Represented By

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

CONT... Richard M. Thomas and Raquel Young

Chapter 7

Keith Q Nguyen

Joint Debtor(s):

Raquel Young

Represented By
Keith Q Nguyen

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, May 26, 2021

Hearing Room 303

11:00 AM

6:19-16981 Filiberto B Robles and Maria Jesus Robles

Chapter 7

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

EH__

Docket 48

Tentative Ruling:

5/26/2021

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: \$ 2,250
Trustee Expenses: \$ 0

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):

Filiberto B Robles

Represented By
Daniel King

Joint Debtor(s):

Maria Jesus Robles

Represented By
Daniel King

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

CONT... Filiberto B Robles and Maria Jesus Robles

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, May 26, 2021

Hearing Room 303

11:00 AM

6:20-13003 Mumtaz Sajjad

Chapter 7

#5.00 CONT. Motion for Order Requiring Debtor to Immediately Turn Over Bank Account and Bank Statements; Memorandum of Points and Authorities; Declarations of Larry D. Simons and Anthony A. Friedman in Support Thereof

From: 4/21/21

EH__

Docket 101

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mumtaz Sajjad

Represented By
Michael R Perry

Movant(s):

Larry D Simons (TR)

Represented By
Anthony A Friedman

Trustee(s):

Larry D Simons (TR)

Represented By
Anthony A Friedman

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#6.00 CONT. Motion to Convert Case From Chapter 7 to 13 under U.S.C. §706(a)

From: 2/4/21, 3/31/21

EH__

Docket 27

***** VACATED *** REASON: WITHDRAWN AT HEARING ON 5/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Movant(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley
Christopher J Langley
Christopher J Langley
Christopher J Langley

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

6:20-18117 Juana Flordeliza Phillips

Chapter 7

#7.00 Motion to Convert Case From Chapter 7 to 13

(Placed on calendar by order entered 5/3/21)

Docket 37

Tentative Ruling:

5/26/2021

BACKGROUND

Juana Floredeliza Phillips ("Debtor") filed a Chapter 13 voluntary petition on December 29, 2020. Debtor's case was converted to a Chapter 7 on February 8, 2021. On April 6, 2021. Debtor filed the instant motion, now seeking to convert her case back to a Chapter 13.

On May 3, 2021, Debtor filed a Declaration re: non opposition to the motion. The same day, the Court entered an order as follows:

The Court notes that, contrary to the assertion in the motion, the instant case was previously converted on February 8, 2021. The caselaw is split regarding whether a debtor may reconvert a case under 11 U.S.C. § 706(a), and, if so, what showing is required. *See generally In re Banks*, 252 B.R. 399 (Bankr. E.D. Mich. 2000) (providing summary of caselaw). Under any interpretation of § 706(a), Debtor has not made the required showing, given that the instant motion is skeletal and contains no admissible evidence. Debtor may file a supplemental brief addressing the permissibility of reconversion under § 706(a), and the appropriate legal standard to apply, by no later than May 11, 2021.

[Dkt. 44]. Debtor has not filed a supplemental brief.

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

CONT... Juana Flordeliza Phillips

Chapter 7

DISCUSSION

11 U.S.C. § 706(a) 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." Here, Debtor's case was previously converted under § 1307.

"Courts are divided as to whether the debtor can re-convert a case that has been previously converted." GINSBERG & MARTIN ON BANKRUPTCY § 12.13[A] (5th ed. 2017-2); *see also In re Masterson*, 141 B.R. 84, 87 (Bankr. E.D. Pa. 1992) ("The courts appear to be evenly divided on the issue of whether a 'second conversion' of a case previously converted to Chapter 7 is ever permissible.") (collecting cases). The courts that have determined that § 706(a) bars subsequent reconversion have primarily relied upon the plain language of the statute, but have also considered the legislative history. *See In re Banks*, 252 B.R. 399, 400 (Bankr. E.D. Mich. 2000). One court has stated the following:

Unfortunately, for the debtor, the language of Section 706 clearly bars a debtor from converting a case from Chapter 7 to Chapter 13 more than once. Subsection (a) of that section states in relevant part that a "debtor may convert a case under this chapter to a case under Chapter 11 or 13 of this title at any time, **if the case has not been converted under Section 1112 or 1307 of this title**. The language of this statute is not discretionary. By its plain meaning it bars the debtor from this second attempt at conversion. Moreover, there is no case law supporting a discretionary right. At least one other bankruptcy court has arrived at this conclusion, *In re Bumpass*, 28 B.R. 597 (Bankr. S.D.N.Y. 1983), and this Court shares that view.

In re Nimai Kumar Ghosh, 38 B.R. 600, 603 (Bankr. E.D.N.Y. 1984) (emphasis added) (footnote omitted).

As the court implicitly concluded in *Nimai Kumar Ghosh*, the phrase "if the case has

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

CONT... **Juana Flordeliza Phillips**

Chapter 7

not been converted" appears to modify the entirety of the first clause, not simple the language "at any time." The phrase "at any time" is not set off from the remainder of the clause in any fashion. Therefore, §706(a) is only applicable if the case has not been converted previously. The remaining question is, if § 706(a) is inapplicable, can the Debtor resort to any other mechanism in order to convert her case?

Courts that have permitted a reconversion appear to fall into two categories. First, some courts appear to believe that, when § 706(a) is inapplicable, the default position is that the Court has discretion to allow conversion based on policy grounds. *See, e.g., In re Masterson*, 141 B.R. at 88. Other courts have turned to § 706(c). *See, e.g., Matter of Johnson*, 116 B.R. 224, 225 (Bankr. Idaho 1990); *In re Sensibaugh*, 9 B.R. 45, 46 (Bankr. E.D. Va. 1981). Section 706(c) states: "[t]he court may not convert a case under this chapter to a case under chapter 12 or 13 of this title unless the debtor requests or consents to such conversion." While the plain language of § 706(c) indicates that it operates as a restraint on the court's authority, not as a source of authority, courts that have utilized this provision appear to conclude that if the debtor consents to or requests conversion, the court has discretion to permit such conversion.

A third possibility is that a debtor could seek voluntary dismissal or conversion under § 707, consent to conversion, and allow the Court to determine whether dismissal or conversion was more appropriate in the circumstances. This approach would have the disadvantage of possibly resulting in dismissal of the case, but it would seem to solve the statutory interpretation issues encountered by the alternative approaches.

Nevertheless, the Court need not determine whether reconversion is permitted under § 706(a) because, if the Court were to conclude that reconversion is discretionary, Debtor has not demonstrated that the exercise of such discretion would be appropriate, nor has Debtor filed any supplemental brief or evidence in response to the Court's May 3rd order. Debtor has already had a Chapter 13 case dismissed in the previous year. More importantly, at the time Debtor converted to Chapter 7, Trustee had an outstanding objection to the confirmation of her Chapter 13 plan for *inter alia*, failure to appear at the 341(a) meeting and to make plan payments. On that record, Debtor appears to be unable to successfully complete a Chapter 13 case.

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

Wednesday, May 26, 2021

Hearing Room 303

11:00 AM

CONT... **Juana Flordeliza Phillips**

Chapter 7

Given Debtor's history in bankruptcy, the absence of any legal argument in Debtor's motion and the absence of any evidence suggesting a change in circumstances that would allow Debtor to be successful in a Chapter 13 proceeding despite the Court's order, reconversion of the case, even if the Court were to conclude that such reconversion was legally permissible, is inappropriate.

TENTATIVE RULING

The Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juana Flordeliza Phillips

Represented By
Stephen L Burton

Movant(s):

Juana Flordeliza Phillips

Represented By
Stephen L Burton

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, May 26, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#8.00 CONT. Motion for Default Judgment Against Defendant Narinder Sangha

Also #9,10

From: 4/7/21,5/6/21

EH ____

Docket 440

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Pro Se

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, May 26, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#9.00 CONT. Plaintiff's Motion in Limine on Defendant's exhibits

Also #8, 10

From: 3/31/21, 4/7/21,4/7/21,5/19/21

EH__

(Tele. appr. Charles Schrader, Plaintiff)

Docket 427

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Pro Se

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, May 26, 2021

Hearing Room 303

2:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#10.00 Pre-Trial Conference RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

Also #8, 9

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21, 4/7/21,4/21/21

EH__

(Tele. appr. Charles Schrader, Plaintiff)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

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, May 26, 2021

Hearing Room 303

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#11.00 CONT. Status Conference RE: [43] Amended Complaint To Revoke Discharge of Debtor by Charles W Daff (TR) on behalf of Charles W Daff (TR) against Sean Karadas. (RE: related document(s)1 Adversary case 6:20-ap-01171. Complaint by Charles W Daff (TR) against Sean Karadas. (\$350.00 Fee Charge To Estate). To Revoke and Deny Discharge of Debtor (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Daff (TR), Charles) filed by Plaintiff Charles W Daff (TR), Trustee Charles W Daff (TR)). (Attachments: # 1 Appendix Summons) (Daff (TR), Charles)

From: 4/28/21

EH__

(Tele. appr. Charles Daff, chapter 7 trustee)

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

Charles W Daff (TR)

Pro Se

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, May 26, 2021

Hearing Room 303

2:00 PM

CONT...

Sean Karadas

Robert P Goe
Thomas J Eastmond

Chapter 7

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01057 Pringle v. Makar

#12.00 Motion to Leave to File Motion for Attorney's Fees

EH__

(Tele. appr. Craig Robson, rep. Defendant, Ayad Makar)

(Tele. appr. David Goodrich, rep. Plaintiff, John P. Pringle)

Docket 37

Tentative Ruling:

5/26/2021

BACKGROUND

On December 8, 2017, Mark Bastorous and Bernadette Shenouda filed a Chapter 7 voluntary petition.

On May 11, 2020, Trustee filed an adversary complaint against Ayad Makar ("Defendant") to avoid and recover fraudulent transfers. On February 22, 2021, the Court entered an order granting Defendant's motion for summary judgment on all causes of action.

On April 26, 2021, Defendant filed the instant motion seeking leave to file a motion for attorney's fees based on FED. R. CIV. P. Rule 37 after the deadline based on Rule 60(b) excusable neglect. Trustee filed an opposition on May 12, 2021.

DISCUSSION

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

FED. R. BANKR. P. Rule 9024 (b)(2)(A) states that FED. R. CIV. P. Rule 54(d)(2)(A)-(C) and (E) apply in adversary proceedings. Rule 54(d)(2)(B) prescribes a fourteen day time period to file a motion to seek attorney fees, however, subsection (d)(2)(E) states: "Subparagraphs (A)-(D) do not apply to claims for fees and expenses as sanctions for violating these rules or as sanctions under 28 U.S.C. § 1927."

Defendant's underlying motion seeking an award of attorney fees proceeds pursuant to FED. R. CIV. P. Rule 37(c)(2), which is a claim for fees and expenses as a form of discovery sanctions. "Rule 54 is not applicable to Rule 37 sanctions." *MTGLQ Invs., LP v. Wellington*, No. 1:17-CV-00487-KG-LF, 2021 WL 371574, at *2 (D.N.M. Feb. 3, 2021). Therefore, the deadline set by FED. R. BANKR. P. Rule 9024(b)(2)(A) is inapplicable to the instant motion. However, LBR 7054-1(g)(1) applies and sets forth a 14-day deadline after the entry of judgment for filing a motion for attorneys' fees.

As to the FED. R. CIV. P. Rule 60(b) analysis, the Court agrees with Trustee that there is insufficient evidence as to the secretary's purported excusable neglect. As such, the Court does not address the remaining *Pioneer* factors.

As to the underlying merits, as reflected in Trustee's objections to Defendant's requests for admissions, particularly as the requests call for legal conclusions, Rule 37(c)(2)(D) would be satisfied because the Trustee's objections provide "good reason" for failure to admit.

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**

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT... Mark Bastorous

Chapter 7

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ayad Makar

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, May 26, 2021

Hearing Room 303

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

Adv#: 6:21-01035 Meislik v. Hutton Foundation, Inc

#13.00 Status Conference RE: [1] Adversary case 6:21-ap-01035. Complaint by Adam Meislik against Hutton Foundation, Inc. Recovery, and Preservation of Actual Fraudulent Transfer; and (2) Avoidance, Recovery, and Preservation of Constructively Fraudulent Transfer [11 U.S.C. Sections 544(b), 548, 550, and 551; Cal. Civ. Code Sections 3439.04, 3439.05], filed by Adam Meislik, solely in his capacity as the Liquidating Trustee for the Liquidating Trust of Visiting Nurse Association (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Wood, David)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 7/7/21 BY ORDER
ENTERED 5/13/21**

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
Steven T Gubner
Jason B Komorsky

Defendant(s):

Hutton Foundation, Inc

Pro Se

Plaintiff(s):

Adam Meislik

Represented By

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT...

Visiting Nurse Association of the Inland Counties

Richard A Marshack

David Wood

Chapter 11

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#14.00 Plaintiff's Motion for Default Judgment; Declarations of Carmela T. Pagay and Jan Neiman

Also #15

EH__

Docket 16

***** VACATED *** REASON: ORDER APPROVING STIPULATION
5/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Pro Se

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By
Carmela Pagay

Trustee(s):

Lynda T. Bui (TR)

Represented By
Todd A Frealy

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#15.00 CONT. Status Conference re: Complaint by Lynda T. Bui against Lourdes P. Vargas. (\$350.00 Fee 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))),(11 (Recovery of money/property - 542 turnover of property))

Also #14

From: 4/7/21,4/21/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/23/21 BY ORDER
ENTERED 5/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Pro Se

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT... Juan Vargas

Chapter 7

Carmela Pagay

Trustee(s):

Lynda T. Bui (TR)

Represented By
Todd A Frealy

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

6:20-16066 Amjad Yousef Salem

Chapter 7

Adv#: 6:20-01192 Price v. Salem et al

#16.00 Plaintiff's Motion for Default Judgment

EH__

(Tele. appr. David Weil, rep. David Price, Plaintiff)

Docket 30

Tentative Ruling:

5/26/2021

BACKGROUND

On September 3, 2020, Amjad Yousef and Lina Amjad Salem ("Debtors") filed a Chapter 7 voluntary petition. Debtors were discharged on December 14, 2020.

On December 4, 2020, David Price ("Plaintiff") commenced Adversary No. 6:20-ap-01192-MH by filing a complaint for non-dischargeability against Debtors pursuant to 11 U.S.C. §§ 523(a)(2) and (a)(6) ("Complaint").

The Complaint generally alleges that when Debtors sold a yacht to Plaintiff, they concealed that it had previously sunk and further misrepresented its physical condition. The Complaint is based on a judgment issued by the San Diego Superior Court ("Judgment") in the case *Price v. Gullan, et. al.* entered in Plaintiff's favor, which found Debtors liable for Actual Fraud and Deceit by concealment and ordering them to pay Plaintiff \$211,146.30 (\$108,300 in damages and \$102,846.30 in attorney fees). The Complaint lists the findings of fact and conclusion of law issued by the state court ("Statement of Decision").

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT... Amjad Yousef Salem

Chapter 7

On April 20, 2021, Plaintiff filed a request for entry of default against Debtors. On April 21, 2021, the Clerk entered Debtors' default.

On May 4, 2021, Plaintiff filed the instant motion for default judgment, amended to correct hearing date.

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 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.

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT... Amjad Yousef Salem

Chapter 7

Here, service appears proper as Debtors were served at 2124 Alpinemist St., Corona, CA 92879, the address listed in the petition as their current mailing address.

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.").

The Complaint includes two causes of action. The first cause of action proceeds pursuant to 11 U.S.C. § 523(a)(2), and although not cited specifically in the Complaint, seeks nondischargeability pursuant to Subsection A, which 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 Complaint proceeds pursuant to the Judgement based on actual fraud and deceit by concealment. The court in *In re Melnik* provides a relevant discussion on how the bankruptcy code incorporates these types of fraud:

For purposes of § 523(a)(2)(A), the term "false pretenses" means "conscious, deceptive, or misleading conduct calculated to obtain or deprive another of property." It includes "the practice of any scam, scheme, subterfuge, artifice, deceit or chicanery in the accomplishment of an unlawful objective" by the defendant. False pretenses, therefore, may be based on an implied misrepresentation or silence in the

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT...

Amjad Yousef Salem

Chapter 7

face of a duty to disclose material facts on which a transaction depends.

The elements required to establish a debt as nondischargeable under false pretenses are: (1) an implied misrepresentation or conduct by the debtor; (2) promoted knowingly and willingly; (3) to create a contrived or misleading understanding of the transaction on the part of the creditor; (4) which wrongfully induced the creditor to advance money, property, or credit to the debtor.

...

Finally, a debt may be excepted from discharge under § 523(a)(2)(A) on the basis of actual fraud, which now may include types of fraud beyond frauds based on a misrepresentation. The term "actual fraud" encompasses "any deceit, artifice, trick, or design involving direct or indirect operation of the mind, used to circumvent or cheat another.').

592 B.R. 9, 22 (Bankr. N.D.N.Y. 2018), *aff'd sub nom. Reddy v. Melnik*, No. 3:18-CV-1197 (GTS), 2019 WL 2766592 (N.D.N.Y. July 2, 2019) (internal citations omitted).

Here, the Complaint includes the following findings of fact from the Statement of Decision that satisfy the elements of §523(a)(2)(A): that Debtors knew and actively concealed that the yacht had sunk, failed to disclose this to Plaintiff, and intended to deceive Plaintiff, inducing him to purchase the yacht and therefore suffer damages. On these facts, the state court concluded that Debtors were liable for actual fraud. Accepting these allegations as true, the Court is inclined to find that Debtors obtained the debt through false pretenses and actual fraud and is liable to Plaintiff in the amount of the state court judgment awarded including the attorney fees, as the state court found pursuant to the Yacht purchase agreement. *See Cohen v. De La Cruz*, 118 S.Ct. 1212 (1998) (§523(a)(2)(A) encompasses all liability arising out of the fraud, including attorney's fees and costs, if a state statute provides); *see also In re Alejandro Gamboa*, No. 11-16261-JDL, 2020 WL 5587431, at *4 (Bankr. W.D. Okla. Sept. 17, 2020) ("Following *Cohen*, courts have allowed attorney fees in § 523 dischargeability actions if a contract or applicable state statute provides for the same.").

The Court also notes that the doctrine of collateral estoppel appears to apply, as these facts were litigated in a bench trial where one Debtor was present. *See In re Ryan*,

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT...

Amjad Yousef Salem

Chapter 7

408 B.R. 143, 164 (Bankr. N.D. Ill. 2009) ("where a court of competent jurisdiction has previously ruled against a debtor upon specific issues of fact that independently comprise elements of a creditor's nondischargeability claim, the debtor may not seek to relitigate those underlying facts in bankruptcy court, provided that the issues involved had been actually litigated.") (quoting *In re Carlson*), 224 B.R. 659, 663 (Bankr.N.D.Ill.1998), *aff'd*, No. 99 C 6020, 2000 WL 226706 (N.D.Ill. Feb. 22, 2000), *aff'd*, No. 00-1720, 2001 WL 1313652 (7th Cir. Oct. 23, 2001).

As to the second cause of action under § 523(a)(6), a creditor must prove that the injury was both willful and malicious. See *In re Barboza*, 545 F.3d 702, 706 (9th Cir. 2008). "A "willful" injury is a deliberate or intentional *injury*, not merely a deliberate or intentional *act* that leads to injury. *Id.* 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.* The Complaint only contains one allegation to the effect of the state court's finding of fact that Debtors willfully deceived Plaintiff with intent to induce him into purchasing the yacht, thereby causing Plaintiff to suffer damages. Although the state court used the word "willful," there is no clarity as to whether the willful deception was intended to cause the damages or if rather the intentional *act* of deception merely led to Plaintiff's injury. If the Court was to surmise, the phrase, "thereby causing Plaintiff to suffer damages," tends to indicate an act that resulted in injury. Additionally, there are no allegations sufficiently detailed to show maliciousness, nor does the Statement of Decision provide a finding of maliciousness for the Court to consider the applicability of collateral estoppel. As such, accepting all allegations as true, the Court cannot determine if there was a willful and malicious injury within the meaning of § 523(a)(6).

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to GRANT the motion in part entering judgment on the first claim pursuant to § 523(a)(2)(A) and DENY the motion in part as to the second claim pursuant to § 523(a)(6).

APPEARANCES REQUIRED.

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

Wednesday, May 26, 2021

Hearing Room 303

2:00 PM

CONT... Amjad Yousef Salem

Chapter 7

Party Information

Debtor(s):

Amjad Yousef Salem

Represented By
Brian J Soo-Hoo

Defendant(s):

Amjad Yousef Salem

Pro Se

Lina Amjad Salem

Pro Se

Joint Debtor(s):

Lina Amjad Salem

Represented By
Brian J Soo-Hoo

Plaintiff(s):

David Price

Represented By
David Weil

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, May 27, 2021

Hearing Room 303

11:00 AM

6:17-12232 Margarito Martinez

Chapter 13

Adv#: 6:19-01051 Martinez v. Garza et al

#1.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01051. Complaint by Margarito Martinez against Cesar Emilo Garza, Noe Pelayo, George Arthur Macias, Flor Valladares, Henry Gonzalez, West Coast Realty, Inc., Grand Capital Group, M&M Associates. (Charge To Estate - \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 5/23/19, 8/22/19, 10/17/19, 12/19/19, 2/20/20, 3/19/20, 4/16/20, 4/30/20,12/17/20, 5/13/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarito Martinez

Represented By

Christopher J Langley

Defendant(s):

Cesar Garza

Pro Se

Noe Pelayo

Pro Se

George Arthur Macias

Pro Se

Flor Valladares

Pro Se

Henry Gonzalez

Pro Se

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

Thursday, May 27, 2021

Hearing Room 303

11:00 AM

CONT... Margarito Martinez

Chapter 13

West Coast Plus Realty, Inc.

Pro Se

Grand Capital Group

Pro Se

M&M Associates

Pro Se

Plaintiff(s):

Margarito Martinez

Represented By
Christopher J Langley
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**

Thursday, May 27, 2021

Hearing Room 303

11:00 AM

6:16-16720 Luevina Henry and Ticor Title Company of California

Chapter 13

#2.00 Motion for order striking false notice of entry of judgment and notice of lien

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. James Lewin, rep. Real Time Solutions, Inc.)

(Tele. appr. Sheri Kanesaka, rep. Ticor Title Company of California)

Docket 243

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luevina Henry

Pro Se

Movant(s):

Ticor Title Company of California

Represented By
Sheri Kanesaka

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 27, 2021

Hearing Room 303

11:00 AM

6:15-16079 Tracy Lynne Crooks

Chapter 13

#3.00 CONT. Motion to Deem Debtor Owner of Unclaimed Funds

From: 1/21/21, 3/18/21,4/29/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Tracy Crooks)

Docket 137

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tracy Lynne Crooks

Represented By
Steven A Alpert

Movant(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**

Thursday, May 27, 2021

Hearing Room 303

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#4.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Proof of Service

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Norma Duenas, rep. Debtors, Gabriel and Jeneke Blanco)

Docket 84

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

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, May 27, 2021

Hearing Room 303

11:00 AM

6:18-17349 Thomas More Butler and Tamara Butler

Chapter 13

#5.00 Debtors' Certificate of Compliance and Application for Entry of Discharge

(Placed on calendar by order entered 5/13/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Karel Rocha, rep, creditor, LBS Financial Credit Union)

Docket 69

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, May 27, 2021

Hearing Room 303

11:00 AM

6:20-13463 Gregory Scott Richman

Chapter 13

#6.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jeffrey Hagen, rep. Debtor, Gregory Richman)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gregory Scott Richman

Represented By
Jeffrey J Hagen

Movant(s):

Gregory Scott Richman

Represented By
Jeffrey J Hagen

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 27, 2021

Hearing Room 303

11:00 AM

6:21-10772 Adam Lee Smith and Ann Dee Smith

Chapter 13

#7.00 Motion RE: Objection to Claim Number 14 by Claimant Department of Treasury - Internal Revenue Service with Proof of Service of Document

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Ann Dee Smith, Joint Debtor)

(Tele. appr. Kevin Mahan, rep. Debtors)

Docket 29

Tentative Ruling:

5/27/2021

BACKGROUND:

On February 16, 2021, Adam & Ann Smith (collectively, "Debtors") filed a Chapter 13 voluntary petition. On March 10, 2021, the IRS filed a proof of claim for a priority claim in the amount of \$30,000. On April 8, 2021, Debtors filed an objection to Claim 14. On April 15, 2021, the IRS amended their proof of claim, reducing the amount claimed to \$0.

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, May 27, 2021

Hearing Room 303

11:00 AM

CONT... Adam Lee Smith and Ann Dee Smith

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:

The Court notes that the claim objection of Debtors was not served properly on the IRS because the IRS was not served at the notice address identified in the proof of claim. For that reason, the Court is inclined to OVERRULE the claim objection. The Court also notes, however, that the amendment of the IRS's claim to an amount of \$0 appears to moot the issue.

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

Thursday, May 27, 2021

Hearing Room 303

11:00 AM

CONT... Adam Lee Smith and Ann Dee Smith

Chapter 13

TENTATIVE RULING

The Court is inclined to OVERRULE the objection.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Adam Lee Smith

Represented By
Kevin M Mahan

Joint Debtor(s):

Ann Dee Smith

Represented By
Kevin M Mahan

Movant(s):

Adam Lee Smith

Represented By
Kevin M Mahan

Ann Dee Smith

Represented By
Kevin M Mahan
Kevin M Mahan
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, May 27, 2021

Hearing Room 303

11:00 AM

6:21-11191 Kenneth Lewis

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 3/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kenneth Lewis

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 27, 2021

Hearing Room 303

11:00 AM

6:21-11208 Jose Escoto and Veronica Pineda

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Escoto

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Veronica Pineda

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, May 27, 2021

Hearing Room 303

11:00 AM

6:21-11212 Louis M DeRosa

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

***** VACATED *** REASON: CASE DISMISSED 5/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis M DeRosa

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 27, 2021

Hearing Room 303

11:00 AM

6:21-11214 Jacqueline S. Velasquez

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Keith Nguyen, rep. Debtor, Jacqueline Velasquez)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jacqueline S. Velasquez

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, May 27, 2021

Hearing Room 303

11:00 AM

6:21-11239 Craig Wagstaff and Carrie Wagstaff

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Craig Wagstaff

Represented By
Sundee M Teeple

Joint Debtor(s):

Carrie Wagstaff

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 27, 2021

Hearing Room 303

11:00 AM

6:21-11324 Michael P. Alexson and Janet M. Alexson

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael P. Alexson

Represented By
C Scott Rudibaugh

Joint Debtor(s):

Janet M. Alexson

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**

Thursday, May 27, 2021

Hearing Room 303

11:00 AM

6:21-11372 Ryan Albert Lopez Castro and Amanda Crystal Lopez

Chapter 7

#14.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 5/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ryan Albert Lopez Castro

Represented By
Kristin R Lamar

Joint Debtor(s):

Amanda Crystal Lopez

Represented By
Kristin R Lamar

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, May 27, 2021

Hearing Room 303

11:00 AM

6:21-11433 Felipe Fierro Garcia

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jenny Doling, rep. Debtor, Felipe Garcia)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Felipe Fierro Garcia

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 27, 2021

Hearing Room 303

11:01 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtor, Ethan Chin)

Docket 83

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, May 27, 2021

Hearing Room 303

11:01 AM

6:19-20725 Priscilla Fernandez Richardson

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

Also #17.1

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Priscilla Fernandez Richardson

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, May 27, 2021

Hearing Room 303

11:01 AM

6:19-20725 Priscilla Fernandez Richardson

Chapter 13

#17.10 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with proof of service

Also #17

(Placed on calendar by order entered 5/19/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Priscilla Fernandez Richardson

Represented By
Chris A Mullen

Movant(s):

Priscilla Fernandez Richardson

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, May 27, 2021

Hearing Room 303

11:01 AM

6:20-13401 Monica Aguirre

Chapter 13

#18.00 CONT. Trustee's Motion to Dismiss Case

From: 5/13/21

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/17/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Monica Aguirre

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 27, 2021

Hearing Room 303

11:01 AM

6:20-13425 Margarito Martinez

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarito Martinez

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**

Thursday, May 27, 2021

Hearing Room 303

11:01 AM

6:20-14194 Juan Martinez

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Rebecca Tomilowitz, rep. Debtor, Juan Martinez)

Docket 42

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan 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, May 27, 2021

Hearing Room 303

11:01 AM

6:19-15117 Michael Colbus and Lisa Colbus

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Andy Nguyen, rep. Debtors, Michael 7 Lisa Colbus)

Docket 81

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Colbus

Represented By
Andy Nguyen

Joint Debtor(s):

Lisa Colbus

Represented By
Andy 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 27, 2021

Hearing Room 303

11:01 AM

6:19-10484 Xavier C. Luna

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 108

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/19/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier C. Luna

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 304 Calendar**

Thursday, May 27, 2021

Hearing Room 304

11:01 AM

6:19-18003 Ruben Macias and Carmen Macias

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Donna Travis, rep. Debtor, Ruben Macias)

Docket 95

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ruben Macias

Represented By
Dana Travis

Joint Debtor(s):

Carmen Macias

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 27, 2021

Hearing Room 303

11:01 AM

6:18-11652 Gwendolyn Priscilla Saunders

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Donna Travis, rep. Debtor, Gwendolyn Saunders)

Docket 96

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 27, 2021

Hearing Room 303

11:01 AM

6:19-20882 Dennis Gene Rankin

Chapter 13

#25.00 Trustee's Motion to Dismiss Case

EH ____

Docket 65

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/19/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dennis Gene Rankin

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 27, 2021

Hearing Room 303

11:01 AM

6:18-14949 Alice Chow

Chapter 13

#26.00 Trustee's Motion to Dismiss Case

EH__

Docket 71

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/19/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alice Chow

Represented By
Andy 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 27, 2021

Hearing Room 303

11:01 AM

6:19-16544 Rudy Michael Castillo and Monica Michelle Castillo

Chapter 13

#27.00 Trustee's Motion to Dismiss Case

EH__

Docket 74

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy Michael Castillo

Represented By
Nicholas M Wajda

Joint Debtor(s):

Monica Michelle Castillo

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, May 27, 2021

Hearing Room 303

11:01 AM

6:20-10705 Bogar Hernandez and Elvira Landin Hernandez

Chapter 13

#28.00 Trustee's Motion to Dismiss Case

EH__

Docket 38

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/26/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bogar Hernandez

Represented By
Todd L Turoci

Joint Debtor(s):

Elvira Landin Hernandez

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, June 1, 2021

Hearing Room 303

11:00 AM

6:19-18332 Christopher Bryan Dennis

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 30422 LIVE OAK DRIVE, Running Springs, California, 92382

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 44

Tentative Ruling:

6/1/2021

Service: Proper

Opposition: None

The Court, having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed three mortgage payments. The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶ 2;
- GRANT request for relief from § 1301(a) co-debtor stay;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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.

In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium.

Party Information

Debtor(s):

Christopher Bryan Dennis

Represented By

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

Tuesday, June 1, 2021

Hearing Room 303

11:00 AM

CONT... Christopher Bryan Dennis

Chapter 13

M. Wayne Tucker

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski
Dana OBrien
Ciro Mestres

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 1, 2021

Hearing Room 303

11:00 AM

6:20-12392 Angelita Kurmen

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1012 Titus Ct, San Jacinto, CA 92583

MOVANT: GUILD MORTGAGE COMPANY LLC

EH__

Docket 58

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 5/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angelita Kurmen

Represented By
Rebecca Tomilowitz

Movant(s):

Guild Mortgage Company LLC

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, June 1, 2021

Hearing Room 303

11:00 AM

6:20-13757 Guillermo Manuel Reyna and Cindy Reyna

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 22661 Gierson Avenue Wildomar, California 92595

MOVANT: ROYAL PACIFIC FUNDING CORPORATION

EH__

(Tele. appr. Diana Torres-Brito, rep. creditor, Royal Pacific Funding Corporation)

(Tele. appr. Norma Duenas, rep. Debtors, Guilleremo and Cindy Reyna)

Docket 28

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 5/27/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guillermo Manuel Reyna

Represented By
Norma Duenas

Joint Debtor(s):

Cindy Reyna

Represented By
Norma Duenas

Movant(s):

Royal Pacific Funding Corporation

Represented By
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, June 1, 2021

Hearing Room 303

11:00 AM

6:20-14208 Monica Irene Allain

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Honda CR-V .

MOVANT: CONSUMER PORTFOLIO SERVICES, INC.

EH__

(Tele. appr. Merduad Jarfarnia, rep. creditor, Consumer Portfolio Services, Inc.)

Docket 33

Tentative Ruling:

6/1/2021

Service: Proper

Opposition: None

The Court, having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed three car payments. The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay
- 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):

Monica Irene Allain

Represented By

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

Tuesday, June 1, 2021

Hearing Room 303

11:00 AM

CONT... Monica Irene Allain

Chapter 13

Edgar P Lombera

Movant(s):

Consumer Portfolio Services, Inc.

Represented By
Erica T Loftis Pacheco

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 1, 2021

Hearing Room 303

11:00 AM

6:21-11659 Juan Navarro-Lagos

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Ford Explorer, VIN: 1FMSK7DH9LGB64303

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

(Tele. appr. Sheryl Ith, rep. Ford Motor Credit Company LLC)

Docket 11

Tentative Ruling:

6/1/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Juan Navarro-Lagos

Represented By
Andy Nguyen

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

Tuesday, June 1, 2021

Hearing Room 303

11:00 AM

CONT... Juan Navarro-Lagos

Chapter 7

Movant(s):

Ford Motor Credit Company LLC

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, June 1, 2021

Hearing Room 303

11:00 AM

6:21-12065 Osman Bowser

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2021 Toyota 4Runner

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

Docket 9

Tentative Ruling:

6/1/2021

Service: Proper

Opposition: None

For the reasons set forth in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 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):

Osman Bowser

Represented By
Edgar P Lombera

Movant(s):

Toyota Motor Credit Corporation

Represented By
Kirsten Martinez

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

Tuesday, June 1, 2021

Hearing Room 303

11:00 AM

CONT... Osman Bowser

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, June 2, 2021

Hearing Room 303

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

Adv#: 6:19-01177 Issa v. Pisano

#1.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01177. Complaint by J. Michael Issa against Anthony Pisano. (13 (Recovery of money/property - 548 fraudulent transfer)) (Ignatuk, Joseph)

From: 2/25/20, 4/28/20, 6/9/20, 7/21/20, 8/25/20, 9/29/20, 1/24/20, 12/1/20,1/20/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 6/8/21 BY ORDER
ENTERED 3/24/21**

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Defendant(s):

Anthony Pisano

Represented By
Scott P Schomer

Plaintiff(s):

J. Michael Issa

Represented By
Joseph R Ignatuk

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

Wednesday, June 2, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01074 Pringle v. Ghobrial

#2.00 Motion for Default Judgment Motion for Default Judgment Against Defendant Ishak Ghobrial Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1; Memorandum of Points and Authorities, Declarations of John P. Pringle and David M. Goodrich in Support

EH__

Docket 24

***** VACATED *** REASON: CONTINUED TO 6/9/21 BY ORDER
ENTERED 5/13/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ishak Ghobrial

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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, June 2, 2021

Hearing Room 303

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01066 Pringle v. Abdelmessih

#3.00 Motion for Default Judgment Motion for Default Judgment Against Defendant Noshi Abdelmessih Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1; Memorandum of Points and Authorities, Declarations of John P. Pringle and David M. Goodrich in Support

EH__

Docket 24

***** VACATED *** REASON: CONTINUED TO 6/9/21 BY ORDER
ENTERED 5/13/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Noshi Abdelmessih

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14950 Deerfield St, Victorville, CA 92394 Under 11 U.S.C. § 362. - Granted in its entirety with the exception of adequate protection which is denied as moot.

From: 3/2/21,5/4/21

MOVANT: NATIONSTAR MORTGAGE

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Nationstar Mortgage)

Docket 84

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 301 Calendar**

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

Debtor(s):

Rodolfo Aguiar Pro Se

Joint Debtor(s):

Irma D Aguiar Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr. Represented By
Dane W Exnowski
Arnold L Graff
Nancy L Lee

Trustee(s):

Rod Danielson (TR) Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:18-20070 Alexander J Perfinowicz and Ingeborg Maria Pefinowicz Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Ford Escape

MOVANT: BRIDGECREST CREDIT COMPANY, LLC

EH__.

Docket 86

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/2/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexander J Perfinowicz Pro Se

Joint Debtor(s):

Ingeborg Maria Pefinowicz Pro Se

Movant(s):

Bridgecrest Credit Company, LLC Represented By
Ritchie J Pierce
Erica T Loftis Pacheco

Trustee(s):

Rod Danielson (TR) Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:19-11399 Jeremiah M Moore

Chapter 13

#3.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 55749 Onaga Trail, Yucca Valley, California, 92284 Under 11 U.S.C. § 362

From: 4/20/21,5/25/21

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Freedom Mortgage Corporation)

Docket 34

Tentative Ruling:

4/20/2021

Service: Proper

Opposition: Debtor

Movant to apprise Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jeremiah M Moore

Represented By
Tom A Moore

Movant(s):

Freedom Mortgage Corporation

Represented By
Ashley Popowitz
Dane W Exnowski

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

CONT... Jeremiah M Moore

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:19-11430 Michael L. Williams

Chapter 7

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 33320 Kilroy Road, Temecula, CA 92592 Under 11 U.S.C. § 362

From: 4/20/21

(Case converted to chapter 7 on 3/30/21)

MOVANT: NEWREZ LLC d/ba SHELLPOINT MORTGAGE SERVICING

EH__

Docket 45

***** VACATED *** REASON: CONTINUED TO 8/10/21 BY ORDER
ENTERED ON 5/27/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael L. Williams

Represented By
Gregory Ashcraft

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Alexander G Meissner
Julian T Cotton
Mary D Vitartas
Dane W Exnowski

Trustee(s):

Lynda T. Bui (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:20-15370 Michael J. Slowinski

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15470 Legendary Dr., Moreno Valley, CA 92555

From: 4/27/21

MOVANT: WELLS FARGO BANK, NATIONAL ASSOCIATION

EH__

Docket 55

Tentative Ruling:

4/27/2021

**Service: Proper
Opposition: Debtor**

Parties to apprise the Court of the status of mortgage arrears and of any adequate protection discussion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael J. Slowinski

Represented By
Michael Smith

Movant(s):

Wells Fargo Bank

Represented By
Sean C Ferry
Eric P Enciso

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

CONT... Michael J. Slowinski

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:20-16881 Brian Michael Johnson and Thea Marie Johnson

Chapter 7

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Jeep Grand Cherokee

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

(Tele. appr. Kirsten Martinez, rep. creditor, Toyota Motor Credit Corporation)

Docket 40

Tentative Ruling:

6/8/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 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):

Brian Michael Johnson

Represented By
Jenny L Doling

Joint Debtor(s):

Thea Marie Johnson

Represented By
Jenny L Doling

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

CONT... Brian Michael Johnson and Thea Marie Johnson

Chapter 7

Movant(s):

Toyota Motor Credit Corporation,

Represented By
Austin P Nagel

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:21-11119 Amparo De Leon

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1498 West 21st Street, San Bernardino, CA 92411

MOVANT: CAM XI TRUST

EH__

(Tele. appr. Reilly Wilkinson, rep. creditor, CAM XI Trust)

Docket 24

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amparo De Leon

Represented By
Julie J Villalobos

Movant(s):

CAM XI 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 301 Calendar**

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:21-11352 Rafael Andres Valenzuela

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2015 Lincoln MKC VIN No.5LMCJ1A91FUJ18887

MOVANT: JPMORGAN CHASE BANK

EH__

(Tele. appr. Bryan Fairman, rep, creditor, JP Morgan Chase Bank)

Docket 14

Tentative Ruling:

6/8/2021

**Service: Proper
Opposition: None**

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- 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):

Rafael Andres Valenzuela

Represented By
Christopher J Langley

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

CONT... Rafael Andres Valenzuela

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

6:21-12484 James Steven Perry, Jr. and Cynthia Kay Perry

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Jeep Wrangler

MOVANT: THE GOLDEN 1 CREDIT UNION

EH__

(Tele. appr. Nicholas Couchot, rep. creditor, The Golden 1 Credit Union)

Docket 8

Tentative Ruling:

6/8/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2)
- DENY request for relief from § 1301(a) co-debtor stay because § 1301(a) is not applicable to Chapter 7 cases
- GRANT relief from Rule 4001(a)(3) stay
- GRANT request under ¶ 2
- DENY alternative request under ¶ 11 as moot

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Steven Perry Jr.

Represented By
Todd L Turoci

Joint Debtor(s):

Cynthia Kay Perry

Represented By

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

Tuesday, June 8, 2021

Hearing Room 301

11:00 AM

CONT... James Steven Perry, Jr. and Cynthia Kay Perry
Todd L Turoci

Chapter 7

Movant(s):

The Golden 1 Credit Union

Represented By
Nicholas S Couchot

Trustee(s):

Arturo Cisneros (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

Adv#: 6:19-01177 Issa v. Pisano

#10.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01177. Complaint by J. Michael Issa against Anthony Pisano. (13 (Recovery of money/property - 548 fraudulent transfer)) (Ignatuk, Joseph)

From: 2/25/20, 4/28/20, 6/9/20, 7/21/20, 8/25/20, 9/29/20, 1/24/20, 12/1/20, 1/20/21, 3/31/21, 6/28/21

EH__

(Tele. appr. J. Ron Ignatuk, rep. Plaintiff, Michael Issa)

(Tele. appr. Scott Schomer, rep. Defendant, Anthony Piscano)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Defendant(s):

Anthony Pisano

Represented By
Scott P Schomer

Plaintiff(s):

J. Michael Issa

Represented By
Joseph R Ignatuk

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

6:20-15400 Fasttrak Foods, LLC

Chapter 11

#11.00 Motion to Withdraw as Attorney for Debtor and Debtor In Possession;
Declaration of Daniel J. Weintraub In Support Thereof

Also #12

(OST signed 5/25/21)

EH__

(Tele. appr. Lewis Adelson, rep. creditor, Tapatio Foods)

(Tele. appr. James Selth, rep. Debtor, Fasttrak Foods, Inc.)

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Steven Hamilton, rep. Managing Member for Debtor)

(Tele. appr. Caroline Djang, Subchapter V trustee)

(Tele. appr. Harvey Berger, creditors, Berger, Williams & Reynolds, LLP)

Docket 99

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fasttrak Foods, LLC

Represented By
Crystle Jane Lindsey
James R Selth
Daniel J Weintraub

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

CONT... Fasttrak Foods, LLC

Chapter 11

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

6:20-15400 Fasttrak Foods, LLC

Chapter 11

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

Also #11

From: 9/29/20, 11/24/20,12/1/20, 3/30/21

EH__

(Tele. appr. Harvey Berger, creditors, Berger, Williams & Reynolds, LLP)

(Tele. appr. Lewis Adelson, rep. creditor, Tapatio Foods)

(Tele. appr. James Selth, rep. Debtor, Fastrak Foods, Inc.)

(Tele. appr. Steven Hamilton, rep. Managing Member for Debtor)

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Caroline Djang, Subchapter V trustee)

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fasttrak Foods, LLC

Represented By
Crystle Jane Lindsey
James R Selth
Daniel J Weintraub

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

CONT... Fasttrak Foods, LLC

Chapter 11

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#13.00 Application to Employ Lucove, Say & Co. as Certified Public Accountants

Also #14

(Placed on calendar by order entered 5/27/21)

**(Tele. appr. Steven Fox, rep. Christopher De Mint, principle of the Debtor,
DW Trim, Inc.)**

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 54

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

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

Tuesday, June 8, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#14.00 CONT. Notice of Motion and Motion For Order Setting Bar Date For Filing Proof of Claim

Also #13

From: 5/25/21

EH__

(Tele. appr. Steven Fox, rep. Christopher De Mint, principle of the Debtor, DW Trim, Inc.)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

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

Wednesday, June 9, 2021

Hearing Room 301

10:00 AM

6:21-10450 Maria Benavidez

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and SchoolsFirst Federal Credit Union, in the amount of \$5239.68, re: 2016 Chevrolet Cruze

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Benavidez

Represented By
Allison F Tilton

Trustee(s):

Howard B Grobstein (TR)

Pro Se

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

Wednesday, June 9, 2021

Hearing Room 301

10:00 AM

6:21-11426 Mirelle Mayra Angelica Lasheras

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Alaska USA Federal Credit Union, in the amount of \$11186.27, re: 2014 Chevrolet Silverado

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mirelle Mayra Angelica Lasheras

Represented By
Marlin Branstetter

Trustee(s):

Howard B Grobstein (TR)

Pro Se

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

Wednesday, June 9, 2021

Hearing Room 301

10:00 AM

6:21-11715 Phillip Gilbert Delgado and Barbara Martha Delgado

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Novo Federal Credit Union, in the amount of \$1120.55, re: 2013 Toyota Scion

EH__

Docket 10

***** VACATED *** REASON: REVISED REAFFIRMATION
AGREEMENT FILED WITH ATTORNEY SIGNATURE**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Gilbert Delgado

Represented By
Brian J Soo-Hoo

Joint Debtor(s):

Barbara Martha Delgado

Represented By
Brian J Soo-Hoo

Trustee(s):

Lynda T. Bui (TR)

Pro Se

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

Wednesday, June 9, 2021

Hearing Room 301

10:00 AM

6:21-11896 Olga Lydia Arroyo

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and Altura Credit Union re 2014 Honda Civic, in the amount of \$7460.99, re: 2014 Honda Civic

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Olga Lydia Arroyo

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

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

Wednesday, June 9, 2021

Hearing Room 301

10:00 AM

6:21-12071 Doug Herbert Hanson

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and Santander Consumer USA Inc., dba Chrysler Capital, in the amount of \$11926.57, re: 2018 Dodge Durango

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doug Herbert Hanson

Pro Se

Trustee(s):

Charles W Daff (TR)

Pro Se

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

Wednesday, June 9, 2021

Hearing Room 301

10:00 AM

6:21-12084 Andre Maurice Verastegui

Chapter 7

#6.00 Pro se Reaffirmation Agreement Between Debtor and Bank of America, in the amount of \$5776.82, re: 2017 Nissan Altima

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre Maurice Verastegui

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

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

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

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

From: 4/1/20, 5/13/20, 9/9/20,10/14/20,12/16/20,2/10,21, 4/7/21,
4/21/21,4/28/21

EH ____

(Tele. appr. Ali Matin, rep. Office of the United States Trustee)

(Tele. appr. Ivan Kallick, rep. chapter 7 trustee)

(Tele. appr. Howard Grobstein, chapter 7 trustee)

Docket 464

Tentative Ruling:

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

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

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:17-18617 Christy Carmen Hammond

Chapter 7

#8.00 Motion For Sale of Property of the Estate under Section 363(b)

EH__

(Tele. appr. Douglas Plazak, rep. chapter 7 trustee)

Docket 115

Tentative Ruling:

6/9/2021

BACKGROUND

On October 16, 2017, Christy Hammond ("Debtor") filed a Chapter 7 voluntary petition. Schedule A listed certain real property located at 5918 Ridgeway Dr., Chino Hills, CA 91709 (the "Property"). Schedule A identified the value of the Property as \$505,000. Schedule C claimed an exemption in the Property in the amount of \$100,000. Schedule D identified two creditors holding a security interest in the Property: (1) Wells Fargo Home Mortgage (in the amount of \$378,000); and (2) CalHFA Mortgage Assistance Corporation (in the amount of \$24,004).

On February 4, 2019, Trustee filed an application to employ a real estate broker; Debtor opposed the application on February 18, 2019. After a hearing, the Court approved the employment of a real estate broker on April 3, 2019.

On October 16, 2019, Trustee filed a motion for turnover and an adversary complaint against Kenneth Hammond, Debtor's spouse, seeking declaration relief and turnover of property of the estate. On October 30, 2019, Debtor filed an opposition to the turnover motion, while also amended Schedule C to increase the claimed exemption

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

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

in the Property to \$175,000. On November 20, 2019, Trustee filed an objection to the increased homestead exemption. The motion for turnover of the Property and Trustee's objection to Debtor's homestead exemption have been extensively litigated and repeatedly continued. Both matters are still pending.

On May 19, 2021, Trustee filed the instant sale motion. Trustee proposes to sell the Property to Yan Dong (the "Purchaser") for \$686,000. Proposed payments from the proceeds include: (1) \$378,000 for the secured claim of Wells Fargo Home Mortgage; (2) \$24,004 for the secured claim of CalHFA Mortgage Assistance Corp; (3) \$48,020 in closing costs (including a 5% brokers commission); and (4) \$100,000-\$175,000 for Debtor's exemption. This distribution leaves \$61,976 to \$136,976 for the estate, minus any real property taxes to be satisfied. On May 26, 2021, Debtor filed a non-opposition to the sale motion.

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 does not contain any detailed evidence of the Property's marketing, the Court notes that: (1) the sale price significantly exceeds the scheduled value of the Property; (2) the sale price exceeds the original listing price of the Property; and (3)

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

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

the real estate broker was employed in April 2019, more than two years ago. In the absence of any objection, the Court finds that these facts, and the fact that the proposed sale would generate a substantial benefit for the bankruptcy estate, sufficiently demonstrate that there is a sufficient business reason for the sale and that the sale is fair and reasonable.

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 sale price exceeds the aggregate value of the liens encumbering the Property and, therefore, § 363(f)(3) permits Trustee to sell the Property free and clear of liens.

III. 14-Day Stay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

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 turnover provisions requested in the motion, and noting the non-opposition filed by Debtor, finds such provisions to be reasonable. The Court has reviewed the proposed broker's commission and closing costs and finds such expenses to be reasonable.

Regarding the request for a good faith finding under 11 U.S.C. § 363(m), the Court notes that Movant has not submitted any evidence in support of the request.

Regarding the request to pay property taxes, the Court notes that there is no evidence submitted in support of the motion to establish the anticipated amount, if any, of property taxes to be paid.

TENTATIVE RULING

Subject to potential overbidding, the Court is inclined to GRANT the motion in its

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

entirety conditioned on evidence being provided to establish "good faith" under 11 U.S.C. § 363(m). Trustee to apprise the Court of the amount of anticipated property taxes to be paid from the sale proceeds.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:18-10740 Karin Olaya

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. Misty Perry Isaacson, rep. chapter 7)

Docket 127

Tentative Ruling:

6/9/2021

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 Fees: \$ 2,633.47
Trustee Expenses: \$ 27.13

Attorney Fees: \$10,900
Attorney Expenses: \$560.16

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):

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 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Karin Olaya

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:19-15099 Mountain View Wholesale Services Inc.

Chapter 7

#10.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 38

Tentative Ruling:

6/9/2021

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 Fees: \$ 682.41
Trustee Expenses: \$ 32.34

Attorney Fees: \$7,689.34
Attorney Costs: \$438.65

Accountant Fees: \$1,068.83
Accountant Costs: \$300.33

Franchise Tax Board: The Court notes that the FTB amended its claim on March 16, 2021, increasing its administration claim to \$1,667.41

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mountain View Wholesale Services

Represented By
Omero Banuelos

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Mountain View Wholesale Services Inc.

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Melissa Davis Lowe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:19-16470 Ana Rosa Lopez

Chapter 7

#11.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. Jeremy Faith, rep. Howard Grobstein, chapter 7 trustee)

Docket 72

Tentative Ruling:

6/9/2021

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 Fees: \$ 4,750

Attorney Fees: \$12,998.50
Attorney Costs: \$116.05

Accountant Fees: \$1,663
Accountant Costs: \$29.00

Court Costs: \$350

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):

Ana Rosa Lopez

Represented By
Raymond Perez

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Ana Rosa Lopez

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Represented By
Noreen A Madoyan
Meghann A Triplett

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:20-15446 Brookville 79405 Inc

Chapter 11

#12.00 CONT. Order to Show Cause why the Court should not enter an order: (a) finding William E. Walls And Thomas J. Downie in contempt of court for their failure to comply with the Court's Order entered on January 27, 2021 ("Order"); (b) imposing sanctions in the amount of \$100 per day until Contemnors comply with the Order; and (c) imposing compensatory sanctions in the amount of the attorney fees and costs incurred by Trustee in connection with the Motion

(Full \$2000.00 payment made 6/7/21)

From: 5/12/21

EH__

(Tele. appr. Arturo Cisneros, chapter 7 trustee)

Docket 44

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brookville 79405 Inc

Represented By
William E Walls

Trustee(s):

Arturo Cisneros (TR)

Represented By
Arturo M Cisneros

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

6:20-15624 Lana Lu

Chapter 7

#13.00 Motion For Sale of Property of the Estate under Section 363(b) - No Fee chapter 7 trustee's motion for order: (1) Authorizing sale of real property (939 Brookvale Terrace, Manchester, Missouri 63021); (2) Confirming sale to third party or the highest bidder appearing at the hearing; (3) Determining that buyer is a good faith purchaser, and (4) Waiving the fourteen (14) day stay prescribed by Rule 6004(h) of the Federal Rules of Bankruptcy Procedure; memorandum of points and authorities; declarations in support thereof with proof of service

EH__

(Tele. appr. Wendy Lock, rep. Nationstar Mortgage LLC)

(Tele. appr. Frank Ruggier, rep. chapter 7 trustee)

Docket 58

Tentative Ruling:

6/9/2021

BACKGROUND

On August 19, 2020, Lana Lu ("Debtor") filed a Chapter 7 voluntary petition. Schedule A listed certain real property located at 939 Brookvale Terrace, Ballwin, MO 63021¹ (the "Property"). Schedule A identified the value of the Property as \$164,220. Schedule C claimed an exemption in the Property in the amount of \$72,590. Schedule D identified two creditors holding a security interest in the Property: (1) Nationstar/Mr.Cooper (in the amount of \$69,190); and (2) Specialized Loan Servicing (in the amount of \$22,440).

On November 18, 2020, Trustee filed an objection to Debtor's claimed homestead

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Lana Lu

Chapter 7

exemption. Debtor filed her opposition on December 2, 2020. After a hearing, the Court entered an order sustaining Trustee's objection to Debtor's claimed homestead exemption [Dkt. No. 40], disallowing the claimed exemption in its entirety. On January 4, 2021, Debtor filed a motion to reconsider the order disallowing the homestead exemption, and the Trustee filed opposition on January 12, 2021. On February 10, 2021, the Court entered an order denying the motion for reconsideration. On February 22, 2021, Debtor filed an amended Schedule C, claiming an exemption in the Property in the amount of \$15,600 pursuant to Missouri law.

On January 22, 2021, the Court approved the employment of a real estate broker. On May 11, 2021, Trustee filed the instant sale motion. Trustee proposes to sell the Property to Nabela Mahmoud (the "Purchaser") for \$195,000. Proposed payments from the proceeds include: (1) \$69,233.55 for the secured claim of Bank of America, N.A. (identified in schedules as Nationstar); (2) \$28,261 for the secured claim of MERS (identified in schedules as Specialized Loan Servicing); (3) \$12,082 for the judgment lien held by Tower Loan of Missouri, LLC; (4) \$11,700 for the real estate brokers commission (6%); (5) \$2,000 for closing costs; and (6) \$15,600 on account of Debtor's exemption, leaving \$60,995.01 for the bankruptcy estate. On May 25, 2021, the Bank of New York Mellon filed a non-opposition to the sale motion (junior lien). On May 26, 2021, Nationstar Mortgage LLC filed a response to the sale motion (senior lien), requesting that certain standard provision be included in the order approving the sale.

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 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT...

Lana Lu

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.).

Based upon the evidence provided to the Court, the Court concludes that the proposed sale is supported by a sufficient business reason and is fair and reasonable. In support of these conclusions, the Court notes that: (1) the declaration of the real estate broker asserts that the Trustee received several written offers for the Property; (2) the Property is being sold for significantly more than its scheduled value; and (3) the sale of the Property would appear to generate sufficient funds to pay all claims in full.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Lana Lu

Chapter 7

Here, the sale price exceeds the aggregate value of the liens encumbering 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).

IV. Good Faith Purchaser

Regarding the request for a good faith finding under 11 U.S.C. § 363(m), the Court notes that Movant has not submitted sufficient evidence in support of the request.

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety as modified by the response of Nationstar Mortgage, and conditioned on a declaration from Purchaser being provided to establish "good faith" under 11 U.S.C. § 363(m).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lana Lu

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

11:00 AM

CONT... Lana Lu

Vanmai H Nguyen

Chapter 7

Trustee(s):

Larry D Simons (TR)

Represented By
Frank X Ruggier
Larry D Simons

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

1:00 PM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#14.00 Status Conference RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21, 4/7/21,4/21/21,5/26/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

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 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01074 Pringle v. Ghobrial

#15.00 CONT. Motion for Default Judgment Motion for Default Judgment Against Defendant Ishak Ghobrial Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1; Memorandum of Points and Authorities, Declarations of John P. Pringle and David M. Goodrich in Support

From: 6/2/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John P. Pringle)

Docket 24

Tentative Ruling:

6/9/2021

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda (collectively, "Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. Dkt. 115. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Ishak Ghobrial ("Defendant"). Trustee's complaint contained three causes of action: (1) actual fraudulent transfer; (2) constructive fraudulent transfer; and (3) recovery of avoided transfers. On February 8, 2021, Trustee filed an amended complaint.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

The complaint generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$356,000 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On April 22, 2021, the Court entered Defendant's default. On April 26, 2021, Trustee filed a motion for default judgment against Defendants, only requesting judgment as to the first and third causes of action. On May 13, 2021, the Court entered an order continuing the hearing on Trustee's Motion for Default Judgment to June 9, 2021.

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

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, Defendant was served at 4739 E. Ashford Ave., Orange, CA 92867 and at 25571 Aragon Way, Yorba Linda, CA 92867. Trustee has submitted a declaration indicating that these two addresses were used on the checks issued to Ishak Ghobrial. The Court deems this evidence sufficient to establish service.

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, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). 11 U.S.C. § 544(b)(1) provides that a "trustee may avoid any transfer of an interest of the debtor

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor." And CAL. CIV. CODE § 3439.04(a)(1) provides:

(a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

Here, Debtors' bankruptcy estate was consolidated with a variety of entities, include PIG, and, as such, the adequately alleged transfer from PIG to Defendants constitutes a transfer of Debtors' property. The subject transfers, occurring between 2014 and 2016, occurred within four years of the bankruptcy filing, and, pursuant to the claims register in Debtors' bankruptcy case, a creditor existed at the time the subject transfers were made.

Regarding intent, the Ninth Circuit in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a)(1) or a state's equivalent to that section." 525 F.3d 700, 704 (9th Cir. 2008). Here, the Court finds that the uncontroverted allegations in the complaint, taken as true, are sufficient to establish the existence of a Ponzi scheme, and, therefore, that Debtors' actual intent to defraud has been established.

While the Ninth Circuit's "netting rule," restricts the recovery in the context of a Ponzi scheme, that reduction is part of a good faith affirmative defense that has not been raised by Defendants here. *See, e.g., Donell v. Kowell*, 533 F.3d 762, 771 (9th Cir. 2008) ("Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered 'return of principal.' However, there is a 'good faith' defense that permits an innocent winning investor to retain funds up to the amount of the initial outlay.").

For the reasons stated in the motion for default judgment and the complaint, the Court finds that recovery and preservation of the avoided transfers, under 11 U.S.C. §§ 550

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT... **Mark Bastorous**
and 551, respectively, is appropriate.

Chapter 7

TENTATIVE RULING

The Court is inclined to GRANT the motion, entering judgment on the first and third claims for relief. Trustee to inform Court of intentions regarding second claim.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ishak Ghobrial

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01066 Pringle v. Abdelmessih

#16.00 CONT. Motion for Default Judgment Motion for Default Judgment Against Defendant Noshi Abdelmessih Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1; Memorandum of Points and Authorities, Declarations of John P. Pringle and David M. Goodrich in Support

From: 6/2/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John P. Pringle)

Docket 24

Tentative Ruling:

6/9/2021

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda (collectively, "Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. Dkt. 115. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Noshi Abdelmessih ("Defendant"). Trustee's complaint contained three causes of action: (1) actual fraudulent transfer; (2) constructive fraudulent transfer; and (3) recovery of avoided transfers. On February 8, 2021, Trustee filed an amended complaint.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

The complaint generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$55,242 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On April 22, 2021, the Court entered Defendant's default. On April 26, 2021, Trustee filed a motion for default judgment against Defendants, only requesting judgment as to the first and third causes of action. On May 13, 2021, the Court entered an order continuing the hearing on Trustee's Motion for Default Judgment to June 9, 2021.

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

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, Defendant was served at 14741 Bonanza Rd., Victorville, CA 92392 and at 16498 Apple Valley Rd., Apple Valley, CA 92307. Trustee has submitted a declaration indicating the latter address was used on the checks issued to Defendant and that the former address was located through a Westlaw Public Records search. The Court deems this evidence sufficient to establish service.

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, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). 11 U.S.C.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

§ 544(b)(1) provides that a "trustee may avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor." And CAL. CIV. CODE § 3439.04(a)(1) provides:

(a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

Here, Debtors' bankruptcy estate was consolidated with a variety of entities, include PIG, and, as such, the adequately alleged transfer from PIG to Defendants constitutes a transfer of Debtors' property. The subject transfers, occurring between December 2013 and June 2014, occurred within four years of the bankruptcy filing, and, pursuant to the claims register in Debtors' bankruptcy case, a creditor existed at the time the subject transfers were made.

Regarding intent, the Ninth Circuit in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a)(1) or a state's equivalent to that section." 525 F.3d 700, 704 (9th Cir. 2008). Here, the Court finds that the uncontroverted allegations in the complaint, taken as true, are sufficient to establish the existence of a Ponzi scheme, and, therefore, that Debtors' actual intent to defraud has been established.

While the Ninth Circuit's "netting rule," restricts the recovery in the context of a Ponzi scheme, that reduction is part of a good faith affirmative defense that has not been raised by Defendants here. *See, e.g., Donell v. Kowell*, 533 F.3d 762, 771 (9th Cir. 2008) ("Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered 'return of principal.' However, there is a 'good faith' defense that permits an innocent winning investor to retain funds up to the amount of the initial outlay.").

For the reasons stated in the motion for default judgment and the complaint, the Court

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

finds that recovery and preservation of the avoided transfers, under 11 U.S.C. §§ 550 and 551, respectively, is appropriate.

TENTATIVE RULING

The Court is inclined to GRANT the motion, entering judgment on the first and third claims for relief. Trustee to inform Court of intentions regarding second claim.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Noshi Abdelmessih

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#17.00 Defendant's Notice of Motion and and Motion to set aside Notice of Default

EH__

Docket 22

***** VACATED *** REASON: ORDER ENTERED 5/13/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Represented By
Michael Smith

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By
Carmela Pagay

Trustee(s):

Lynda T. Bui (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

6:21-10036 Rodolfo Rios, Jr.

Chapter 7

Adv#: 6:21-01045 Montejano v. Rios, Jr.

#18.00 Defendant's Motion to Dismiss Adversary Proceeding and Notice of Motion

EH__

(Tele. appr. Michael Smith, rep. Defendant, Rodolpho Rios, Jr.)

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Rios Jr.

Represented By
Christopher J Langley

Defendant(s):

Rodolfo Rios Jr.

Represented By
Christopher J Langley

Plaintiff(s):

Armando Montejano

Represented By
Garrick A Hollander

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

6:21-10840 Bruce A. Parker

Chapter 7

Adv#: 6:21-01042 Red Rock Minerals LP et al v. Parker

#19.00 Motion to Dismiss Plaintiff's Fourth Cause of Action Under 11 U.S.C. §727(a)(2)

Also #20

EH__

(Tele. appr. J. Luke Hendrix, rep. Defendant)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce A. Parker

Represented By
Lazaro E Fernandez

Defendant(s):

Bruce A. Parker

Represented By
J. Luke Hendrix

Plaintiff(s):

Red Rock Minerals LP

Pro Se

Paul K Singh

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 9, 2021

Hearing Room 301

2:00 PM

6:21-10840 Bruce A. Parker

Chapter 7

Adv#: 6:21-01042 Red Rock Minerals LP et al v. Parker

#20.00 Status Conference RE: [1] Adversary case 6:21-ap-01042. Complaint by Red Rock Minerals LP , Paul K Singh against Bruce A. Parker . false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

Also #19

EH__

(Tele. appr. J. Luke Hendrix, rep. Defendant)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce A. Parker

Represented By
Lazaro E Fernandez

Defendant(s):

Bruce A. Parker

Pro Se

Plaintiff(s):

Red Rock Minerals LP

Pro Se

Paul K Singh

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:17-12232 Margarito Martinez

Chapter 13

Adv#: 6:19-01051 Martinez v. Garza et al

#1.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01051. Complaint by Margarito Martinez against Cesar Emilo Garza, Noe Pelayo, George Arthur Macias, Flor Valladares, Henry Gonzalez, West Coast Realty, Inc., Grand Capital Group, M&M Associates. (Charge To Estate - \$350.00). Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)))

From: 5/23/19, 8/22/19, 10/17/19, 12/19/19, 2/20/20, 3/19/20, 4/16/20, 4/30/20,12/17/20, 5/13/21,5/27/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

***** VACATED *** REASON: JUDGMENT ENTERED 5/27/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Margarito Martinez

Represented By
Christopher J Langley

Defendant(s):

Cesar Garza

Pro Se

Noe Pelayo

Pro Se

George Arthur Macias

Pro Se

Flor Valladares

Pro Se

Henry Gonzalez

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

CONT... Margarito Martinez

Chapter 13

West Coast Plus Realty, Inc.

Pro Se

Grand Capital Group

Pro Se

M&M Associates

Pro Se

Plaintiff(s):

Margarito Martinez

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:18-17349 Thomas More Butler and Tamara Butler

Chapter 13

#2.00 CONT. Debtors' Certificate of Compliance and Application for Entry of Discharge

From: 5/27/21

(Placed on calendar by order entered 5/13/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Karel Rocha, rep, Debtors, Thomas and Tamara Butler)

Docket 69

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11040 Leo F. Bly

Chapter 13

#3.00 Debtor's Motion RE: Objection to Claim Number 3 by Claimant Wells Fargo Bank

EH__

Docket 32

*** VACATED *** REASON: ORDER APPROVING STIPULATION
ENTERED 6/7/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leo F. Bly

Represented By
Suzette Douglas

Movant(s):

Leo F. Bly

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11560 Franklin A. Albano and Lilibeth Albano

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Laleh Ensafi, rep. Debtor, Franklin & Lilibeth Albano)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Franklin A. Albano

Represented By
Laleh Ensafi

Joint Debtor(s):

Lilibeth Albano

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11612 Vanessa Escobedo

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Vanessa Escobedo

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11680 Malta Centeno Lambert

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Yelena Gurevich, rep. Debtor, Malta Lambert)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Malta Centeno Lambert

Represented By
Yelena Gurevich

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11718 Alicia Cabello

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sheryl Ith, rep. creditor, ACAR Leasing LTD, dba GM Financial Leasing)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alicia Cabello

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11755 Donald L Murphy and Kelly M Murphy

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joseline Medrano, rep. Debtors, Donald and Kelly Murphy)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donald L Murphy

Represented By
Joselina L Medrano

Joint Debtor(s):

Kelly M Murphy

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:00 AM

6:21-11484 Elsa L. Villanueva

Chapter 13

#8.10 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elsa L. Villanueva

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 301 Calendar

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:16-15304 Fabiola Puttre

Chapter 13

#9.00 Trustee's Motion to Dismiss Case

EH__

Docket 124

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/26/21

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 301 Calendar

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:16-18248 Juan Jose Franco

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Paul Lee, rep. Debtor, Juan Franco)

Docket 104

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 301 Calendar

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:17-14185 Gerald E Miller and Shirley Miller

Chapter 13

#11.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/24/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gerald E Miller

Represented By
Paul Y Lee

Joint Debtor(s):

Shirley Miller

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:17-17589 Ryan Patrick McHugh and Jennifer Lynne McHugh

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH__

Docket 119

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/20/21**

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:19-14183 Darryle Barker

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtor, Darryle Barker)

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Darryle Barker

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:19-18080 Jose C Aguiar and Maria Fatima Aguiar

Chapter 13

#14.00 CONT. Trustee's Motion to Dismiss Case

From: 5/13/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtors, Jose & Maria Aguiar)

Docket 70

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose C Aguiar

Represented By
Dana Travis

Joint Debtor(s):

Maria Fatima Aguiar

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:19-19389 Andre B. Jackson

Chapter 13

#15.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Julie Villalobos, rep. Debtor, Andre Jackson)

Docket 31

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andre B. Jackson

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:20-12194 Claudia P. Contreras

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH ____

Docket 50

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/7/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Claudia P. Contreras

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:20-12392 Angelita Kurmen

Chapter 13

#17.00 CONT. Trustee's Motion to Dismiss Case

From: 4/29/21,5/13/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Rebecca Tomilowitz, rep. Debtor, Angelita Kurmen)

Docket 49

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/8/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angelita Kurmen

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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:20-14194 Juan Martinez

Chapter 13

#18.00 CONT. Trustee's Motion to Dismiss Case

From: 5/27/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Rebecca Tomilowitz, rep. Debtor, Juan Martinez)

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan 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 301 Calendar**

Thursday, June 10, 2021

Hearing Room 301

11:01 AM

6:18-13111 Eusebia Rios

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Rebecca Tomilowitz, rep. Debtor, Eusebia Rios)

Docket 54

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**

Wednesday, June 16, 2021

Hearing Room 303

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#1.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01210. Complaint by Vivian Kim against Young Jin Yoon, Hyunmyung Park, Joshua Park. false pretenses, false representation, actual fraud)),(72 (Injunctive relief - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Kym, Jiyoung)

(Holding date)

From: 12/12/18, 1/9/19, 7/31/19, 10/16/19, 3/11/20, 7/15/20, 9/14/20, 3/4/21, 9/15/20, 10/18/20 ,2/3/21, 3/3/21,5/12/21

EH__

Docket 1

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

Plaintiff(s):

Vivian Kim

Represented By
Jiyoung Kym

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 303 Calendar**

Wednesday, June 16, 2021

Hearing Room 303

2:00 PM

CONT... Young Jin Yoon

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01072 Pringle v. Goldvilla Ltd

#1.00 CONT. STATUS CONFERENCE RE: [23] Amended Complaint (1) TO AVOID AND RECOVER TRANSFERS PURSUANT TO 11 U.S.C. §§ 544(b) and 550, and CAL. CIV. CODE § 3439.04(a)(1); (2) TO AVOID AND RECOVER TRANSFERS PURSUANT TO 11 U.S.C. §§ 544(b) and 550, and CAL. CIV. CODE §§ 3439.04(a)(2) and 3439.05(a); (3) TO PRESERVE TRANSFERS FOR THE BENEFIT OF THE ESTATE PURSUANT TO 11 U.S.C. § 551 (with Proof of Service) by David M Goodrich on behalf of John P. Pringle against Goldvilla. (RE: related document(s)1 Adversary case 6:20-ap-01072. Complaint by John P. Pringle against Goldvilla. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David) Modified on 5/12/2020 filed by Plaintiff John P. Pringle). (Goodrich, David)

(Another Summons Issued 4/5/21)

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 23

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Goldvilla Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01068 Pringle v. Gerges

#2.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01068. Complaint by John P. Pringle against Rafat Gerges. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,2/1/21, 4/12/21

EH__

(Tele. appr. David Goodrich, rep. Planitiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Rafat Gerges

Represented By
Louis J Esbin

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01077 Pringle v. Youssef et al

#3.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01077. Complaint by John P. Pringle against John Maurice Youssef, Sally Yo. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20, 2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John Maurice Youssef

Pro Se

Sally Yo

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01078 Pringle v. Peng

#4.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01078. Complaint by John P. Pringle against Kaiwha Peng. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Kaiwha Peng

Represented By
Michael A Wallin

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich
Sonja Hourany

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01080 Pringle v. Rouse

#5.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01080. Complaint by John P. Pringle against Lana Lee Rouse. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF VOLUNTARY DISMISSAL
FILED 4/27/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Lana Lee Rouse

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01082 Pringle v. Wagdy

#6.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01082. Complaint by John P. Pringle against Magda Wagdy. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Wagdy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01085 Pringle v. Khozam

#7.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01085. Complaint by John P. Pringle against Margaret Khozam. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Margaret Khozam

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01056 Pringle v. Mettias

#8.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01056. Complaint by John P. Pringle against Martin Amin Mettias. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Martin Amin Mettias

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01089 Pringle v. Barsoom

#9.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01089. Complaint by John P. Pringle against Sameh Roshdy Wahba Barsoom. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 6/2/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sameh Roshdy Wahba Barsoom

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01090 Pringle v. Sawires

#10.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01090. Complaint by John P. Pringle against Sanad Sawires. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sanad Sawires

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#11.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01053. Complaint by John P. Pringle against Amgad Bebawy, Reham Nakhil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01054 Pringle v. ANRUF LLC et al

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01054. Complaint by John P. Pringle against ANRUF LLC, Nadia Khalil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

ANRUF LLC

Represented By
Andy C Warshaw

Nadia Khalil

Represented By
Andy C Warshaw

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01055 Pringle v. Mena

#13.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01055. Complaint by John P. Pringle against Antonio Mena. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Antonio Mena

Represented By
Jeffrey Charles Bogert

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01059 Pringle v. Bishay

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01059. Complaint by John P. Pringle against Boles Bishay. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Boles Bishay

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01060 Pringle v. Portrans

#15.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01060. Complaint by John P. Pringle against Diamond Portrans. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Diamond Portrans

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01063 Pringle v. Ghaly

#16.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01063. Complaint by John P. Pringle against Ramez Ghaly. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ramez Ghaly

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01064 Pringle v. Farah

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01064. Complaint by John P. Pringle against Mina Farah. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mina Farah

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01065 Pringle v. Yassa

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01065. Complaint by John P. Pringle against Ehap Yassa. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ehap Yassa

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01066 Pringle v. Abdelmessih

#19.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01066. Complaint by John P. Pringle against Noshi Abdelmessih. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

***** VACATED *** REASON: ORDER GRANTING DEFAULT
JUDGMENT ENTERED 6/14/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Noshi Abdelmessih

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01067 Pringle v. Eskander

#20.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01067. Complaint by John P. Pringle against Emad Eskander. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Eskander

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01071 Pringle v. Youssef

#21.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01071. Complaint by John P. Pringle against Raafat Mouric Zake Youssef. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

Docket 1

***** VACATED *** REASON: DISMISSED 6/1/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Raafat Mouric Zake Youssef

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01074 Pringle v. Ghobrial

#22.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01074. Complaint by John P. Pringle against Ishak Ghobrial. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

*** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 6/14/21

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ishak Ghobrial

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01075 Pringle v. Rouse

#23.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01075. Complaint by John P. Pringle against James Rouse. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF VOLUNTARY DISMISSAL
FILED 4/27/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

James Rouse

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#24.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01076. Complaint by John P. Pringle against John 20/20 Enterprises, Inc.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01079 Pringle v. Kodsy

#25.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01079. Complaint by John P. Pringle against Karem Faye Kodsy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Karem Faye Kodsy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#26.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01081. Complaint by John P. Pringle against Magda Labib, Khair Labib. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01087 Pringle v. Zumut et al

#27.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01087. Complaint by John P. Pringle against Ray Zumut, Mary Zumut. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ray Zumut

Represented By
Lawrence Hoodack

Mary Zumut

Represented By
Lawrence Hoodack

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01091 Pringle v. Beshai

#28.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01091. Complaint by John P. Pringle against Sarwat Beshai. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

(STANDSTILL AGREEMENT UNTIL 9/16/20) HOLDING DATE

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sarwat Beshai

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01093 Pringle v. St. George Medical Office L.L.C.

#29.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01093. Complaint by John P. Pringle against St. George Medical Office L.L.C.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

St. George Medical Office L.L.C.

Represented By
Andy C Warshaw

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01094 Pringle v. Wextron Ltd

#30.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01094. Complaint by John P. Pringle against Wextron Ltd. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 6/2/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Wextron Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01126 Pringle v. Botors

#31.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01126. Complaint by John P. Pringle against Emad Khalifa Botors. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 9/30/20,11/30/20,2/1/21,4/12/21

EH____

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Khalifa Botors

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#32.00 Status Conference RE: [1] Adversary case 6:20-ap-01127. Complaint by John P. Pringle against Amir Maher Guirgus Awad. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 11/30/20,2/1/21,4/12/21

EH ____

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01061 Pringle v. Mikhael

#33.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01061. Complaint by John P. Pringle against Medhat Mikhael. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Mikhael

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

CONT... Mark Bastorous

Chapter 7

David M Goodrich

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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#34.00 CONT Motion to Dismiss Adversary Proceeding

(HOLDING DATE)

From 9/30/20,1/13/21, 3/17/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 5

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01058 Pringle v. Gendy

#35.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01058. Complaint by John P. Pringle against Medhat Saad Gendy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/13/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Saad Gendy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, June 21, 2021

Hearing Room 301

1:00 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 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:17-19894 William Edward Walker and Carla Sue Walker

Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 78560 Saguaro Rd, La Quinta, California 92253-2410

From: 5/25/21

MOVANT: MEB LOAN TRUST IV

EH__

(Tele. appr. Wendy Locke, rep. MEB Loan Trust IV)

Docket 53

***** VACATED *** REASON: CONTINUED TO 8/10/21 BY ORDER
ENTERED 6/21/21**

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

Movant(s):

MEB Loan Trust IV

Represented By
Joseph C Delmotte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:18-18415 Donna Denise Upton

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14617 Regent Ct, Adelanto, CA 92301 .

MOVANT: BANK OF AMERICA

EH__

(Tele. appr. Seema Sood, rep. Debtor, Donna Upton)

(Tele. appr. Erin McCartney, rep. Bank of America)

Docket 115

Tentative Ruling:

6/22/2021

Service: Proper

Opposition: Debtor

Parties to apprise the Court of the status of arrears.

APPERANCES REQUIRED.

Party Information

Debtor(s):

Donna Denise Upton

Represented By
Seema N Sood

Movant(s):

Bank of America, N.A.

Represented By
Raymond Jereza

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:19-13514 Michael Ray Sandoval

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1244 North Euclid Avenue, Ontario, California 91762

MOVANT: WELLS FARGO BANK

EH__

(Tele. appr. Nathan Berneman, rep. Wells Fargo Bank)

Docket 59

Tentative Ruling:

6/22/2021

Service: Proper

Opposition: Debtor

Parties to apprise Court of the status of arrears and any adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael Ray Sandoval

Represented By
Jaime A Cuevas Jr.

Movant(s):

Option One Mortgage Loan Trust

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:19-17489 David Aaron Graves and Kendra Clairice Graves

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Kia Forte, VIN: 3KPFK4A75JE214627

MOVANT: HYUNDAI LEASE TITLING TRUST

EH__

(Tele. appr. Jennifer Wang, rep. creditor, Hyundai)

Docket 37

Tentative Ruling:

6/22/2021

Service: Proper
Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT relief from 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):

David Aaron Graves

Represented By
Carey C Pickford

Joint Debtor(s):

Kendra Clairice Graves

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

CONT... David Aaron Graves and Kendra Clairice Graves
Carey C Pickford

Chapter 13

Movant(s):

Hyundai Lease Titling Trust

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 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:19-21042 Kevin Odinni Lawrence and Vonetta Isioma Lawrence

Chapter 13

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13383 Harper Place, Fontana, California 92336 .

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

Docket 44

***** VACATED *** REASON: CONTINUED TO 7/20/21 BY ORDER
ENTERED 6/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Odinni Lawrence

Represented By
Summer M Shaw

Joint Debtor(s):

Vonetta Isioma Lawrence

Represented By
Summer M Shaw

Movant(s):

SchoolsFirst Federal Credit Union

Represented By
Erica T Loftis Pacheco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:20-10678 Martha E Morales

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Nissan Rogue

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

(Tele. appr. John Asuncion, special appearance for Suzette Douglas, rep. Debtor, Martha Morales)

Docket 32

Tentative Ruling:

6/22/2021

Service: Proper
Opposition: None

Parties to apprise the Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Martha E Morales

Represented By
Suzette Douglas

Movant(s):

Nissan Motor Acceptance

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:20-14541 Ramon Delgado, Jr. and Maribel Delgado

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Chevrolet Malibu, VIN: 1G1ZD5ST5JF111005

MOVANT: AMERICREDIT FINANCIAL SERVICES, INC.

EH__

(Tele. appr. Jennifer Wang, rep. creditor, American Financial Services, Inc.)

Docket 32

Tentative Ruling:

6/22/2021

Service: Proper

Opposition: None

The instant motion for relief from stay was filed by Movant after a vehicle in which Movant had a security interest was totaled. Movant wishes to collect from the insurance policy.

When considering a motion for relief from the automatic stay to pursue a non-bankruptcy action, the Court considers the *Curtis* factors:

- (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 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

CONT...

Ramon Delgado, Jr. and Maribel Delgado

Chapter 13

the good or proceeds in question; (7) whether the litigation in another forum would prejudice the interests of other creditors, the creditor's committee and other interested parties; (8) whether the judgment claim arising from the foreign action is subject to equitable subordination; (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 and the "balance of hurt."

In re Roger, 539 B.R. 837, 844-45 (C.D. Cal. 2015). In *Roger*, the Court further stated:

The Ninth Circuit has recognized that the *Curtis* factors are appropriate, nonexclusive, factors to consider in deciding whether to grant relief from the automatic stay to allow pending litigation to continue in another forum. While the *Curtis* factors are widely used to determine the existence of cause, not all of the factors are relevant in every case, nor is a court required to give each factor equal weight. According to the court in *Curtis*, the most important factor in determining whether to grant relief from the automatic stay to permit litigation against the debtor in another forum is the effect of such litigation on the administration of the estate. Even slight interference with the administration may be enough to preclude relief in the absence of a commensurate benefit. That said, some cases involving the automatic stay provision do not mention the *Curtis* factors at all. Nevertheless, although the term "cause" is not defined in the Code, courts in the Ninth Circuit have granted relief from stay under § 362(d) (1) when necessary to permit pending litigation to be concluded in another forum if the non-bankruptcy suit involves multiple parties or is ready for trial.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

CONT... **Ramon Delgado, Jr. and Maribel Delgado**

Chapter 13

Id. at 845 (quotations and citations omitted). As is typically the case, "[t]he record does not indicate that *Curtis* factors 3, 4, [] 6, 8, or 9 are at issue in this case, nor do the parties argue to the contrary." *Id.*

Turning to the remaining of the factors, the Court concludes that the majority of the factors weigh in favor of granting Movant relief from the automatic stay. Specifically, while the eleventh factor may weigh against granting relief from stay, because no proceeding has of yet been commenced, the remainder of the factors weigh in favor of relief from stay being granted because Movant "seeks recovery primarily from third parties and agrees that the stay will remain in effect as to the enforcement of any resulting judgment against the Debtor." Because Movant is not seeking to recover from Debtors or the bankruptcy estate, granting relief from stay will not interfere with the administration of the bankruptcy estate or prejudice any creditors. Furthermore, the Court notes that it deems Debtor's failure to oppose to be consent to the relief requested pursuant to Local Rule 9013-1(h) and 11 U.S.C. § 362(g)(2).

Based on the foregoing, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)
- GRANT waiver of Rule 4001(a)(3) stay
- GRANT requests under ¶¶ 2 and 8.

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):

Ramon Delgado Jr.

Represented By
George C Panagiotou

Joint Debtor(s):

Maribel Delgado

Represented By
George C Panagiotou

Movant(s):

AmeriCredit Financial Services, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

CONT... Ramon Delgado, Jr. and Maribel Delgado
Sheryl K Ith

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:21-10421 Angelina Vasquez

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25411 Hawkwood Trail, Moreno Valley, CA .

MOVANT J & K EQUITIES, INC.

EH__

(Tele. appr. Benjamin Levinson, rep. J & K Equities, Inc.)

Docket 29

Tentative Ruling:

6/22/2021

Service: Proper
Opposition: None

The Court is inclined to:

- GRANT request for relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- DENY request for relief from stay pursuant to 11 U.S.C. § 362(d)(2) for lack of cause shown;
- GRANT waiver of Rule 4001(a)(3) stay;
- GRANT request under ¶ 2;
- DENY alternative request under ¶ 13 as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Angelina Vasquez

Represented By
Gary S Saunders- SUSPENDED -

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

CONT... Angelina Vasquez

Chapter 7

Movant(s):

J & K Equities, Inc.

Represented By

Benjamin R Levinson ESQ

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:21-12115 Jeffery Warren Scheibe and Selina Martina Scheibe

Chapter 7

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 Dodge Ram pickup truck-VIN: 3D3MX49A18G229768

MOVANT: LOS ANGELES FEDERAL CREDIT UNION

EH__

Docket 9

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/2/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jeffery Warren Scheibe

Represented By
Dana Travis

Joint Debtor(s):

Selina Martina Scheibe

Represented By
Dana Travis

Movant(s):

Los Angeles Federal Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

6:21-12278 Fermin David Rios Cabrera

Chapter 7

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Chevrolet Silverado

MOVANT: THE GOLDEN 1 CREDIT UNION

EH__

(Tele. appr. Nicholas Couchot, rep. creditor, The Golden 1 Credit Union)

Docket 9

Tentative Ruling:

6/22/2021

Service: Proper
Opposition: None

The Court is inclined to:

-GRANT requests for relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2);
-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):

Fermin David Rios Cabrera

Represented By
Aaron Lloyd

Movant(s):

The Golden 1 Credit Union

Represented By
Nicholas S Couchot

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

11:00 AM

CONT... Fermin David Rios Cabrera

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, June 22, 2021

Hearing Room 303

11:00 AM

6:18-13682 Miguel Pinedo and Laura Pinedo

Chapter 13

#10.10 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2164 E. Alondra Street Ontario, California 91764

(Withdrawal of Motion filed 6/7/21)

MOVANT: SPECIALIZED LOAN SERVICING LLC

From: 1/5/21,2/16/21,5/25/25

EH__

Docket 36

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Miguel Pinedo

Represented By
James G. Beirne

Joint Debtor(s):

Laura Pinedo

Represented By
James G. Beirne

Movant(s):

Specialized Loan Servicing LLC

Represented By
John Rafferty
Austin P Nagel

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#11.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 94 Acres on Ft Irwin Road with proof of service.

From: 5/25/21

Also #12

MOVANT: BARSTOW DALUVOY FIRST MORTGAGE INVESTORS, LP

EH__

(Tele. appr. Dawn Coulson, rep. Arvind Doshi and Chandrika A. Doshi, Trustees of the Doshi Family Trust, dated 7/24/2006)

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. William Beall, rep. Daluvoy First Mortgage Investors, LP)

Docket 66

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: Debtor

Raman Enterprises, LLC ("Debtor") filed a Chapter 11 voluntary petition on December 8, 2020. Debtor's only material assets are two parcels of real property, one in Barstow (zoned commercial) (the "Barstow Property") and one in Riverside (zoned residential) (the "Riverside Property"). Schedule A valued these real estate parcels at \$1.95 million each. On Schedule D, Debtor listed three liens against each parcel. The Barstow Property was identified as encumbered by a voluntary lien in the amount of \$761,099 and a tax lien in the amount of \$17,631.66. The Riverside Property was

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation Chapter 11

encumbered by a voluntary lien in the amount of \$525,000 and a tax lien in the amount of \$96,049.76. Both properties were encumbered by a cross-collateralized lien of an unknown amount, although Proof of Claim Number 4 identifies the amount of the cross-collateralized lien as \$565,098.40.

On January 11, 2021, the Court entered a scheduling order that provided for a deadline to file a Chapter 11 plan and disclosure statement of July 15, 2021. Debtor subsequently employed counsel and a real estate broker to market the two properties.

On April 20, 2021, Barstow Daluvoy First Mortgage Investors, LP ("Movant"), the holder of the voluntary lien against the Barstow Property, filed a motion for relief from the automatic stay. Movant seeks relief under 11 U.S.C. § 362(d)(1)-(3). On May 11, 2021, Debtor filed an opposition. On May 18, 2021, Movant filed a reply.

Regarding 11 U.S.C. § 362(d)(1), Movant argues that the case was filed in bad faith and that the fair market value of the properties is declining, eliminating any adequate protection for Movant. Regarding 11 U.S.C. § 362(d)(2), Movant asserts that there is no equity in the Barstow Property and that Debtor does not have reasonable prospects for reorganizing. Regarding 11 U.S.C. § 362(d)(3), Movant asserts that the Court should treat the Barstow and Riverside properties as a "single project," and if the Court finds that this is a single asset real estate case, then § 362(d)(3) is clearly applicable. The Court notes that Movant has not maintained its argument under § 362(d)(3) in the reply.

11 U.S.C. § 362(d)(1)

There are two proffered bases for relief under § 362(d)(1): (1) lack of adequate protection; and (2) bad faith. Regarding the former argument, it would appear that uncontested that Movant *presently* has an adequate equity cushion; indeed, the figures in the Motion (pgs. 7-8) indicate an equity cushion in excess of 50%. Pointing to the continuing decline in the valuations declared by Debtor, and the intention to continue decrease the listing price, Movant contends that its equity cushion is eroding.

The Court notes, however, that Debtor's intent to facilitate a quick sale by steadily decreasing the listing price does not necessarily indicate any decline in value. The steady decline in the properties' valuations does place the credibility of the valuations

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

in question, but § 362(g)(1) places the burden on the issue of equity on the Movant. Here, lacking evidence that convincingly establishes that the Barstow Property is truly declining in value, and noting that Movant's argument that it is not adequately protected appears premature at the present time, the Court cannot find that Movant lacks adequate protection.

The Court also is not convinced by Movant's argument that this case was filed in bad faith. The fact that there are merely five creditors and that there were transfers of the subject property in 2018 and 2019 is not unusual for the type of Debtor that exists here – a business entity that was created for the sole purpose of owning parcels of real property. Instead, the record before the Court suggests that when Debtor filed this case it was reasonably plausible that Debtor would be able to sell the properties at a price that would enable it to pay all creditors in full.

11 U.S.C. § 362(d)(2) and (3)

First, the Court notes that Debtor does not appear to contemplate a *reorganization*. Instead, as indicated in the previous status report in this case, "Debtor believes its bankruptcy estate is solvent and can be expediently *liquidated* in this chapter 11 case." [Dkt. No. 65, pg. 2].

Turning to whether there is equity, the dispute between Movant and Debtor centers around the treatment of the cross-collateralized lien. Debtor contends that in the aggregate there is equity in the Barstow and Riverside properties, although it would appear, based on current listing prices, and because of the cross-collateralized lien, the amount of the liens secured against the Barstow Property exceeds its fair market value.

Debtor, however, asks this Court to attribute half (or all) of the value of the cross-collateralized lien to the Riverside Property, thereby reducing the amount attributable to the Barstow Property and creating equity in the latter. The Court notes that Debtor has not provided any caselaw supporting its proposed modification of the simply equity calculation. Importantly, Debtor's argument that the Court should consider the aggregate value of the two properties, and the aggregate value of the liens attaching to those properties, essentially asks this Court to consider the properties as a single project.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

But in its opposition to Movant's request under § 362(d)(3), Debtor points out that the two subject parcels are located in different counties and are zoned different, and therefore are not a single project. Outside of the context of a liquidation in bankruptcy, these two parcels would not appear to be part of a common project. In these Chapter 11 liquidation proceedings, however, the "project" is simple – sell the two properties and satisfy the existing liens, including the cross-collateralized lien.

In short, it appears plainly inconsistent for Debtor to assert that these two parcels of property are not a common project and should be treated separately, while also asking this Court to acknowledge that it intends to sell the two properties, generate a common pot, and pay all creditors. Regardless of their "use" in a different context, in the context of the proceedings at issue here, the properties would appear to be part of a "single project," and thus 11 U.S.C. § 362(d)(3) may be satisfied. And, if treated separately, as the Court believes is the correct approach, then it would appear that 11 U.S.C. § 362(d)(2) has been satisfied.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

Movant(s):

Barstow Daluvoy Project Lenders

Represented By
William C Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 22, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#12.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference And (2) Requiring Status Report

Also #11

From: 1/5/21, 4/6/21,4/20/21,5/25/21

EH__

(Tele. appr. Dawn Coulson, rep. Arvind Doshi and Chandrika A. Doshi, Trustees of the Doshi Family Trust, dated 7/24/2006)

(Tele. appr. Ali Matin, rep. United States Trustee)

(Tele. appr. William Beall, rep. Daluvoy First Mortgage Investors, LP)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:14-24651 Earlene Lorraine Brandon Aubrey

Chapter 7

#1.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. Lynda Bui, chapter 7 trustee)

Docket 45

Tentative Ruling:

6/23/21

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: \$ 2,546.72
Trustee Expenses: \$ 353.50

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):

Earlene Lorraine Brandon Aubrey

Represented By
Daniel King

Trustee(s):

Lynda T. Bui (TR)

Represented By
Cory Watson Attorneys

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT... Earlene Lorraine Brandon Aubrey

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. Caroline Djang, rep. chapter 7 trustee)

Docket 226

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

James Lloyd Walker

Represented By
Andrew Edward Smyth
William J Smyth

Trustee(s):

Robert Whitmore (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:17-13680 Nathan Loren Ingram and Bryta Lee Ingram

Chapter 7

#3.00 CONT. Amended Notice of Trustee's Final Report and Applications for Compensation

From: 5/26/21)

EH__

(Tele. appr. Misty Perry Isaacson, rep. chapter 7 trustee)

(Tele. appr. Gary M. Bullock, special counsel for trustee)

Docket 59

Tentative Ruling:

6/23/2021

No opposition has been filed.
Service was proper.

At the previous hearing, the Court indicated that it was inclined to approve Trustee, General Counsel, and Accountants' administrative fees and costs. With respect to Gary M. Bullock & Associates, P.C., Special Counsel's ("Counsel") fees, the Court continued the hearing for Counsel to supplement its fee application. The Court appreciates that the supplement clarified the context of Counsel's work and eased its review of the billing records. The Court understands there were issues regarding marijuana growing unlicensed at Debtors' residence, one of the Oregon Trust properties Debtors had an interest in, which presented a risk to the estate. Additionally, there were outstanding taxes on the property. Counsel listed 27 hours billed to draft a motion for receivership of the property in connection to these issues.

Ultimately, however, according to Counsel's narrative these issues were resolved when Ms. Kapoor produced documents showing Debtors' expired 2019 marijuana license and paid the back taxes. As a result, Special Counsel did not file the receivership motion. As there was no explanation detailing how long it took to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT...

Nathan Loren Ingram and Bryta Lee Ingram

Chapter 7

resolve these issues, and whether the length of time was exacerbated by Ms. Kapoor or her attorney's lack of cooperation, the Court looked to the billing records. Per the 3/31/2021 entry it appears that the receivership motion was already being drafted. It is also less than clear to the Court whether these issues were confirmed at the time of the 4/8/2021 entry, which is vague, and simply states: "verified with realtor that taxes are due on property; will contact State of Oregon to determine if bankrupt has a license to grow marijuana." On 4/7/2021, there is an entry for the preparation of document production, which the Court assumes was for Ms. Kapoor. It appears that by 4/24/2020, Counsel received discovery responses. Certainly by 5/19/2020, there was confirmation of the 2019 license, as the entry states: "revise motion for appointment of receiver and supporting declarations to reflect recent development and confirmation of the 2019 hemp license." Aside from the apparent lack of necessity in revising the motion at this point, it appears that the issues took about a month and a half to resolve based solely on the billing records.

As shown by the Court's review, the billing records also do not provide any information on whether Ms. Kapoor or her attorney were uncooperative with the discovery requests, nor is there any indication that Counsel tried to reach out before drafting the receivership motion. The Court can, thus, only conclude that drafting the receivership motion provided no benefit to the estate and was largely an unreasonable task pursuant to 11 U.S.C. §330(a)(4)(A)(ii). Accordingly, the 27 hours billed for the abortive motion is excessive. The Court also points out that in paragraph 26 of the supplement there is an addition error in the fees column. Accordingly, the Court is inclined to reduce Counsel's fees by 24 hours, allowing appropriate time to research and strategize regarding the receivership motion. This lowers the \$7,639.75 fees billed to \$859.75 (.7 hour billed at \$300), for a total reduction of \$6,780 in Counsel's fees.

The Court is inclined to GRANT Counsel's costs in the amount of \$927.25 and fees in the amount of \$32,547.62 (\$39,327.62 less \$6,780, as requested in the corrected memorandum filed on June 10, 2021 [Dkt. 68]).

APPEARANCES REQUIRED. However, if applicant does not appear, applicant will be deemed to have submitted to this tentative. Trustee to lodge order within 7 days.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT... Nathan Loren Ingram and Bryta Lee Ingram

Chapter 7

Debtor(s):

Nathan Loren Ingram

Represented By
Bryant C MacDonald

Joint Debtor(s):

Bryta Lee Ingram

Represented By
Bryant C MacDonald

Trustee(s):

Karl T Anderson (TR)

Represented By
Misty A Perry Isaacson
Gary M Bullock

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:18-19465 Joseph F. Mark

Chapter 7

#4.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. Lynda Bui, chapter 7 trustee)

Docket 80

Tentative Ruling:

6/23/21

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: \$ 1,643.40
Trustee Expenses: \$ 130.20

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):

Joseph F. Mark

Represented By
Keith Q Nguyen

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:20-10266 Anabel Escamilla

Chapter 7

#5.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. Nancy Hoffmeier Zamora, rep. chapter 7 trustee)

Docket 39

Tentative Ruling:

6/23/21

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, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 1,643.40
Trustee Expenses: \$ 0.00

Attorney Fees: \$ 8,579.04
Attorney Expenses: \$ 629.50

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):

Anabel Escamilla

Represented By
Kateryna Bilenka

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT... Anabel Escamilla

Chapter 7

Trustee(s):

Howard B Grobstein (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:21-10853 Sotero Chandler Elias Ramas, III and Harvy Yojany Ortiz Chapter 7

#6.00 U.S. Trustee's Motion for extension of time to file a complaint objecting to discharge & dismissal of bankruptcy case, with proof of service

EH__

(Tele. appr. Everett Green, rep. United States Trustee)

Docket 24

Tentative Ruling:

6/23/21

Joint Debtors, Sotero Chandler Elias Ramas, III and Harvy Yojany Ortiz Campo, filed a Chapter 7 voluntary petition for bankruptcy on February 22, 2021. The deadline to object to discharge was May 28, 2021. On May 28, 2021, the U.S. Trustee filed the instant motion seeking to extend the deadline to object to discharge to July 28, 2021, having only been made aware of potential grounds for objection the day before the deadline expired. For the reasons set forth in the motion, service appearing proper, and no opposition having been filed, the Court finds cause exists to extend the deadline pursuant to FED R. BANKR. P. Rule 4004(b).

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.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT... Sotero Chandler Elias Ramas, III and Harvy Yojany Ortiz

Chapter 7

Debtor(s):

Sotero Chandler Elias Ramas III

Represented By
Ruben Salazar
Anna Landa

Joint Debtor(s):

Harvy Yojany Ortiz Campo

Represented By
Ruben Salazar
Anna Landa

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anna Landa

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

6:21-12467 Silvano Pivato and Victoria Ann Pivato

Chapter 7

#7.00 Motion to Transfer Case To Another Division Motion for Reassignment of Case
Filed in Improper Division (Intra-District Transfer)

(Placed on calendar by order entered 6/2/21)

EH__

Docket 8

Tentative Ruling:

6/23/2021

BACKGROUND

On May 3, 2021, Silvano Pivato and Victoria Ann Pivato ("Debtors"), filed a Chapter 7 voluntary petition ("Ch. 7 Petition"). On May 12, 2021, Debtors filed the instant *Motion for Reassignment of Case filed in Improper Division (Intra-district Transfer)*. On June 1, 2021, Debtors filed a declaration that no party requested a hearing on the motion. On June 2, 2021, the Court set a hearing on the motion for June 23, 2021.

The Debtors' motion shows that they are current residents of Riverside County, which is in the Eastern Division. The Debtors assert that the Northern Division is the proper venue because:

- (1) Debtors were residents of Oxnard, California until recently moving to La Quinta, California due to the lower cost of living;
- (2) Debtors resided in Ventura County longer than any other county over the last 180 days before filing their Ch. 7 Petition;
- (3) The Northern Division is generally the default location for 341(a) hearings for Debtors with a residence in Ventura County.

No motion has been filed opposing Debtors' motion to transfer division.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT... Silvano Pivato and Victoria Ann Pivato

Chapter 7

L.B.R. 1071-1 provides, in relevant part:

(a) Filing of Petition

Unless otherwise ordered by the court, a petition commencing a case under the Bankruptcy Code must be filed with the Clerk of the United States Bankruptcy Court for the Central District of California in the "applicable division"

- (1) The "applicable division" is determined by the location of the debtor's residence, principal offices, officers, and books and records, or where the majority of the debtor's assets are located based on a book value determination as set forth on the debtor's most current balance sheet.

(b) Petition Filed in Wrong Division

If a petition is filed in the wrong division, the court may, on its own, transfer it to the appropriate division or retain the case.

In the present case, Debtors were residents of Riverside County, California at the time they filed their Ch. 7 Petition. Thus, under L.B.R. 1071-1(a)(1), Riverside Division is the "applicable division" for the Debtor's Petition. However, this does not preclude the Court from transferring the case to the Northern Division. FED. R. BANKR. P. Rule 1014(a)(1) provides that:

(a) Dismissal and transfer of cases

- (1) *Cases filed in proper district.* If a petition is filed in the proper district, the court, on the timely motion of a party in interest or on its own motion, and after hearing on notice to the petitioners, the United States trustee, and other entities as directed by the court, may transfer the case to any other district if the court determines that the transfer is in the interest of justice or for the convenience of the parties.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

11:00 AM

CONT... **Silvano Pivato and Victoria Ann Pivato**

Chapter 7

Although Rule 1014 only explicitly discusses transferring between districts, the Rule has been applied to intra-district motions for reassignment. *See In re Elliott*, No. 1:11-BK-23855-VK, 2014 WL 318222, Bankr. C.D. Cal. Jan. 29, 2014) (Applying Rule 1014 to an intra-district motion for change of venue, denying the motion as not in the interest of justice).

In the present case, Debtors must demonstrate that transferring their case to the Northern Division is either in the interest of justice or for the convenience of the parties. Although no objections have been filed, the motion contains no evidence or explanations as to how Debtors would be inconvenienced by transferring their case to the Northern Division when they currently live in the Eastern Division and are not claiming any significant amount of assets in the Northern Division.

TENTATIVE RULING

Debtors to explain on the record reasons sufficient to clarify their request to transfer divisions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Silvano Pivato

Represented By
William E. Winfield

Joint Debtor(s):

Victoria Ann Pivato

Represented By
William E. Winfield

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:17-17749 Joshua Cord Richardson

Chapter 7

Adv#: 6:19-01114 Sonnenfeld v. Diaz et al

#8.00 CONT. Status Conference RE: [1] Adversary case 6:19-ap-01114. Complaint by Cleo Sonnenfeld against Gabriela Nieto Diaz, Laguna Motors, Inc.. Recovery, and Preservation of Preferential Transfer; (2) Avoidance, Recovery, and Preservation of Constructive Fraudulent Transfer; and (3) Avoidance, Recovery, and Preservation of Actual Fraudulent Transfer [11 U.S.C. Sections 544, 547, 548, 550 and 551; Cal. Civ. Code Sections 3439.04, 3439.05] (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)),(12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Hays, D)

From: 10/28/20,3/31/21,5/5/21

EH ____

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/1/21 BY ORDER
ENTERED 6/8/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joshua Cord Richardson

Represented By
Amid Bahadori

Defendant(s):

Gabriela Nieto Diaz

Pro Se

Laguna Motors, Inc.

Represented By
Julian K Bach

Plaintiff(s):

Cleo Sonnenfeld

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Joshua Cord Richardson

Chapter 7

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 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#9.00 CONT. Status Conference RE: [43] Amended Complaint To Revoke Discharge of Debtor by Charles W Daff (TR) on behalf of Charles W Daff (TR) against Sean Karadas. (RE: related document(s)1 Adversary case 6:20-ap-01171. Complaint by Charles W Daff (TR) against Sean Karadas. (\$350.00 Fee Charge To Estate). To Revoke and Deny Discharge of Debtor (Attachments: # 1 Summons # 2 Adversary Cover Sheet) Nature of Suit: (41 (Objection / revocation of discharge - 727(c),(d),(e))) (Daff (TR), Charles) filed by Plaintiff Charles W Daff (TR), Trustee Charles W Daff (TR)). (Attachments: # 1 Appendix Summons) (Daff (TR), Charles)

Also #10

From: 4/28/21,5/26/21

EH__

(Tele. appr. Charles Daff, chapter 7 trustee)

Docket 43

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Sean Karadas

Chapter 7

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 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:17-19647 Sean Karadas

Chapter 7

Adv#: 6:20-01171 Daff (TR) v. Karadas

#10.00 Motion for Default Judgment with Proof of Service

Also #9

EH__

(Tele. appr. Charles Daff, chapter 7 trustee)

Docket 53

Tentative Ruling:

6/23/21

BACKGROUND

On November 20, 2017, Sean Karadas ("Debtor") filed a Chapter 7 voluntary petition. On March 19, 2018, Debtor received his discharge.

On September 19, 2018, Trustee filed a motion for turnover of property of the estate. On October 24, 2018, the Court granted the motion, ordering Debtor to turn over \$327,653 in loan proceeds. On January 22, 2019, the Court issued an order to show cause why Debtor should not be held in contempt for failure to comply with the turnover order. After a hearing held on February 27, 2019, the Court found Debtor in contempt and sanctioned him an additional \$3,896.05. Debtor, however, took no action to purge the contempt and, on June 27, 2019, the Court issued a body detention order. The United States Marshals have not yet located Debtor, reporting that he may have moved to Turkey.

On October 11, 2020, Trustee filed a complaint against Debtor seeking to revoke his discharge under 11 U.S.C. § 727(a)(6)(A). On November 17, 2020, the Clerk entered Debtor's default. On December 14, 2020, Trustee filed a motion for default judgment.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT...

Sean Karadas

Chapter 7

On January 21, 2021, Trustee's motion for default judgment was denied without prejudice. On March 3, 2021, Trustee, based on the same complaint, filed a second motion for default judgment against Debtor. On March 4, 2021, the Clerk entered Debtor's default. On April 6, 2021, Trustee's second motion for default judgment was denied without prejudice.

On April 9, 2021, Trustee filed an amended complaint against Debtor seeking to revoke his discharge under 11 U.S.C. § 727(d)(3). On May 20, 2021, the Clerk entered Debtor's default. On May 21, 2021, Trustee filed the instant motion for default judgment. No opposition was filed.

DISCUSSION

A. Entry of Default Judgment

FED. R. CIV. P. Rule 55 provides that "a party against whom a judgment for a affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must 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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Sean Karadas

Chapter 7

Here, service appears proper, as the Debtor was served at 8990 19th Street, Apt. 294, Rancho Cucamonga, California 91701, the address provided by the notice of address change filed on May 29, 2018.

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 cites 11 U.S.C. § 727 subsections (a)(6)(A) and (d)(3), which provide:

- (a) The court shall grant the debtor a discharge, unless –
 - (6) the debtor has refused, in the case –
 - (A) to obey any lawful order of the court, other than an order to respond to a material question or to testify...

- (d) On request of the trustee a creditor, of the United States trustee, and after notice and a hearing, the court shall revoke a discharge granted under subsection (a) of this section if –
 - (3) the debtor committed an act specified in subsection (a)(6) of this

section.

Here, Trustee has demonstrated that Debtor failed to comply with the Court's October 24, 2018 turnover order and was found to be in contempt of court on February 27, 2019. The Trustee's motion is in proper form and contains sufficient evidence to satisfy the requirements under § 727 (d)(3). Accordingly, the Court, noting Debtor's repeated failure to comply with its orders and accepting the allegations as true, is inclined to grant default judgment.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Sean Karadas

Chapter 7

The Court is inclined to GRANT Trustee's motion and revoke Debtor's discharge.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Sean Karadas

Represented By
Todd L Turoci

Defendant(s):

Sean Karadas

Pro Se

Plaintiff(s):

Charles W Daff (TR)

Pro Se

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 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#11.00 CONT. Defendant's Motion For Summary Judgment

Also #12

From: 5/12/21

EH__

Docket 17

***** VACATED *** REASON: CONTINUED TO 7/28/21 BY ORDER
ENTERED 6/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

Trustee(s):

John P Pringle (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

David M Goodrich
Reem J Bello

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01083. Complaint by John P. Pringle against Manal Eskarous. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

Also #11

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich
Sonja Hourany

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 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:19-19387 Corinne Lara Ramirez

Chapter 7

Adv#: 6:20-01006 Eggleston et al v. Ramirez

#13.00 Motion Notice of Motion and Motion for Contractual Attorneys Fees;
Declarations of Corinne Lara Ramirez And Scott Talkov in Support Thereof

EH__

(Tele. appr. Scott Talkov, rep. Defendant, Corinne Ramirez)

Docket 91

Tentative Ruling:

6/23/21

BACKGROUND

On October 24, 2019, Corinne Lara Ramirez ("Defendant") filed a Chapter 7 voluntary petition. On October 5, 2020 the order of discharge was entered closing the bankruptcy case on October 6, 2020.

On January 22, 2020, David Eggleston, Karin Doerr, Richard Alvarado, and Yan Sum Alvarado ("Plaintiffs") filed a non-dischargeability complaint ("Complaint") against Defendant pursuant to 11 U.S.C. § 523(a)(2)(A) and (a)(6) based on investments made to Mountain Vista Winery & Vineyard, LLC, of which Defendant, Yvonne Trezona, and George Walker were founding members.

On December 1, 2020, Plaintiffs filed an amended complaint ("FAC"). On December 3, 2020, the Court entered an order granting Defendant's first motion to dismiss as to the § 523(a)(6) second cause of action and denying Defendant's motion as to the § 523(a)(2)(A) first cause of action, granting Plaintiffs leave to amend the first cause of action.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT...

Corinne Lara Ramirez

Chapter 7

On December 23, 2020, Defendant filed a second motion to dismiss arguing the allegations in the FAC do not meet the heightened pleading requirement of FED. R. CIV. P. Rule 9(b). The Court granted Defendant's motion with leave to amend pursuant to order entered on February 10, 2021.

On February 19, 2021, Plaintiff's filed the second amended complaint ("SAC"). On March 22, 2021, Defendant filed a third motion to dismiss for failure to state a claim. On May 12, 2021, the Court entered an order granting Defendant's motion to dismiss the SAC without leave to amend.

In the instant motion [Dkt. 93] filed on May 26, 2021, Counsel for Defendant seeks to recover attorney fees from Plaintiffs in the amount of \$29,821.84 based on provisions in the Mountain Vista Winery & Vineyard, LLC Operating Agreement ("Operating Agreement") and two promissory notes. Plaintiffs filed an opposition on June 4, 2021. Defendant filed a reply on June 15, 2021.

DISCUSSION

1. Procedure

FED. R. BANKR. P. Rule 7054(b)(2)(A) states that FED. R. CIV. P. Rule 54(d)(2)(A)-(C) and (E) apply in adversary proceedings. Rule 54(d)(2)(B) prescribes a fourteen day time period after the entry of judgment to file a motion to seek attorney fees. Local Rule 7054-1(g)(1) shares this requirement. Here, Defendant filed the motion within the time period on May 26, 2021, as the order dismissing the case was entered on May 12, 2021.

2. Merits

A. Operating Agreement

As Defendant seeks to recover fees incurred litigating a §523 action, CAL. CODE CIV. P. Rule § 1021 applies and provides:

Except as attorney's fees are specifically provided for by statute, the measure and mode of compensation of attorneys and counselors at law is left to the agreement, express or implied, of the parties; but parties to actions or proceedings are entitled to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT...

Corinne Lara Ramirez

Chapter 7

their costs, as hereinafter provided.

"Section 1021 allows the parties to agree that the prevailing party in litigation may recover attorney's fees, whether the litigation sounds in contract or in tort." *In re Zarate*, 567 B.R. 176, 182 (Bankr. N.D. Cal. 2017) *citing to* 3250 Wilshire Blvd. Bldg. v. W.R. Grace & Co., 990 F.2d 487, 489 (9th Cir. 1993). "Nothing in Code of Civil Procedure section 1021 limits its application to contract actions." *Palmer v. Shawback*, 17 Cal. App. 4th 296, 299 (1st Dist. Ct. App. 1993). Agreement provisions that contain broad language have been held to extend to fees incurred in litigating tort claims. *In re Zarate*, 567 B.R. 176, 182 (Bankr. N.D. Cal. 2017) (providing examples of language, for e.g., "suits arising from or with respect to the subject matter or enforcement of a contract"). Specifically, "if there is an attorney's fees provision in an agreement between the parties, we look to the language of the agreement to determine whether an award of attorney's fees is warranted in a tort action." *In re Davison*, 289 B.R. 716, 724 (9th Cir. B.A.P. 2003). The court in *In re Crystal Props., Ltd., L.P.*, provides guidance on reviewing an agreement:

A written contract must be read as a whole and every part interpreted with reference to the whole. Furthermore, a court must give effect to every word or term employed by the parties and reject none as meaningless or surplusage. Therefore, we must interpret the contract in a manner that gives full meaning and effect to all of the contract's provisions and avoid a construction of the contract that focuses only on a single provision.

268 F.3d 743, 748 (9th Cir. 2001) (quotation marks and internal citations omitted).

The Operating Agreement, here, contains the following attorney fee provision:

In any dispute between or among the Company and one or more of the Members, including, but not limited to, any Member Dispute, the prevailing party or parties in such dispute shall be entitled to recover from the non-prevailing party or parties all reasonable fees, costs and expenses including, without limitation, attorney's fees, costs and expenses, all of which shall be deemed to have accrued on the commencement of such action, proceeding or arbitration. Attorney's fees shall include, without limitation, fees incurred in any post-award or post-judgement motions or proceedings, contempt proceedings, garnishment, levy, and debtor and third party examinations, discovery, and bankruptcy litigation, and prevailing party shall mean the part that is determined in the arbitration, action or proceeding to have prevailed or who prevails by dismissal, default or otherwise.

[Dkt. 93, Pg. 53, Sect. 12.10]. Member dispute, in turn, is defined by Section 11.1 as:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT...

Corinne Lara Ramirez

Chapter 7

Disputes Among Members: The Members agree that in the event of any dispute or disagreement solely between or among any of them arising out of, or relating to or in connection with this Agreement or the Company or its organization, formation, business or management ('Member Dispute'). . .

Id. at Pg. 50. On its face, the language is broad with respect to any member dispute, and more significantly provides for recovery of fees without limitation with respect to bankruptcy litigation. Plaintiffs, however, point out, that none of them have signed the Operating Agreement, nor have they been given a copy of the agreement until the present litigation. Defendant argues that Plaintiffs statutorily assented to the Operating Agreement pursuant to CAL. CORP. CODE § 17701.11(b) which states that "a person that becomes a member of a limited liability company is deemed to assent to the operating agreement."

Upon review of the Operating Agreement, the Court notes that it was only signed on November 30, 2015 by the founding members: Ramirez, Trezona, and Walker. As evidenced by certificates of membership units, it appears that all the Plaintiffs first became members on August 12, 2015, as of the date of their initial investments. [Dkt. 91, Pgs. 56-59]. Therefore, the Plaintiffs were members of the LLC prior to the execution of the Operating Agreement. The issue is then whether Plaintiffs can be deemed to consent to the terms of the Operating Agreement when they were apparently members before it was executed?

CAL. CORP. CODE § 17701.02(s) states:

"Operating agreement" **means the agreement**, whether or not referred to as an operating agreement and whether oral, in a record, implied, or in any combination thereof, **of all the members of a limited liability company**, including a sole member, concerning the matters described in subdivision (a) of Section 17701.10. The term "operating agreement" may include, without more, an agreement of all members to organize a limited liability company pursuant to this title. An operating agreement of a limited liability company having only one member shall not be unenforceable by reason of there being only one person who is a party to the operating agreement. The term includes the agreement as amended or restated.

(emphasis added). The plain language of the code requires that all members of an LLC sign the Operating Agreement. Reconciling this provision with the language of CAL. CORP. CODE § 17701.11(b), it appears that a person is only bound by an LLC's Operating Agreement when he "becomes a member" of a company that already has a valid operating agreement.

Given these signature requirements, the Court is not inclined to find the Operating

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Agreement binds Plaintiffs when they should have signed it as then-existing members. Also, that the Operating Agreement lists April 30, 2014 as the effective date does not change the analysis, as the agreement would only be retroactively effective as to the members who signed it. Additionally, although the Operating Agreement lists Exhibit A-2 (Section 2.3) as providing a list of members, no exhibit is attached. Thus, the Court cannot evaluate if the Plaintiffs were included as members by the Operating Agreement. Nor is there a resolution executed by all members allowing only the founding members to sign the Operating Agreement and make it effective as to the Plaintiffs.

Although the Court could not locate any California case dealing precisely with this issue, given its above analysis, the Court is inclined to adopt the position of the New Jersey court in *Premier Physician Network, LLC v. Maro*, No. A-1152-20, 2021 WL 2124195 (N.J. Super. Ct. App. Div. May 26, 2021), which decided a nearly identical issue. Although Defendant cited this case in her reply as support for the proposition that Plaintiffs are deemed to assent to the Operating Agreement, she overlooked the facts here and misapplied the *Maro* court's analysis. There, plaintiffs sought to collect attorney fees based on the terms of an operating agreement drafted in 2015, however, defendants, who became members in 2014, had never signed the agreement, nor had most of them seen the agreement. *Id.* at *3, 4. Based on N.J.S.A. 42:2C-12(b), which shares the exact same language as CAL. CORP. CODE § 17701.11(b), the trial court held that all members deemed to assent to the operating agreement. *See id.* at *4. In reviewing the trial court's decision, the N.J. appellate court looked to NJ's definition of an operating agreement, which provides: "the agreement, whether or not referred to as an operating agreement and whether oral, in a record, implied, or in any combination thereof, of all the members of a limited liability company. . .," and reasoned:

Applying the actual and complete statutory language, we hold a draft operating agreement does not become the operating agreement of an LLC unless it is "the agreement ... of all the members of" the LLC, meaning "all the members" have to agree to it. If all existing members do not agree to the draft agreement when it is proposed, then the draft operating agreement remains just that – a draft agreement; it never becomes the operating agreement of the LLC. If all members agree to a draft operating agreement, it then becomes the operating agreement of the LLC and any subsequent members are bound by the already-existing operating agreement. If the court's finding that defendants were members of PPN in 2014 is correct and if defendants' assertion that they never agreed to the draft operating agreement, which the trial court found was "drafted and circulated in or about January 2015," is correct,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT...

Corinne Lara Ramirez

Chapter 7

then the draft agreement was not the agreement of "all the members" and it never became the operating agreement of PPN.

Id. at *5 (internal citations omitted).

Having considered the statutes at issue here, and noting they are identical in relevant language to the California Corporations Code, the Court concurs with the *Maro* court's analysis. On the record before the Court, Plaintiffs appear to have become members of the LLC in August 2015 and the Operating Agreement was executed three months later in November without the Plaintiffs' signatures; thus the Operating Agreement could not have been an agreement of "all the members." *See* CAL. CORP. CODE § 17701.02(s). Accordingly, Defendant cannot recover attorney fees pursuant to the operating agreement under CAL. CODE CIV. P. Rule § 1021.

B. Promissory Note

As a separate basis to recover its' attorney fees, Defendant points to the language in promissory notes given to Plaintiffs in 2018, which states: "If any payment obligation under this Note is not paid when due, the Borrower promises to pay all costs of collection, including reasonable attorney fees, whether or not a lawsuit is commenced as part of the collection process." [Dkt. 93, Pg. 86, Sect. IV]. Defendant cites to *In re Davis*, No. 1:10-AP-01354-VK, 2019 WL 2931668, at *5 (B.A.P. 9th Cir. July 3, 2019), *aff'd*, 809 F. App'x 415 (9th Cir. 2020) for the principle of reciprocal recovery. However, the *Davis* court applied that principle in the context of allowing a non-signatory of a subcontract to collect attorney fees where he was found to be the alter ego of the signatory. *Id.* at *7. The bankruptcy court held:

API explicitly contracted for reciprocity as to liability for attorneys' fees. Had [API] prevailed on its nondischargeability claim, because of the Alter Ego Judgment, [API] would have been able to collect its award of attorneys' fees from [Mr. Davis]. In fact, in the Adversary Complaint, [API] requested an award of attorneys' fees; for a nondischargeability claim under § 523(a)(2)(A), [API's] bases to obtain an award of attorneys' fees are the Agreement's attorneys' fees provision and the Alter Ego Judgment. Based on the authorities above, as a prevailing party, [Mr. Davis] may receive an award of attorneys' fees under the Agreement.

Id. at *4 (emphasis added). In that case, the attorney fee provision provided that both parties would be responsible for fees: "Subcontractor agrees to pay Contractor reasonable attorneys' fees. In the event that Subcontractor prevails ..., Contractor agrees to pay Subcontractor reasonable attorneys' fees." *Id.* at *1. The BAP affirmed

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... **Corinne Lara Ramirez**

Chapter 7

and held that because the plaintiff had enforced the fee provision against the non-signatory in a state court action, now the non-signatory had the reciprocal right to enforce the provision against the plaintiff whether under CAL. CODE CIV. P. Rule § 1717 or § 1021. *Id.* at *8.

Defendant, here, in its motion, did not draw any clear connections between this principle and the promissory notes. In her reply, Defendant explains that even though she is a nonsignatory to the notes, the reciprocity principle should apply, since Plaintiffs have sued her in state court for claims related to the notes. However, this does not change the fact that the provision in the notes read only that "the Borrower" (who is the Defendant) will "pay all the costs of collection," in contrast to the provision in *Davis*, which explicitly provided for reciprocity. Additionally, *Davis* did not analyze the issue of whether the language of the fee provision could be applied to fees incurred in tort litigation. Even if the Court was to infer that the fee obligation language had some reciprocal effect, it would be an inappropriate application of CAL. CODE CIV. P. Rule § 1021. Only fee provisions that contain broad language have been held to extend to tort litigation under § 1021. *See In re Zarate*, 567 B.R. 176, 182 (Bankr. N.D. Cal. 2017). The attorney fee provision here that limits recovery to costs of collection is not broad enough to cover a suit under §523(a)(2)(A). *See id.* at 183 ("In short, provisions such as § 12.9—by its terms limited to enforcement of the terms or collection of what is owed—have been held not to extend to fees incurred in litigating tort claims."). Accordingly, the promissory notes do not provide a sufficient basis for Defendant to recover her attorney fees from Plaintiffs.

TENTATIVE RULING

For the foregoing reasons, the Court is inclined to DENY the motion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Corinne Lara Ramirez

Represented By
Natalie A Alvarado

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Defendant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Plaintiff(s):

David Eggleston

Represented By
Tyler H Brown

Karin Doerr

Represented By
Tyler H Brown

Richard Alvarado

Represented By
Tyler H Brown

Yan Sum Alvarado

Represented By
Tyler H Brown

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:20-11280 Phillip Carl Noble

Chapter 7

Adv#: 6:20-01103 Pavon-Arita v. Noble et al

#14.00 Pre-Trial Conference RE: [1] Adversary case 6:20-ap-01103. Complaint by Jose Eduardo Pavon-Arita against Phillip Carl Noble. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Bosse, Gregory)

From: 7/22/20,1/13/21, 3/17/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Defendant(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Juana Julian Noble

Represented By
Todd L Turoci

Joint Debtor(s):

Juana Julian Noble

Represented By
Todd L Turoci

Plaintiff(s):

Jose Pavon-Arita

Represented By
Gregory L Bosse

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Phillip Carl Noble

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:20-11944 Ronald V. Cruz

Chapter 7

Adv#: 6:20-01112 Cruz v. Cruz

#15.00 CONT Status Conference RE: [3] Amended Complaint First Amended Complaint by William H Brownstein on behalf of Patricia Marlen Cruz against all defendants. (RE: related document(s)1 Adversary case 6:20-ap-01112. Complaint by Patricia Marlen Cruz against Ronald V. Cruz. 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)),(64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decreed)),(91 (Declaratory judgment)) filed by Plaintiff Patricia Marlen Cruz). (Brownstein, William)

From: 8/19/20,2/17/21

EH__

(Tele. appr. William Brownstein, rep. Patricia M. Cruz, Plaintiff)

(Tele. appr. Walter Scott, rep. Ronald Cruz, Defendant)

Docket 3

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald V. Cruz

Represented By
Walter Scott

Defendant(s):

Ronald V. Cruz

Represented By
Walter Scott

Plaintiff(s):

Patricia Moonyeen Cruz

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Ronald V. Cruz

William H Brownstein

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#16.00 CONT. Status Conference re: Complaint by Lynda T. Bui against Lourdes P. Vargas. (\$350.00 Fee 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))),(11 (Recovery of money/property - 542 turnover of property))

From: 4/7/21,4/21/21, 5/26/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/18/21 AT 2:00 PM PER STIP/ORDER**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Pro Se

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By
Carmela Pagay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

CONT... Juan Vargas

Chapter 7

Trustee(s):

Lynda T. Bui (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 23, 2021

Hearing Room 301

2:00 PM

6:21-10036 Rodolfo Rios, Jr.

Chapter 7

Adv#: 6:21-01045 Montejano v. Rios, Jr.

#17.00 Status Conference RE: [1] Adversary case 6:21-ap-01045. Complaint by Armando Montejano against Rodolfo Rios Jr.. false pretenses, false representation, actual fraud)),(65 (Dischargeability - other))

EH__

Docket 1

***** VACATED *** REASON: ORDER DISMISSING CASE 6/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Rios Jr.

Represented By
Christopher J Langley

Defendant(s):

Rodolfo Rios Jr.

Pro Se

Plaintiff(s):

Armando Montejano

Represented By
Garrick A Hollander

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:18-14603 Gabriel Agustin Blanco and Jeneke Nicole Blanco

Chapter 13

#1.00 CONT. Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments with Proof of Service

From: 5/27/21

EH__

Docket 84

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/14/21**

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

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:18-17349 Thomas More Butler and Tamara Butler

Chapter 13

#2.00 CONT. Debtors' Certificate of Compliance and Application for Entry of Discharge

From: 5/27/21,6/10/21

(Placed on calendar by order entered 5/13/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jason Meyer, rep. Financial Credit Union)

Docket 69

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:19-18923 Tony Andy Garcia, II

Chapter 13

#3.00 Motion RE: Objection to Claim Number 1 by Claimant LVNV Funding, LLC

Also #4

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtor, Tony Garcia)

Docket 71

Tentative Ruling:

6/24/2021

Service: Proper
Opposition: None

BACKGROUND:

On October 9, 2019, Tony Andy Garcia II ("Debtor") filed a Chapter 13 voluntary petition. Debtor's Chapter 13 plan was confirmed on January 9, 2020.

On October 15, 2019, LVNV Funding, LLC ("Claimant") filed a proof of claim in the amount of \$8,378.76 ("Claim 1"). On May 12, 2021, Debtor filed this instant motion objecting to Claim 1. Debtor argues that under California law, C.C.P. § 337, Claim 1 is barred by the statute of limitations, as the last payment on the credit card was made on November 17, 2008, over four years prior to the filing of the petition.

DISCUSSION:

A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT... Tony Andy Garcia, II

Chapter 13

("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.

Pursuant to 11 U.S.C. § 502(b)(1) claim objections may be based on non-bankruptcy law. § 502(b)(1) provides:

- (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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT...

Tony Andy Garcia, II

Chapter 13

claim is contingent or unmatured;

11 U.S.C. § 502(b)(1) (emphasis added). Accordingly, "[a] claim cannot be allowed if it is unenforceable under non-bankruptcy law." *Diamant v. Kasparian* (in re Southern Cal. Plastics, Inc.), 165 F.3d 1243, 1247 (9th Cir. 1999).

Here, pursuant to the applicable non-bankruptcy law, C.C.P. § 337, Claim 11 is barred by the four-year statute of limitations, as the last payment was made over 10 years ago. Therefore, the Court is inclined to find that Debtor has met his burden in objecting to the validity of the claim.

Further, the Court notes that service was proper and no opposition was filed, 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 1.

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):

Tony Andy Garcia II

Represented By
Sundee M Teeple

Movant(s):

Tony Andy Garcia II

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:19-18923 Tony Andy Garcia, II

Chapter 13

#4.00 Motion RE: Objection to Claim Number 15 by Claimant LVNV Funding, LLC

Also #3

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtor, Tony Garcia)

Docket 72

Tentative Ruling:

6/24/2021

Service: Proper
Opposition: None

BACKGROUND:

On October 9, 2019, Tony Andy Garcia II ("Debtor") filed a Chapter 13 voluntary petition. Debtor's Chapter 13 plan was confirmed on January 9, 2020.

On December 12, 2019, LVNV Funding, LLC ("Claimant") filed a proof of claim in the amount of \$1,164.56 ("Claim 15"). On May 12, 2021, Debtor filed this instant motion objecting to Claim 15. Debtor argues that under California law, C.C.P. § 337, Claim 15 is barred by the statute of limitations, as the last payment on the credit card was made on June 09, 1997, over four years prior to the filing of the petition.

DISCUSSION:

A proof of claim is deemed allowed unless a party in interest objects. 11 U.S.C. § 502(a). 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT... Tony Andy Garcia, II

Chapter 13

("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.

Pursuant to 11 U.S.C. § 502(b)(1) claim objections may be based on non-bankruptcy law. § 502(b)(1) provides:

- (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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT...

Tony Andy Garcia, II

Chapter 13

claim is contingent or unmatured;

11 U.S.C. § 502(b)(1) (emphasis added). Accordingly, "[a] claim cannot be allowed if it is unenforceable under non-bankruptcy law." *Diamant v. Kasparian* (in re Southern Cal. Plastics, Inc.), 165 F.3d 1243, 1247 (9th Cir. 1999).

Here, pursuant to the applicable non-bankruptcy law, C.C.P. § 337, Claim 15 is barred by the four-year statute of limitations, as the last payment was made over 20 years ago. Therefore, the Court is inclined to find that Debtor has met his burden in objecting to the validity of the claim.

Further, the Court notes that service was proper and no opposition was filed, 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 15.

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):

Tony Andy Garcia II

Represented By
Sundee M Teeple

Movant(s):

Tony Andy Garcia II

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:19-20725 Priscilla Fernandez Richardson

Chapter 13

#5.00 CONT. Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

From: 5/27/21

Also #6

(Placed on calendar by order entered 5/19/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Chris Mullen, rep. Debtor)

Docket 52

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Priscilla Fernandez Richardson

Represented By
Chris A Mullen

Movant(s):

Priscilla Fernandez Richardson

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:19-20725 Priscilla Fernandez Richardson

Chapter 13

#6.00 CONT. Trustee's Motion to Dismiss Case

From: 5/27/21

Also #5

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Chris Mullen, rep. Debtor)

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Priscilla Fernandez Richardson

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:20-16241 Gabrielle Mendoza

Chapter 13

#7.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gabrielle Mendoza

Represented By
Michael E Clark

Movant(s):

Gabrielle Mendoza

Represented By
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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-11433 Felipe Fierro Garcia

Chapter 13

#8.00 Motion to Disallow Claims (Objection to Claim No. 1) with Declaration of Felipe Fierro Garcia, Exhibits 1-2 and Proof of Service

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jenny Doling, rep. Debtor, Felipe Garcia)

(Tele. appr. Barry Glaser, rep. County of San Bernardino, secured creditor)

Docket 25

Tentative Ruling:

6/24/2021

Service: Proper

Opposition: Creditor

BACKGROUND:

On March 19, 2021, Felipe Fierro Garcia ("Debtor") filed a Chapter 13 bankruptcy petition in the Bankruptcy Court for the Central District of California, case No. 6:21-bk-11433-MH. The Debtor's Chapter 13 Plan was approved on June 15, 2021.

On April 19, 2021, Claim Number 1 was filed by the County of San Bernardino ("Creditor"), setting forth an alleged claim of \$2,384.03 for the 2021 projected real property taxes associated with Parcel Number 1009-362-05-0000 (the "Property").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT... Felipe Fierro Garcia

Chapter 13

On May 24, 2021, Debtor filed a Motion for Order Disallowing Claim Number 1. In his objection, Debtor only states that:

- a. Debtor does not owe the County of San Bernardino any property taxes.
- b. the County of San Bernardino cannot collect any future projected property taxes, let alone an 18% interest rate on debt that has not become due.

On June 9, 2021, Creditor filed an 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). 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT... **Felipe Fierro Garcia**

Chapter 13

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.

As is required by LBR 3007-1, "an objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified."

ANALYSIS:

Because Creditor properly filed a proof of claim, the burden shifted to Debtor to "present evidence to overcome the *prima facie* case." *See In re Medina*, 205 B.R. 216, 222 (9th Cir. B.A.P. 1996). "The interposition of an objection does not deprive the proof of claim of presumptive validity unless the objection is supported by substantial evidence." *In Re Hemingway Transport, Inc.*, 993 F.2d 915, 925 (1st Cir. 1993).

Debtor's motion does not provide sufficient evidence to defeat Creditor's claim. Debtor makes only two objections, both lacking any evidentiary support. Debtor's bald statements that he "doesn't owe the County of San Bernardino any property

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT... Felipe Fierro Garcia

Chapter 13

taxes," and that the County of San Bernardino cannot collect any future projected taxes, let alone an 18% rate on debt that has not become due," do not rise to the level required to negate Creditor's *prima facie* case. On this basis alone, the Court is inclined to deny Debtor's motion.

Notwithstanding the evidentiary problems, it appears that Debtor is mistaken about the obligation to pay California property taxes. As explained by the Creditor, the property tax obligation "fixes on the lien date of January 1 preceding the fiscal year for which the taxes are due." *See* CAL. REV. & TAX. CODE § 2192. Therefore, Debtor's lien date for the Property for the 2021 tax year was January 1, 2021, which arose prior to Debtor's Chapter 13 Petition. Thus, it appears the Debtor is obligated to pay the 2021 taxes on the Property in the amount of \$2,384.03.

TENTATIVE RULING

The Court is inclined to DENY Debtor's motion for an order disallowing claim.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Felipe Fierro Garcia

Represented By
Jenny L Doling

Movant(s):

Felipe Fierro Garcia

Represented By
Jenny L Doling

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

CONT... Felipe Fierro Garcia

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-10880 Jayzelle Davon White

Chapter 13

#9.00 CONT. Confirmation of Chapter 13 Plan

From: 5/13/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jayzelle Davon White

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-11040 Leo F. Bly

Chapter 13

#10.00 CONT. Confirmation of Chapter 13 Plan

From: 5/13/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Bryan Fairman, rep. Wells Fargo Bank)

(Tele. appr. Michael Gouveia, rep. Debtor)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Leo F. Bly

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-10660 Mary S Reeves

Chapter 13

#11.00 CONT. Confirmation of Chapter 13 Plan

From: 4/29/21

EH____

Docket 19

***** VACATED *** REASON: CASE DISMISSED 6/1/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mary S Reeves

Represented By
Jackie R Geller

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-11856 Michael Lewis Bullock

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Lewis Bullock

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-11867 Guido Mendoza and Maria Osorio

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Michael Gouveia, rep. Debtors)

(Tele. appr. Austin Nagel, rep. Toyota Motor Credit Corporation)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Guido Mendoza

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Maria Osorio

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-11960 Robin Givan

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/13/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robin Givan

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-11981 Polina Manyika

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Polina Manyika

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-12042 Nancy Clark

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nancy Clark

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:00 AM

6:21-12060 Glory Akhere-Okokhere

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Natalie Alvarado, rep. Debtor)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Glory Akhere-Okokhere

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:16-21234 Frank A Horzen and Barbara A Horzen

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Paul Lee, rep. Debtors)

Docket 178

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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:17-18720 Patricia Morales

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtor, Patricia Morales)

Docket 128

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia 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 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:18-11652 Gwendolyn Priscilla Saunders

Chapter 13

#20.00 CONT. Trustee's Motion to Dismiss Case

From: 5/27/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Donna Travis, rep. Debtor, Gwendolyn Saunders)

Docket 96

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 301 Calendar

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:18-14770 Lamar Ramon Benjamin

Chapter 13

#21.00 CONT. Trustee's Motion to Dismiss Case

From: 5/27/21

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 83

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/21

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 301 Calendar

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:19-10484 Xavier C. Luna

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH__

Docket 108

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
5/19/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier C. Luna

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:19-18431 Charles Edmund Brownell

Chapter 13

#23.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Andy Nguyen, rep. Debtor)

Docket 57

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Edmund Brownell

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, June 24, 2021

Hearing Room 301

11:01 AM

6:20-10591 Louis Anthony Coffin

Chapter 13

#24.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Louis Anthony Coffin

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 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:18-10829 Roberto Rolon Rodriguez and Maria Rolon

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Nissan Altima, VIN: 1N4AL3AP6HC285439

MOVANT: TD AUTO FINANCE

EH__

(Tele. appr. Sheryl Ith, rep, creditor, TD Auto Finance)

Docket 40

Tentative Ruling:

6/29/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, and no opposition having been filed, finds cause exists where Debtor has missed three car payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

CONT... Roberto Rolon Rodriguez and Maria Rolon

Chapter 13

Debtor(s):

Roberto Rolon Rodriguez

Represented By
James G. Beirne

Joint Debtor(s):

Maria Rolon

Represented By
James G. Beirne

Movant(s):

TD Auto Finance LLC

Represented By
Jennifer H Wang
Sheryl K Ith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:18-13678 Kevin Eugene Martin and Francisca Chavez-Martin

Chapter 13

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 8320 Ninth Avenue with Proof of Service. (

MOVANT: PENNYMAC LOAN SERVICES, LLC

EH__

Docket 71

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 6/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kevin Eugene Martin

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Francisca Chavez-Martin

Represented By
Michael E Clark
Barry E Borowitz

Movant(s):

PennyMac Loan Services, LLC

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 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:18-16680 Tanisha S. Santee

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Accord VIN No.1HGCR2F74GA106797

(Case Dismissed 6/28/21)

MOVANT: JPMORGAN CHASE BANK

EH__

(Tele. appr. Joseph Delmotte, rep. creditor, JPMorgan Chase Bank)

Docket 62

***** VACATED *** REASON: CASE DISMISSED 6/28/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tanisha S. Santee

Represented By
Keith Q Nguyen

Movant(s):

JPMorgan Chase Bank, N.A.

Represented By
Joseph C Delmotte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:18-20759 Elida Soto

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13692 Bedford Place, Victorville, CA 92392 .

MOVANT: NATIONS DIRECT MORTGAGE, LLC

EH__

(Tele. appr. Daniel Fujimoto, rep. creditor, Nations Direct Mortgage LLC)

Docket 79

Tentative Ruling:

6/29/2021

Service: Proper

Opposition: None

The Court notes there is an order entered on May 5, 2021 ("Order") granting relief from stay to the same Movant as to the property located at 13692 Bedford Place, Victorville, CA 92392 that is the subject of this motion. The Court notes that the Order does not grant relief from the co-debtor stay, whereas this motion is seeking such relief. However, there is no declaration or explanation referencing the Order. Moreover, the motion is blank on page 9 of the form declaration as to evidence of any missed post-petition payments. Movant to clarify.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Elida Soto

Represented By
William G Cort

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

CONT... Elida Soto

Chapter 13

Movant(s):

NATIONS DIRECT MORTGAGE,

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 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:19-12195 Jerold Ray Hoxie

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13876 Dogwood Avenue, Chino, CA 91710 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 4/20/21,5/25/21

EH__

(Tele. appr. Dane Exnowski, rep. creditor, Freedom Mortgage Corporation)

(Tele. appr. John Asuncion, specially appearing for Suzette Douglas, rep. Debtor, Jerold Hoxie)

Docket 34

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerold Ray Hoxie

Represented By
Suzette Douglas

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski
Ciro Mestres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:21-11230 Qun Wang

Chapter 7

#6.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations UNLAWFUL DETAINER RE: 7375 Maddox Ct Eastvale, CA 92880 .

From: 5/25/21

MOVANT: DAVID Y. CHEN, HSUCH HUNG CHANG

EH__

(Tele. appr. James Zhou, rep. Debtor, Qun Wang)

Docket 37

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: None

The Court notes that Movant asserts that it "acquired title to the Property by foreclosure sale before the bankruptcy petition was filed and recorded the deed within the period provided by state law for perfection." The Court further notes that CAL. CIV. Code § 2924(h)(c) provides that the date of perfection relates back to the date of the sale if the deed of sale is recorded within fifteen days of the sale. Here, however, Movant waited forty-eight days to record the deed of sale, recording the deed after the instant petition was filed. As such, it would appear that Movant recorded its deed in violation of the automatic stay, and, therefore, the foreclosure sale appears to not be valid. *See generally In re Svacina*, 618 B.R 852 (Bankr. C.D. Cal. 2020) (discussing § 2924(h)(c)); *see also Burton v. Infinity Capital Mgmt.*, 862 F.3d 740 (9th Cir. 2017) (actions taken in violation of the automatic stay are void.).

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

CONT... Qun Wang

Chapter 7

Debtor(s):

Qun Wang

Represented By
Jianmin Zhou

Movant(s):

David/ Hsuch Chen/ Chang

Represented By
Barry L O'Connor

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**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:21-12681 Edward Andrew Galura and Yuset Ramirez Galura

Chapter 7

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Mercedes-Benz GLC300W, VIN: WDC0G4JB4KV173944

MOVANT: DAIMLER TRUST

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Daimler Trust)

Docket 25

Tentative Ruling:

6/29/2021

Service: Proper

Opposition: None

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Edward Andrew Galura

Represented By
Kevin M Mahan

Joint Debtor(s):

Yuset Ramirez Galura

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

**CONT... Edward Andrew Galura and Yuset Ramirez Galura
Kevin M Mahan**

Chapter 7

Movant(s):

Daimler Trust

Represented By
Sheryl K Ith

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

6:21-12899 Juan Hernandez and Herminia L. Hernandez

Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Honda Civic, VIN: 2HGFC2F55GH533517

MOVANT: TD AUTO FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, TD Auto Finance LLC)

Docket 7

Tentative Ruling:

6/29/2021

Service: Proper

Opposition: None

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request for adequate protection 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):

Juan Hernandez

Represented By
Jaime A Cuevas Jr.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

11:00 AM

CONT... Juan Hernandez and Herminia L. Hernandez

Chapter 7

Joint Debtor(s):

Herminia L. Hernandez

Represented By
Jaime A Cuevas Jr.

Movant(s):

TD Auto Finance LLC

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 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

**#9.00 Order (1) Post 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, 12/18/18, 2/26/19, 3/27/19, 5/1/19,
7/30/19, 9/17/19, 11/19/19, 2/4/20, 4/21/20, 9/8/20, 11/17/20, 3/30/21

EH__

**(Tele. appr. David Goodrich, rep. Adam Meislik, trustee of the
Liquidating Trust of Visiting Nurse Association of the Inland Counties**

(Tele. appr. Cameron Ridley, rep. United States Trustee)

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
Steven T Gubner
Jason B Komorsky

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:20-15400 Fasttrak Foods, LLC

Chapter 7

#10.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference
And (2) Requiring Status Report

(Holding Date)

From: 9/29/20, 11/24/20,12/1/20, 3/30/21,6/8/21

EH__

Docket 8

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 6/11/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Fasttrak Foods, LLC

Pro Se

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#10.10 Motion United States Trustees Motion for Continuance of: (1) Motion Limiting Notice, (2) Motion for Order Setting Bar Date for Filing Proofs of Claim, and (3) Motion for Order Authorizing Debtor to Complete Prepetition Settlement with Theresa Baldwin et al

Also #11-17

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 158

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

United States Trustee (RS)

Represented By
Everett L Green
Abram Feuerstein esq
Cameron C Ridley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#11.00 Motion to Extend Time Motion For Order Approving Stipulation Between Debtor And Landlord To Extend Time For Debtor to Move To Assume Or Reject Non-Residential Leases

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

Docket 149

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#12.00 Motion Limiting Notice, Permitting Debtor To Provide Notice To Warranty Claim Creditors Via Alternative Means And Modifying The Debtor's Present Cash Collateral Budget

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 132

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#13.00 Motion to Use Cash Collateral (Second Supplement) On An Interim And Final Basis

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 2

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#14.00 Motion For Order Authorizing Debtor To Complete Prepetition Settlement With Theresa Baldwin et al

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 134

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#15.00 Motion to Approve Stipulation Between Debtor And Van Daele Homes Regarding Disposition Of Monies Held By Van Daele

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 136

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#16.00 CONT. Notice of Motion and Motion For Order Setting Bar Date For Filing Proof of Claim

From: 5/25/21,6/8/21

EH__

(Tele. appr. Cameron Ridley, rep. United States Trustee)

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 102

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

CONT...

DW Trim, Inc.

Steven R Fox

Steven R Fox

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, June 29, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#17.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 3/16/21, 3/30/21,5/25/21

EH__

(Tele. appr. Elan Levey appearing on behalf of the United States of America)

(Tele. appr. Steven Fox, rep. Debtor, DW Trim, Inc.)

(Tele. appr. Chris De Mint, principle of the Debtor)

(Tele. appr. Cameron Ridley, rep. United States Trustee)

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:13-13029 Dominic Michael Spallino

Chapter 7

#1.00 Motion to Avoid Lien Judicial Lien with Pride Acquisitions, LLC

Also #2-3

(Placed on calendar by order entered 6/10/21)

EH__

Docket 41

***** VACATED *** REASON: ORDER ENTERED 6/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dominic Michael Spallino

Represented By
Kenneth D Sisco
Melissa A Raskey

Movant(s):

Dominic Michael Spallino

Represented By
Kenneth D Sisco
Melissa A Raskey

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:13-13029 Dominic Michael Spallino

Chapter 7

#2.00 Motion to Avoid Lien Judicial Lien with Yellowbook, Inc.

(Placed on calendar by order entered 6/10/21)

EH__

Docket 40

***** VACATED *** REASON: ORDER ENTERED 6/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dominic Michael Spallino

Represented By
Kenneth D Sisco
Melissa A Raskey

Movant(s):

Dominic Michael Spallino

Represented By
Kenneth D Sisco
Melissa A Raskey

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:13-13029 Dominic Michael Spallino

Chapter 7

#3.00 Motion to Avoid Lien Judicial Lien with Portfolio Recovery Associates, LLC
(Placed on calendar by order entered 6/10/21)

EH__

Docket 38

***** VACATED *** REASON: ORDER ENTERED 6/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dominic Michael Spallino

Represented By
Kenneth D Sisco
Melissa A Raskey

Movant(s):

Dominic Michael Spallino

Represented By
Kenneth D Sisco
Melissa A Raskey

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:17-18617 Christy Carmen Hammond

Chapter 7

#4.00 CONT. Trustee's Motion for Turnover of Property
(Status Conference)

Also #6,7

From: 4/21/21

EH__

(Tele. appr. Douglas Plazak, rep. Robert Whitmore, chapter 7 trustee)

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:17-18617 Christy Carmen Hammond

Chapter 7

Adv#: 6:19-01144 Whitmore v. Hammond

#5.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01144. Complaint by Robert S. Whitmore against Kenneth Hammond. (Charge To Estate) \$350.00 (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Unexecuted Summons) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))),(91 (Declaratory judgment))

HOLDING DATE

From: 12/18/19, 5/20/20, 9/9/20, 11/4/20, 12/2/20,1/6/21,2/3/21

EH ____

(Tele. appr. Douglas Plazak, rep. Robert Whitmore, chapter 7 trustee)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Defendant(s):

Kenneth Hammond

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:17-18617 Christy Carmen Hammond

Chapter 7

**#6.00 CONT Motion to Disallow Homestead Exemption
HOLDING DATE**

Also #4,7

From: 12/18/19, 5/20/20, 9/9/20,11/4/20,12/2/20,1/6/21,2/3/21,5/5/21

EH__

(Tele. appr. Douglas Plazak, rep. Robert Whitmore, chapter 7 trustee)

Docket 49

Tentative Ruling:

12/18/19

BACKGROUND

On October 16, 2017, Christy Hammond ("Debtor") filed a Chapter 7 voluntary petition. Among the assets of the estate is certain real property located at 5918 Ridgegate Dr., Chino Hills, CA 91709 (the "Property"). On January 29, 2018, Debtor obtained a discharge.

On April 23, 2018, the Chapter 7 Trustee filed a notice of assets, subsequently employing an attorney, and a real estate broker. Debtor opposed Trustee's request to hold a real estate broker, and the Court approved the application after a hearing held on March 27, 2019.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

On October 16, 2019, Trustee filed (1) a motion for turnover of property (the "Turnover Motion"); and (2) an adversary complaint against Kenneth Hammond seeking turnover of property from Debtor's non-filing spouse. On October 30, 2019, Debtor filed an opposition to the Turnover Motion, while also increasing her homestead exemption to \$175,000.

On November 20, 2019, Trustee filed an objection to Debtor's claimed homestead exemption. Trustee argues that Debtor has not established that she is entitled to claim the increased homestead exemption set forth in CAL. CODE CIV. P. § 704.730(a)(3)(B). On December 4, 2019, Debtor filed her opposition. Debtor argues that Trustee has the burden of proof in objecting to the claimed homestead exemption, and that Trustee has not met this burden. Alternatively, Debtor argues that she has adequately established her entitlement to the \$175,000 homestead exemption. Specifically, Debtor argues that the increased homestead exemption is based on the alleged disability of her non-filing spouse, Kenneth Hammond, who served in the U.S. Navy. On December 11, 2019, Trustee filed a reply and a variety of evidentiary objections.

DISCUSSION

I. Burden of Proof

As a preliminary matter, the parties disagree on the burden of proof when a Trustee files an objection to a claimed exemption. FED. R. BANKR. P. Rule 4003(c) states: "In any hearing under this rule, the objecting party has the burden of proving that the exemptions are not properly claimed." Trustee argues that the Supreme Court, however, held in the case of *Raleigh v. Ill. Dep't of Revenue*, 530 U.S. 15 (2000) that the burden of proof should be determined by reference to state law. In *Raleigh*, the Supreme Court was considering whether the burden of proof, in the context of a claim objection, is determined by reference to state law. Citing cases dating back to before World War 2, the Supreme Court stated that "we have long held the burden of proof to be a 'substantive' aspect of a claim. That is, the burden of proof is an essential

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

element of the claim itself; one who asserts a claim is entitled to the burden of proof that normally comes with it." *Id.* at 20-21.

The Supreme Court also stated:

Congress of course may do what it likes with entitlements in bankruptcy, but there is no sign that Congress meant to alter the burdens of production and persuasion on tax claims. The Code in several places, to be sure, establishes particular burdens of proof. But the Code makes no provision for altering the burden on a tax claim, and its silence says that no change was intended.

Id. at 21-22 (citation omitted). The above excerpt ended with footnote 2, which states:

The legislative history indicates that the burden of proof on the issue of establishing claims was left to the Rules of Bankruptcy Procedure. The Bankruptcy Rules are silent on the burden of proof for claims; while Federal Rule of Bankruptcy Procedure 3001(f) provides that a proof of claim (the name for the proper form for filing a claim against a debtor) is "prima facie evidence of the validity and amount of the claim," this rule does not address the burden of proof when a trustee disputes a claim. The Rules thus provide no additional guidance.

Id.

Thus, the Supreme Court made it clear that Congress was permitted to preempt state law burdens in the drafting of the Bankruptcy Code. Specifically, the Supreme Court cited 11 U.S.C. §§ 362(g), 363(o), 364(d)(2), 547(g), and 1129(d) as examples of instances where the Code specifically articulates a

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... **Christy Carmen Hammond**

Chapter 7

burden of proof. While under principles of preemption it is clear that Congress may delineate an applicable burden in the Bankruptcy Code, in the context of an objection to a homestead exemption, it is the Federal Rules of Bankruptcy Procedure, not the Bankruptcy Code itself, which articulates a burden of proof. As Trustee points out in its reply brief, 28 U.S.C. § 2072 provides that federal rules of procedure "shall not abridge, enlarge or modify any substantive right." Given that the Supreme Court has determined that a burden of proof is substantive, it would appear that a provision in the Federal Rules of Bankruptcy Procedure could not alter the applicable burden of proof absent a Code provision providing for such alteration.

After 2000, a number of Court have addressed the issue of whether *Raleigh* dictates that FED. R. BANKR. P. Rule 4003(c) is invalid when a debtor exempts property under state law, and state law identifies its own burden for claiming that exemption. In California, CAL. CODE CIV. P. § 703.580(b) provides that the party claiming the exemption has the burden of proof. Therefore, in California, the applicable state law provision is in conflict with FED. R. BANKR. P. Rule 4003(c).

The first case to contain an extended analysis of this conflict, post-*Raleigh*, appears to be *In re Greenfield*, 289 B.R. 146 (Bankr. S.D. Cal. 2003). *In re Greenfield* noted that "the propriety of Rule 4003(c) in a case such as this has been called into question." *Id.* at 148. Ultimately, *In re Greenfield* stated the following:

The court in *Raleigh* did indeed look to state law in placing the burden. However, *Raleigh* dealt with a situation – an objection to a proof of claim – for which neither the Bankruptcy Code nor the Bankruptcy Rules provide a burden of proof . . .

Contrarily, in the case of exemptions and objections thereto, the Rules do provide a specific and clear allocation of the burden – Rule 4003(c). Accordingly, the *Raleigh* case may not apply.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

Id. at 149.

Then, in 2005, a concurring opinion at the Bankruptcy Appellate Panel, which like *In re Greenfield* did not actually reach a conclusion on the issue, appeared to lean the opposite direction:

There is reason to doubt the validity of the allocation, in Federal Rule of Bankruptcy Procedure 4003(c), of the burden of proof to the party objecting to a claim of exemption, especially an exemption claimed under state law.

At least with respect to state-law exemptions, the better view, after the Supreme Court's decision in *Raleigh v. Ill. Dep't of Revenue*, 530 U.S. 15, 120 S.Ct. 195, 147 L.Ed.2d 13 (2000), may be that, if challenged, the debtor has the burden to establish entitlements to a claim of exemption under state law by the same standard that applies in the courts of that state. If so, then the objecting party does not properly bear the burden of proof.

The post-*Raleigh* view necessarily calls into question the validity of Rule 4003(c), which expressly allocates the burden of proof on claims of exemption: "the objecting party has the burden of proving that the exemptions are not properly claimed."

The basic problem is that Rule 4003(c) suffers from being a procedural rule that attempts to accomplish a substantive task, it being settled by *Raleigh* that a burden of proof in bankruptcy is substantive and generally is regarded as an essential element of a claim itself.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

In re Davis, 323 B.R. 732, 741 (B.A.P. 9th Cir. 2005) (Judge Klein, concurring opinion).

The excerpts from *In re Greenfield* and *In re Davis* reveal the operative legal question – is FED. R. BANKR. P. Rule 4003(c) invalid as a procedural rule which modifies substantive rights? Judge Klein, ten years after his concurrence in *In re Davis*, wrote a well-researched opinion in *In re Tallerico* supplementing his concurrence. Several courts, primarily in California, have agreed with his position. See, e.g., *In re Diaz*, 547 B.R. 329 (B.A.P. 9th Cir. 2016); *In re Williams*, 556 B.R. 456 (Bankr. C.D. Cal. 2016); *In re Vaughn*, 558 B.R. 897 (Bankr. D. Ala. 2016); *In re Pashenee*, 531 B.R. 834 (Bankr. E.D. Cal. 2015). Other courts have concluded that FED. R. BANKR. P. Rule 4003(c) is still valid despite *Raleigh*. See, e.g., *In re Nicholson*, 435 B.R. 622 (B.A.P. 9th Cir. 2010) (partially abrogated on other grounds); *Matter of Hoffman*, 605 B.R. 560 (Bankr. N.D. Ga. 2019); *In re Weatherspoon*, 605 B.R. 472 (Bankr. S.D. Ohio 2019). Many courts have offered extended analysis of the issue without arriving at a conclusion. See, e.g., *In re Aubry*, 558 B.R. 333 (Bankr. C.D. Cal. 2016) (Judge Kwan) (expressing skepticism that FRBP 4003(c) is invalid); *In re Gilman*, 544 B.R. 184 (Bankr. C.D. Cal. 2016) (Judge Kaufman) (stating that caselaw invalidating FRBP 4003(c) was "compelling," but acknowledging that "there is no binding authority that explicitly changes the burden allocation set forth in *Carter* or FRBP 4003(c)"); *In re Thiem*, 443 B.R. 832 (Bankr. D. Ariz. 2011) (noting dispute and presuming FRBP 4003(c) still valid for purposes of opinion). Most commonly, courts simply assume that FED. R. BANKR. P. Rule 4003(c) is still valid, possibly unaware of a split in caselaw on the issue. See, e.g., *In re Hanson*, 903 F.3d 793 (8th Cir. 2018); *In re Nuara*, 607 B.R. 116 (Bankr. E.D.N.Y. 2019); *In re Haworth*, 604 B.R. 394 (Bankr. D. Idaho 2019). Every Circuit Court, including the Ninth Circuit, that has addressed the burden of proof when an objection to a claimed exemption is filed, has continued to refer to FED. R. BANKR. P. Rule 4003(c) post-*Raleigh*. See, e.g., *In re Lee*, 889 F.3d 639 (9th Cir. 2018) ("Moreover, Rule 4003(c) provides that in any hearing under the rule, 'the objecting party has the burden of proving that the exemptions are not properly claimed.'"); *In re Hanson*, 903 F.3d 793 (8th Cir. 2018) ("It is the trustee's burden to demonstrate that a claimed exemption is improper."); *In re Fehmel*, 2010 WL 1287618 (5th Cir. 2010); *In re Hodes*, 402 F.3d 1005 (10th Cir. 2005) ("The objecting party bears the burden of proof on an objection to a claimed exemption.").

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

Judge Klein, in *In re Tallerico*, 532 B.R. 774 (Bankr. E.D. Cal. 2015), after an extended historical discussion, concluded that "Rule 4003(c) offends the Bankruptcy Rules Enabling Act with respect to state-law exemptions and must give way to the state statute." This conclusion, that FED. R. BANKR. P. Rule 4003(c) constitutes an impermissible modification of substantive rights, carries significant logical appeal given its simplicity and given the plain language of 28 U.S.C. § 2072.

The Court, however, cannot escape certain countervailing considerations. First, in *Raleigh*, the Supreme Court quickly turned to the Federal Rules of Bankruptcy Procedure to determine whether a burden of proof was articulated. 530 U.S. 15 at 22, n.2 ("The legislative history indicates that the burden of proof on the issue of establishing claims was left to the Rules of Bankruptcy Procedure. The Bankruptcy Rules are silent on the burden of proof for claims; while Federal Rule of Bankruptcy Procedure 3001(f) provides that a proof of claim (the name for the proper form for filing a claim against a debtor) is 'prima facie evidence of the validity and amount of the claim,' this rule does not address the burden of proof when a trustee disputes a claim. The Rules thus provide no additional guidance."). The Supreme Court, by writing "that the burden of proof on the issue of establishing claims was left to the Rules of Bankruptcy Procedure," acknowledges that Congress may delegate its authority to set the burden of proof. Indeed, delegation of Congressional authority when an "intelligible principle" is articulated has long been a feature of the American government. *See, e.g., Mistretta v. U.S.*, 488 U.S. 361, 372 (1989) ("Applying this 'intelligible principle' test to congressional delegations, our jurisprudence has been driven by a practical understanding that in our increasingly complex society, replete with ever changing and more technical problems, Congress simply cannot do its job absent an ability to delegate power under broad general directives."). As *Mistretta* makes clear, the Supreme Court rarely interferes with the exercise of delegated legislative authority. *Id.* at 373 ("[W]e have upheld, again without deviation, Congress' ability to delegate power under broad standards.").

This observation finds support in a Bankruptcy Appellate Panel decision from 2010:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

As the Supreme Court has recognized, bankruptcy exemptions are authorized and regulated by Congress in § 522 of the Bankruptcy Code. Although state law may control the ‘nature and extent’ of state law exemptions, subject to the limitations set forth in the Bankruptcy Code, the manner in which such exemptions are to be claimed, set apart, and awarded, is regulated and determined by the federal courts, as a matter of procedure in the court of bankruptcy administration, as to which they are not bound or limited by state decisions or statutes. Because Congress has regulated the allowance of exemptions in bankruptcy, the Code and Rules may alter burdens of proof relating to exemptions, even if those burdens are part of the "substantive" rights under state law. In implementing the provisions of § 522(l), Rule 4003(c) places the burden of proof on the objecting party.

In re Nicholson, 435 B.R. 622, 633 (B.A.P. 9th Cir. 2010) (partially abrogated on other grounds). In support of the above excerpt, *In re Nicholson* cited the Supreme Court’s statement that "Congress of course may do what it likes with entitlements in bankruptcy," and the Advisory Committee Note to Rule 4003(c) which states that "This rule is derived from § 522(l) of the Code." *Id.*; see also 9 COLLIER’S ON BANKRUPTCY ¶ 4003.04 (16th ed. 2019) ("[T]he better-reasoned decisions recognize that the rule simply reflects the burden placed on an objector by section 522(l), a federal statute that overrides state law on this issue under the Supremacy Clause.").

While the Court does not conclude that the approach represented by *In re Nicholson* is the better-reasoned approach, for multiple reasons outlined below, the Court concludes that the presence of a legitimate argument that FED. R. BANKR. P. Rule 4003(c) is still valid forces this Court to continue applying the rule.

First, the Supreme Court drafts the Federal Rules of Bankruptcy Procedure. *Raleigh* was decided in 2000, so the Supreme Court has had nineteen years, during which time there have been many rule changes, to modify or eliminate

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... **Christy Carmen Hammond**

Chapter 7

FED. R. BANKR. P. Rule 4003(c). It has not done so. Additionally, the Supreme Court, in *Raleigh*, stated that the burden of proof has long been considered "substantive" --- citing pre-World War 2 cases in support of the proposition. Those cases long predate FED. R. BANKR. P. Rule 4003(c), yet the Supreme Court drafted the rule despite the presence of those cases. Given these observations and the ambiguity regarding the continuing validity of FED. R. BANKR. P. Rule 4003(c), this Court would be remiss to invalidate a binding rule of bankruptcy procedure on the basis that the Supreme Court violated its own caselaw. This is especially so when, to this Court's knowledge, every Court of Appeal that has cited the burden of proof for an objection to a homestead exemption has continued to refer to FED. R. BANKR. P. Rule 4003(c) even after *Raleigh*.

Rather, this Court agrees with the analysis set forth in *In re Weatherspoon*, 605 B.R. 472, 482 (Bankr. S.D. Ohio 2019):

Although *Raleigh* was decided in the context of an objection to a proof of claim and did not involve Bankruptcy Rule 4003(c), some bankruptcy courts have questioned the continued viability of the rule in light of the Supreme Court's holding in that case. These cases are well-reasoned, and Ohio courts place the burden of proof on the party claiming the exemption. Thus, it could be argued that here the Debtor should shoulder the burden of proving the exemption was properly claimed. But even if decisions such as *Tallerico* are correctly decided, it is not for this Court to determine that *Raleigh* overruled *Zingale* by implication; instead, it must follow *Zingale* until the Supreme Court or the Sixth Circuit overrules it.

If trial courts disregard binding precedent and binding legal provisions on the basis that they have been implicitly overruled, especially when there are legitimate arguments to the contrary, judicial hierarchy and the entire doctrine of legal precedent would be undermined.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

II. Merits

Here, as stated by Trustee, CAL. CODE CIV. P. § 704.730(a)(3)(B) provides a \$175,000 homestead exemption for "[a] person physically or mentally disabled who as a result of that disability is unable to engage in substantial gainful employment." Regarding the preliminary requirement, whether her husband is disabled, Trustee states "Schedules I and J do not give any indication that Mr. Hammond was disabled as of the Petition Date. . . Debtor included unauthenticated documents and inadmissible hearsay testimony that Mr. Hammond is disabled currently, but no evidence that suggests he was disabled on October 17, 2017." [Dkt. No. 49, pgs. 4-5]. This line of argument is insufficient given that the Court has concluded it should assign Trustee the burden of proof.

Trustee's primarily focuses on the second requirement – whether Mr. Hammond's disability renders him unable to engage in substantial gainful employment. Citing *In re Gilman*, 544 B.R. 184, 199 (Bankr. C.D. Cal. 2016), Trustee argues the following:

The *Gilman* court disallowed the enhanced disability exemption because even though the debtor had established she was disabled, the court found she earned or had the capacity to earn at least \$1,000 per month. Similarly, this Court can assess whether, on the Petition Date, Mr. Hammond had the ability to earn at least \$1,170 per month. Schedule I reflects a gross income of \$1,000 per month for Mr. Hammond, but the only evidence in support of this figure is Schedule I. It is very possible that he was or could have been earning at least \$170 more per month. Also, there is reference in the hearsay testimony attached to the Turnover Opposition that Mr. Hammond is or was pursuing further education, which would presumably increase his earning capacity.

[Dkt. No. 49, pg. 6]. As pointed out in the opposition, this argument falls short

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... **Christy Carmen Hammond**
of meeting Trustee's burden of proof.

Chapter 7

Nevertheless, Trustee's argument raises a legitimate question regarding Debtor's eligibility to claim the enhanced homestead exemption under CAL. CODE CIV. P. § 704.730(a)(3)(B). Specifically, the Court notes that Mr. Hammond's income is close to the threshold used in *In re Gilman* to determine substantial gainful activity, and it appears Mr. Hammond may have been enrolled in educational courses that may have caused a temporary reduction in earning potential unrelated to his disability.

TENTATIVE RULING

The Court is inclined to set an evidentiary hearing to determine whether Mr. Hammond had the capacity to engage in substantial gainful employment as of the petition date.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:17-18617 Christy Carmen Hammond

Chapter 7

#7.00 CONT Motion for Order Compelling Debtor to Vacate and Turnover Real Property

HOLDING DATE

Also #6

From: 11/13/19, 12/18/19, 5/20/20, 9/9/20,11/4/20, 2/2/20,1/6/21,2/3/21

EH ____

(Tele. appr. Douglas Plazak, rep. Robert Whitmore, chapter 7 trustee)

Docket 40

Tentative Ruling:

11/13/19

BACKGROUND

On October 16, 2017, Christy Hammond ("Debtor") filed a Chapter 7 voluntary petition. Among the assets of the estate is certain real property located at 5918 Ridgegate Dr., Chino Hills, CA 91709 (the "Property"). On January 29, 2018, Debtor obtained a discharge.

On April 23, 2018, the Chapter 7 Trustee filed a notice of assets, subsequently employing an attorney, and a real estate broker. Debtor opposed Trustee's request to hold a real estate broker, and the Court approved the application after a hearing held on March 27, 2019.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

On October 16, 2019, Trustee filed (1) a motion for turnover of property (the "Motion"); and (2) an adversary complaint against Kenneth Hammond seeking turnover of property from Debtor's non-filing spouse. The Motion requests that the Court order the occupants to vacate the Property within twenty days, while outlining certain permitted actions in the event that the occupants do not timely vacate the Property.

On October 30, 2019, Debtor filed her opposition to the Motion. Debtor's primary argument is that administration of the Property will not produce a consequential benefit to the estate. According to Trustee, the value of the Property is \$600,000-\$615,000, the Property is encumbered by security interests totaling \$402,000, Debtor claimed a homestead exemption in the amount of \$100,000, and costs of sale/repairs would total \$63,000. These figures would produce nonexempt equity in the range of \$35,000 to \$50,000. In Debtor's opposition she asserts that Trustee understates the needed repairs by \$52,960. Debtor also contends that Trustee overstates the fair market value of the Property by \$50,000-\$65,000. Finally, Debtor has increased her homestead exemption from \$100,000 to \$175,000 pursuant to an amended Schedule C filed October 30, 2019 [Dkt. No. 44]. Debtor also raises various procedural and equitable arguments in her opposition.

On November 6, 2019, Trustee filed a reply. Of particular note is that Trustee states that it will file an objection to Debtor's amended homestead exemption.

DISCUSSION

11 U.S.C. § 542(a) states:

Except as provided in subsection (c) or (d) of this section, an entity, other than a custodian, in possession, custody, or control, during the case, of property that

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT...

Christy Carmen Hammond

Chapter 7

the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

The standard for a turnover action is well established:

"To prevail in a turnover action under § 542, the party seeking turnover must establish (1) that the property is or was in the possession, custody or control of an entity during the pendency of the case, (2) that the property may be used by the trustee in accordance with § 363 or exempted by the debtor under § 522; and (3) that the property has more than inconsequential value or benefit to the estate."

In re Bailey, 380 B.R. 486, 490 (B.A.P. 6th Cir. 2008); *see also In re Newman*, 487 B.R. 193 (B.A.P. 9th Cir. 2013). Here, the parties dispute the third prong of the turnover standard identified above.

The Court need not address the parties' dispute regarding the fair market value of the Property because Debtor's amended Schedule C, filed October 30, 2019, increased Debtor's homestead exemption by \$75,000. Because Trustee's own calculation results in realizable equity in the range of \$35,000 to \$50,000, Debtor's increased claimed homestead exemption eliminates all realizable equity in the subject property. Pursuant to FED. R. BANKR. P. Rule 1009(a), Debtor has a right to amend her schedules "as a matter of course" until the case is closed. And, pursuant to FED. R. BANKR. P. Rule 4003(c), the party objecting to a claimed exemption has the burden of proof. Therefore, in the absence of a formal objection, the Court must assume that Debtor's amended homestead exemption is valid. If Debtor's amended homestead exemption is valid, then the Property does not have consequential value to the bankruptcy estate.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

CONT... Christy Carmen Hammond

Chapter 7

TENTATIVE RULING

The Court is inclined to CONTINUE the matter for Trustee to file an objection to Debtor's amended homestead exemption.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:21-11383 Cynthia Lynne Levy

Chapter 7

#8.00 Order to Show Cause re: Dismissal for Failure to Comply with Rule 1006(b)

EH__

Docket 13

***** VACATED *** REASON: FINAL INSTALLMENT PAID ON 6/9/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cynthia Lynne Levy

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

11:00 AM

6:21-12791 Victoria Leangela Hare

Chapter 13

#9.00 Order to Show Cause re: Dismissal for Failure to Comply with Rule 1006(b) Fee Installments

EH__

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Leangela Hare

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat

Chapter 7

Adv#: 6:15-01308 Revere Financial Corporation v. BWI CONSULTING, LLC et al

#10.00 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, 5/3/17,4/28/21 9/13/17, 12/13/17, 2/14/18, 5/16/18, 6/11/18, 8/22/18, 11/28/18, 2/27/19, 5/29/19, 8/28/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20,12/2/20,2/17/21,4/28/21

EH__

Docket 1

***** VACATED *** REASON: CONT. TO 9/29/21 BY ORDER ENTERED
6/25/21**

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

BLACK AND WHITE INK Pro Se

MEHRAN DEVELOPMENT Pro Se

Plaintiff(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 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:13-27344 Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7
Adv#: 6:15-01307 Revere Financial Corporation v. OIC MEDICAL CORPORATION, a

#11.00 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, 12/19/18, 3/27/19, 6/12/19, 7/31/19, Advanced 3/4/20, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/28/20, 11/25/20,12/2/20,2/17/21,4/28/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/29/21 BY ORDER
ENTERED 6/21/21**

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Douglas J Roger, MD, Inc., A Professional Corporat Chapter 7

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

Plaintiff(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 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:16-01163 Revere Financial Corporation v. Burns

#12.00 CONT Pre-Trial 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))(Fraley, Franklin)

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, 4/25/18, 2/27/18, 6/12/19, 1/29/20, 5/27/20, 9/30/20, 10/26/20, 2/12/20,2/17/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/29/21 BY ORDER
ENTERED 6/10/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Defendant(s):

Don Cameron Burns

Represented By
Don C Burns

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 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Trustee(s):

Helen R. Frazer (TR)

Represented By

Arjun Sivakumar

Carmela Pagay

Franklin R Fraley Jr

Cathrine M Castaldi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

Adv#: 6:14-01248 Revere Financial Corporation, a California corpora v. Roger, MD

#13.00 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, 10/31/18, 7/31/19, 9/11/19, 11/20/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20, 11/25/20,12/2/20,2/17/21,4/28/21

EH__

Docket 82

***** VACATED *** REASON: CONTINUED TO 9/29/21 BY ORDER
ENTERED 6/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Defendant(s):

Douglas J Roger MD

Represented By
Summer M Shaw
Thomas J Eastmond
Marc C Forsythe

Plaintiff(s):

Revere Financial Corporation, a

Represented By
Franklin R Fraley Jr

Jerry Wang

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Douglas Jay Roger

Chapter 7

Franklin R Fraley Jr
Anthony J Napolitano

Trustee(s):

Helen R. Frazer (TR)

Represented By
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr
Cathrine M Castaldi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:13-27611 Douglas Jay Roger

Chapter 7

**#14.00 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, 12/19/18,
3/27/19, 5/8/19, 6/12/19, 7/31/19, 1/29/20, 5/27/20, 7/29/20, 9/30/20,
11/25/20,12/2/20,2/17/21

EH__

Docket 333

***** VACATED *** REASON: CONTINUED TO 9/29/21 BY ORDER
ENTERED 6/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Jay Roger

Represented By
Summer M Shaw
Marc C Forsythe

Trustee(s):

Helen R. Frazer (TR)

Represented By
Arjun Sivakumar
Carmela Pagay
Franklin R Fraley Jr
Cathrine M Castaldi

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01106 Bankers Healthcare Group, LLC v. Johnson

#15.00 CONT Pre-Trial 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))

HOLDING DATE

From: 7/10/18, 2/20/19, 4/24/19, 7/3/19, 7/17/19, 8/21/19, 11/20/19, 1/29/20, 3/25/20, 4/1/20, 4/15/20, 7/1/20, 7/29/20, 10/7/20, 10/14/20,12/2/20, 3/31/21

EH ____

(Tele. appr. Dustin Nirschl, rep. Plaintiff, Bankers Healthcare Group, LLC)

Docket 1

Tentative Ruling:

4/15/20

TENTATIVE RULING

Opposition: None

Service: Proper

Pursuant to the stipulation agreement between Bankers Health Care Group, LLC, and Vance Zachary Johnson, the Court GRANTS this stipulation to continue Status Conference to July 1, 2020. A Status Report is due on June 24, 2020.

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 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Vance Zachary Johnson

Chapter 7

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)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#16.00 CONT.Order to Show Cause why Marc Anthony Capoccia should not be held in contempt for 1) Willful Violation of Court's October 7, 2020 order to pay sanctions and to submit further discovery responses; 2) failure to attend December 2, 2020 status conference

Also #17

From: 2/3/21

EH__

(Tele. appr. Daren Schlecter, rep. Plaintiff)

(Tele. appr. Dustin Nirschl, rep. Defendant, Marc Capoccia)

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Marc Anthony Capoccia

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01012. Complaint by Canyon Springs Enterprises dba RSH Construction Services, a California corporation against Marc Anthony Capoccia. 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)) (Schlecter, Daren)

From: 3/25/20, 4/1/20,12/2/20,2/3/21

Also #16

EH__

(Tele. appr. Daren Schlecter, rep. Plaintiff)

(Tele. appr. Dustin Nirschl, rep. Defendant, Marc Capoccia)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Marc Anthony Capoccia

Daren M Schlecter

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#18.00 CONT. Defendant's Motion for Relief of Defendant's Admissions Deemed Admitted Pursuant to Fed. R. Civ. P. 36(a)(3)

(As to Sanctions)

HOLDING DATE

EH__

Docket 50

***** VACATED *** REASON: ORDER APPROVING STIPULATION
5/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Movant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Marc Anthony Capoccia

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:20-11490 Niels Erik Topping

Chapter 7

Adv#: 6:20-01123 Thompson v. Topping

#19.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01123. Complaint by Greg Thompson against Niels Erik Topping . 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: 9/2/20, 10/7/20, 10/14/20, 12/2/20, 3/3/21

EH__

(Tele. appr. John Dickman, rep. Plaintiff, Greg Thompson)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Niels Erik Topping	Pro Se
--------------------	--------

Defendant(s):

Niels Erik Topping	Pro Se
--------------------	--------

Joint Debtor(s):

Sonja Haupt Topping	Pro Se
---------------------	--------

Plaintiff(s):

Greg Thompson	Represented By John G Dickman
---------------	----------------------------------

Trustee(s):

Steven M Speier (TR)	Pro Se
----------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:20-13417 Eddie C. DeGracia, Jr.

Chapter 7

Adv#: 6:20-01106 Daff v. DeGracia

#20.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01106. Complaint by Charles W. Daff against Satoko DeGracia. (Charge To Estate - \$350.00). FOR: 1. Avoidance of Intentional Fraudulent Transfers and Recovery of Same [11 U.S.C. §§ 544, 548, 550, 551; CAL. CIV. CODE §§ 3439.04, 3439.07, 3439.08]; 2. Avoidance of Constructive Fraudulent Transfers and Recovery of Same [11 U.S.C. §§ 544, 548, 550, 551; CAL. CIV. CODE §§ 3439.04, 3439.05, 3439.07, 3439.08, 3439.09]; 3. Disallowance of Claims [11 U.S.C. §502(d)]; 4. Unjust Enrichment [11 U.S.C. § 105]; 5. Declaratory Relief [11 U.S.C. §§ 541, 544, 548; FRBP 7001(9)]; and 6. Turnover of Property of the Estate [11 U.S.C. § 542] Nature of Suit: (01 (Determination of removed claim or cause)),(13 (Recovery of money/property - 548 fraudulent transfer)),(91 (Declaratory judgment)),(11 (Recovery of money/property - 542 turnover of property)) (Iskander, Brandon)

From: 7/22/20, 8/19/20, 10/28/20,12/23/20, 2/17/21,4/28/21

EH__

(Tele. appr. Scott Talkov, rep. Defendant, Satoko DeGracia)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eddie C. DeGracia Jr.

Represented By
James D. Hornbuckle

Defendant(s):

Satoko DeGracia

Represented By
Scott Talkov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Eddie C. DeGracia, Jr.

Chapter 7

Plaintiff(s):

Charles W. Daff

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:20-16066 Amjad Yousef Salem

Chapter 7

Adv#: 6:20-01192 Price v. Salem et al

#21.00 CONT. Status Conference RE: [1] Adversary case 6:20-ap-01192. Complaint by David Price against Amjad Yousef Salem, Lina Amjad Salem. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Weil, David)

From: 2/3/21,4/28/21

EH__

Docket 1

***** VACATED *** REASON: DEFAULT JUDGMENT ENTERED 6/9/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Amjad Yousef Salem

Represented By
Brian J Soo-Hoo

Defendant(s):

Amjad Yousef Salem

Pro Se

Lina Amjad Salem

Pro Se

Joint Debtor(s):

Lina Amjad Salem

Represented By
Brian J Soo-Hoo

Plaintiff(s):

David Price

Represented By
David Weil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Amjad Yousef Salem

Chapter 7

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

6:20-16402 Maria Elvia Hernandez

Chapter 7

Adv#: 6:20-01185 Anderson v. Oceana Gwen, LLC et al

#22.00 CONT. Status Conference RE: [1] Adversary case 6:20-ap-01185. Complaint by Karl T. Anderson against Oceana Gwen, LLC, Emmanuel Andrade. (\$350.00 Fee Charge To Estate). (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 3/31/21

EH__

(Tele. appr. Tinho Mang, rep. Debtor, Maria Hernandez)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Defendant(s):

Oceana Gwen, LLC

Pro Se

EMMANUEL ANDRADE

Pro Se

Plaintiff(s):

Karl T. Anderson

Represented By
Tinho Mang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, June 30, 2021

Hearing Room 301

2:00 PM

CONT... Maria Elvia Hernandez

Chapter 7

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:19-21167 Francisco Almeda

Chapter 13

#1.00 Motion to Disallow Claim No. 4 filed by Rosetta Canyon Community Association

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Erin Maloney, rep. creditor, Rosetta Canyon Community Association)

(Tele. appr. Danny Agai, rep. Debtor, Francisco Almeda)

Docket 31

Tentative Ruling:

7/1/2021

BACKGROUND:

On December 28, 2019, Francisco Almeda Jr. ("Debtor") filed a Chapter 13 voluntary petition. On April 3, 2020, Debtor's Chapter 13 plan was confirmed.

On January 29, 2020, Rosetta Canyon Community Association ("Creditor") filed a proof of claim for a secured claim in the amount of \$20,259.07 ("Claim 4"). On April 1, 2021, Creditor amended Claim 4, increasing the amount to \$23,140.66.

On June 2, 2021, Debtor filed an objection to Claim 4, asserting that the attorney fees which were included in the amended claim are excessive and should be disallowed.

On June 14, 2021, Creditor filed an opposition to Debtor's claim objection

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

CONT... **Francisco Almeda**

Chapter 13

The Court notes that notice of the hearing is improper pursuant to FED. R. BANK. P. Rule 3007(a)(1).

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

CONT... Francisco Almeda

Chapter 13

claimant. *See Lundell*, 223 F.3d at 1039; *see also Holm*, 931 F.2d at 623.

ANALYSIS:

Debtor asserts that Creditor has not provided sufficient evidence to establish the reasonableness of that portion of Claim 4 which is based on attorney fees. As noted by Debtor, FED. R. BANKR. P. Rule 3002.1(c) requests Creditor to provide an itemized list of post-petition fees (and FED. R. BANKR. P. Rule 3001(c)(2)(A) requires itemization of pre-petition fees). Claim 4 did not contain an itemized list of fees.

The Court notes that Creditor's opposition largely contains boilerplate language that does not directly respond to the issue of the documentation and reasonableness of the added fees. The Court also notes that the unpublished case that Creditor asserts supports its position, *In re Serrato*, 6:15-bk-18945-MJ, was not actually attached to Creditor's opposition.

The Court has reviewed the itemized fee statement attached to the opposition as well as the original and amended Claim 4, and notes the following issues:

-The amendment of Claim 4 added \$2,881.59. Paragraph 5 of the declaration of Erin Maloney states this amendment was only for \$1,881.59, that the itemization provided identifies fees in the amount of \$2,621.50, and that amounts above \$1,881.59 were included in the original proof of claim. On this basis alone, it would appear that the amended proof of claim contains a typo/miscalculation and should be reduced by \$1,000.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

CONT... Francisco Almeda

Chapter 13

-The itemized fee statement contains numerous entries that would appear to be administrative and/or unnecessary (e.g. monthly status reports to client). It would appear that none of the services provided between the confirmation of the Chapter 13 plan and the preparation of an amended claim would constitute legal services.

-The Court also notes that: (a) notice of the hearing on this claim objection is improper as it was not served thirty-days before the scheduled hearing (it was served on June 2, 2021), as required by FED. R. BANKR. P. Rule 3007(a)(1); and (b) the attachment of itemized fees to Creditor's opposition does not remedy the deficiency in Claim 4 as reflected in the Claims Register.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Francisco Almeda Jr.

Represented By
Danny K Agai

Movant(s):

Francisco Almeda Jr.

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12133 Samuel Dominguez Uribe, Jr.

Chapter 13

#2.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: DISMISSED 5/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Samuel Dominguez Uribe Jr.

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12237 Charles Edward Nathanie Wright and Malika Unami

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Nancy Lee, rep. creditor, Lakeview Loan Servicing, LLC)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Edward Nathanie Wright

Represented By
April E Roberts

Joint Debtor(s):

Malika Unami Wright

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12326 Paul Brian Fitch and Jamie Christine Fitch

Chapter 13

#4.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Carey Pickford, rep. Debtors, Paul and Jamie Fitch)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Brian Fitch

Represented By
Carey C Pickford

Joint Debtor(s):

Jamie Christine Fitch

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12342 Sandra Clements-Owens and James Owens

Chapter 13

#5.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sandra Clements-Owens

Represented By
Kevin Cortright

Joint Debtor(s):

James Owens

Represented By
Kevin Cortright

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12403 Andrew James Bowen and Carmen Bowen

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Erin McCartney, rep. Debtors, Andrew Bowen and Carmen Bowen)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Andrew James Bowen

Represented By
Norma Duenas

Joint Debtor(s):

Carmen Bowen

Represented By
Norma Duenas

Trustee(s):

Rod Danielson (TR)

Pro Se

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12412 Lourdes P. Vargas

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Erin McCartney, rep. creditor, Carrington Mortgage Services, LLC)

(Tele. appr. Michael Smith, rep. Debtor, Lourdes Vargas)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lourdes P. Vargas

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:21-12454 Michael Anthony Chavez, Jr.

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 6/2/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael Anthony Chavez Jr.

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:18-17349 Thomas More Butler and Tamara Butler

Chapter 13

**#8.10 CONT. Debtors' Certificate of Compliance and Application for Entry of Discharge
(Declaration filed Withdrawing Objection to Discharge)**

From: 5/27/21,6/10/21,6/24/21

(Placed on calendar by order entered 5/13/21)

EH__

Docket 69

***** VACATED *** REASON: DECLARATION WITHDRAWING
OBJECTION FILED 6/28/21**

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:00 AM

6:19-20725 Priscilla Fernandez Richardson

Chapter 13

#8.20 CONT. Trustee's Motion to Dismiss Case

From: 5/27/21,6/24/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Priscilla Fernandez Richardson

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:16-18546 Alexis I Barahona

Chapter 13

#9.00 Trustee's Motion to Dismiss Case

EH__

Docket 142

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/14/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Alexis I Barahona

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:17-13212 Liliana Martinez

Chapter 13

#10.00 Trustee's Motion to Dismiss Case

EH ____

Docket 71

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/23/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Liliana Martinez

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#11.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Michael Smith, rep. Debtors, Joe & Yolanda Brown)

Docket 116

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:17-18507 Johnny Alcala

Chapter 13

#12.00 Trustee's Motion to Dismiss Case

EH ____

Docket 130

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/23/21**

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:17-18897 Armando Hermosillo

Chapter 13

#13.00 Trustee's Motion to Dismiss Case

EH__

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Tentative Ruling:

- NONE LISTED -

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:18-12277 Marta Samhouri

Chapter 13

#14.00 Trustee's Motion to Dismiss Case

EH ____

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/17/21**

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:18-13111 Eusebia Rios

Chapter 13

#15.00 CONT. Trustee's Motion to Dismiss Case

From: 6/10/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Rebecca Tomilowitz, rep. Debtor, Eusebia Rios)

Docket 54

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 301 Calendar

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:18-20847 Erica Raquel Zavaleta

Chapter 13

#16.00 Trustee's Motion to Dismiss Case

EH ____

Docket 83

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Erica Raquel Zavaleta

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:19-13500 Joe A Pickens, II

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 73

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe A Pickens II

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:19-16544 Rudy Michael Castillo and Monica Michelle Castillo

Chapter 13

#18.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, specially appearing for Debtor, Nicholas Wajda)

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy Michael Castillo

Represented By
Nicholas M Wajda

Joint Debtor(s):

Monica Michelle Castillo

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:19-20126 Debra Suzanne Towne

Chapter 13

#19.00 Trustee's Motion to Dismiss Case

EH ____

Docket 90

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/17/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Debra Suzanne Towne

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:20-10353 Jamar A Earnest

Chapter 13

#20.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Joanne Andrew, rep. Debtor, Jamar Earnest)

Docket 46

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamar A Earnest

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:20-10705 Bogar Hernandez and Elvira Landin Hernandez

Chapter 13

#21.00 Trustee's Motion to Dismiss Case

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/18/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bogar Hernandez

Represented By
Todd L Turoci

Joint Debtor(s):

Elvira Landin Hernandez

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:20-15848 Nicholas Head

Chapter 13

#22.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

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 301 Calendar**

Thursday, July 1, 2021

Hearing Room 301

11:01 AM

6:17-18720 Patricia Morales

Chapter 13

#23.00 CONT. Trustee's Motion to Dismiss Case

From: 6/24/21

EH__

Docket 128

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Patricia 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 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:17-18897 Armando Hermosillo

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2013 Honda Civic VIN No.19XFB2F51DE236026

MOVANT: WELLS FARGO BANK, N.A.

EH ____

(Tele. appr. Jenelle Arnold, rep. creditor, Wells Fargo Bank)

Docket 53

Tentative Ruling:

7/6/2021

Service: Proper
Opposition: None

The Court is inclined to:

- GRANT requests for relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT relief from § 1301(a) co-debtor stay
- WAIVE the Rule 4001(a)(3) stay
- GRANT request under ¶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):

Armando Hermosillo

Represented By
Neil R Hedtke

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Armando Hermosillo

Joseph C Delmotte

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14950 Deerfield St, Victorville, CA 92394 Under 11 U.S.C. § 362. - Granted in its entirety with the exception of adequate protection which is denied as moot.

From: 3/2/21,5/4/21,6/8/21

MOVANT: NATIONSTAR MORTGAGE

EH__

Docket 84

Tentative Ruling:

2/2/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1)

-GRANT relief from Rule 4001(a)(3) stay

-GRANT request under ¶ 2

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

Debtor(s):

Rodolfo Aguiar Pro Se

Joint Debtor(s):

Irma D Aguiar Pro Se

Movant(s):

Nationstar Mortgage LLC d/b/a Mr. Represented By
Dane W Exnowski
Arnold L Graff
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 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:18-19894 Noemi Meraz Espinoza

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 7569 Marilyn Drive, Corona, California 92881

MOVANT: U.S. BANK, SUCCESSOR TO BANK OF AMERICA

EH__

Docket 43

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 6/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Noemi Meraz Espinoza

Represented By
Ramiro Flores Munoz

Movant(s):

U.S. Bank NA, successor trustee to

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 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:19-10564 Fermisa Ong Yang

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 40540 Windsor Road, Temecula, CA 92591 With Proof of Service

MOVANT: NEWREZ LLC D/B/A SHELLPOINT MORTGAGE SERVICING

EH__

(Tele. appr. Darlene Vigil, rep. creditor, NEWREZ LLC)

Docket 57

Tentative Ruling:

7/6/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT relief from § 1301(a) co-debtor stay;
- WAIVE Rule 4001(a)(3) stay;
- GRANT requests under ¶¶ 2 and 3;
- DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Fermisa Ong Yang

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Fermisa Ong Yang

Chapter 13

Ivan Trahan

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Julian T Cotton
Ciro Mestres
Darlene C Vigil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:19-14828 Portia Wondaline Barmes

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6635 Cathy Place, Riverside, CA 92504

MOVANT: AJAX MORTGAGE LOAN TRUST 2019-E, MORTGAGE BACK SECURITIES, SERIES 2910-E BY U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE

From: 2/16/21,4/27/21,5/25/21

EH__

(Tele. appr. Donna Travis, rep. Debtor, Portia Barmes)

(Tele. appr. Reilly Wilkinson, rep. creditor, AJAX Mortgage Loan Trust 2019-E)

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Portia Wondaline Barmes

Represented By
Dana Travis

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Reilly D Wilkinson
Joshua L Scheer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:19-15018 Diana Nava and Ramiro Nava

Chapter 13

#6.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9684 Sharon Avenue, Riverside, CA 92503

From: 4/20/21,5/25/21

MOVANT: NEWREZ LLC

EH___

(Tele. appr. Kristin Zilberstein, rep. creditor NewRez LLC)

Docket 59

Tentative Ruling:

4/20/2021

Service: Okay

Opposition: Debtors

Given the evidence submitted by Debtors that Movant granted Debtors a COVID-19 related forbearance for the payments in question, the Court is inclined to DENY the motion for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana Nava

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Ramiro Nava

Represented By
Joseph A Weber

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Diana Nava and Ramiro Nava

Chapter 13

Fritz J Firman

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By

Eric P Enciso

Dane W Exnowski

Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:19-18247 Douglas E Crayton

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15427 Esther Ave SE, Monroe WA 98272 .

MOVANT: PENNYMAC LOAN SERVICES, LLC.

EH__

(Tele. appr. Christina Khil, rep. Debtor, Douglas Crayton)

Docket 30

Tentative Ruling:

7/6/2021

Service: Proper
Opposition: Debtor

Parties to apprise the Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas E Crayton

Represented By
Paul Y Lee

Movant(s):

PennyMac Loan Services, LLC

Represented By
Robert P Zahradka
Christina J Khil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:19-18332 Christopher Bryan Dennis

Chapter 13

#8.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 30422 LIVE OAK DRIVE, Running Springs, California, 92382

From: 6/1/21

MOVANT: FREEDOM MORTGAGE CORPORATION

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Bryan Dennis

Represented By
M. Wayne Tucker

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski
Dana OBrien
Ciro Mestres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:20-15370 Michael J. Slowinski

Chapter 13

#9.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15470 Legendary Dr., Moreno Valley, CA 92555

From: 4/27/21,6/8/21

MOVANT: WELLS FARGO BANK, NATIONAL ASSOCIATION

EH__

Docket 55

***** VACATED *** REASON: STIPULATION BETWEEN PARTIES FOR
WITHDRAWAL OF MOTION**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael J. Slowinski

Represented By
Michael Smith

Movant(s):

Wells Fargo Bank

Represented By
Sean C Ferry
Eric P Enciso

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:21-11119 Amparo De Leon

Chapter 13

#10.00 CONT.Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1498 West 21st Street, San Bernardino, CA 92411

From: 6/8/21

MOVANT: CAM XI TRUST

EH__

(Tele. appr. Reilly Wilkinson, rep. creditor, Cam XI Trust)

Docket 24

Tentative Ruling:

7/6/2021

Service appears proper.
No opposition.

BACKGROUND

Movant is the beneficiary of a recorded Deed of Trust on the Property in question. In February 2021, Movant was informed of the unauthorized transfer of the Property dated to March 12, 2020 to a party in a separate bankruptcy (case number 2:21-bk-11377-WB). This transfer was allegedly executed by the original borrower, Onie Devaughn-James, who died in September 17, 2017. In the prior bankruptcy case, Movant filed a motion for relief from the prior automatic stay, requesting in rem relief, which was granted on March 19, 2021. Movant did not record the in rem order until March 22, 2021, shortly after the foreclosure sale of the Property.

On March 22, 2021, just before the foreclosure sale of the Property occurred and prior to the recording of the in rem order, Movant was informed of another unauthorized transfer of the Property on October 16, 2020, again by the deceased original borrower.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Amparo De Leon

Chapter 13

The Debtor is not the borrower on the Property and did not list the Property in his schedules.

Although Movant knew the bankruptcy case had been filed, Movant proceeded with the foreclosure sale on March 22, 2021 and the property reverted to the Lender. Because the Debtor's petition for Chapter 13 Bankruptcy was filed before the foreclosure sale, the stay was in place and the foreclosure sale was void.

Movant now seeks an annulment of the stay to validate the March 22, 2021 foreclosure sale and a waiver of the 14 day stay prescribed by FRBP 4001(a)(3). If an annulment is not granted, the Movant requests relief pursuant to 11 U.S.C. § 362(d) (1), (4) and 11 U.S.C. § 1301(a) for relief from the new stay on the Property.

Movant argues that a retroactive annulment of the stay is justified due to the original borrower's repeated bad-faith and unauthorized transfers of the Property.

DISCUSSION

1. Movant's Request for Retroactive Annulment of Stay

11 U.S.C. § 362(d)(1) sets forth the grounds for relief from stay. It provides that:

". . . the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying or conditioning such stay—

(1) or cause, including the lack of adequate protection of an interest in property of such party in interest."

A bankruptcy court's authority to make exceptions to a stay "includes annulment providing retroactive relief, which, if granted, moots any issue as to whether the violating sale was void." *In re Fjeldsted*, 293 B.R. 12, 21 (B.A.P. 9th Cir. 2003). The B.A.P. in *Fjeldsted* set out the following twelve factors in determining whether a court should annul the automatic stay retroactively:

1. Number of filings;
2. Whether, in a repeat filing case, the circumstances indicate an intention to delay and hinder creditors;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT...

Amparo De Leon

Chapter 13

3. A weighing of the extent of prejudice to 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 debtors 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;
12. Whether stay relief will promote judicial economy or other efficiencies." *Id.* At 25 (citations omitted).

Id.

Fjeldsted cautioned that these factors are "merely a framework for analysis and not a scorecard," but that any one factor "may so outweigh the others as to be dispositive." *Id.* at 32.

Here, the major issue involves factor #5. Movant knew that Debtor had filed for bankruptcy and that the Property had been transferred to the Debtor. Movant's in rem order had no effect, as it was not recorded at the time of the sale. Nevertheless, the Movant proceeded with the foreclosure sale despite the stay being in place. This shows a lack of good faith on the part of the Movant and an action that compounded the problem. Further, under factor #9, this issue arose due to Movant not swiftly recording its in rem order before the foreclosure sale.

Movant's actions, in fact, constituted a "willful" violation of the automatic stay. *See Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1191 (9th Cir. 2003) (a stay violation is "willful" if the party knew of the stay); *Ramirez v. Fuselier (In re*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Amparo De Leon

Chapter 13

Ramirez), 183 B.R. 583, 589 (9th Cir. B.A.P. 1995) (knowledge of the bankruptcy filing is legal equivalent of knowledge of the automatic stay).

However, as the Ninth Circuit ruled in both *In re Glaser*, 1995 U.S. App. LEXIS 12268 (1995), a willful violation of a stay does not prevent a court from retroactively validating a foreclosure sale. In *Glaser*, the Ninth Circuit explained that:

Section 362(d) permits the court, in annulling a stay, to validate retroactively actions taken by a party that would otherwise be in violation of the stay. (citing to *In re Schwartz*, 954 F.2d 569, 573 (9th Cir. Ct. App. 1992) ("section 362(d) gives the [bankruptcy] court the power to ratify retroactively *any* violation of the automatic stay which would otherwise be void."). This power exists whether the creditor acts at a time when he is unaware of the stay, 2 Collier on Bankruptcy P362.07 (1994), or proceeds with a foreclosure sale when he has actual knowledge of the stay. (citing to *Algeran, Inc. v. Advance Ross Corp.*, 759 F.2d 1421, 1422-25 (9th Cir. 1985)).

Glaser, 1995 U.S. App. LEXIS 12268.

Similar to the present facts, in *Glaser*, the debtor provided evidence that the creditor proceeded with a foreclosure sale despite knowledge of the bankruptcy filing. *Id.* However, the Ninth Circuit ruled that "bankruptcy court[s] can validate the foreclosure sale regardless of [creditor's] knowledge of [debtor's] April 14 petition." *Id.* More recently, the panel in *In re Oya*, 2019 Bankr. LEXIS 3303, 14 (9th Cir. B.A.P. 2019) reaffirmed that "the creditor's knowledge is just one factor to consider in weighing the equities of the case."

While Movant's knowledge of the bankruptcy filing goes against it, in sum, the "balancing of equities" tips toward granting the Movant an annulment to validate the foreclosure sale. Under *Fjeldsted* factors #1 and #2, the original borrower's repeated unauthorized transfers within a month indicate a clear intention and scheme to delay and hinder the Movant. The scheme at hand is also clearly done in bad faith as the alleged executor of the unauthorized transfers has been deceased since 2017. Further, under #11, it appears that the Debtor will not be adversely affected in any way, as the Property was not in the Debtor's schedules. Per #7, granting an annulment would also allow parties to return to the *status quo ante* relatively easily, as Debtor would be able to continue unperturbed with his bankruptcy proceeding and Movant could

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Amparo De Leon

Chapter 13

validate the already completed foreclosure sale. Lastly, under #3 and #12, if the stay is not annulled, Movant likely would have to unwind the sale and would provide the people behind the scheme with more opportunities to repeat their fraudulent activities, leading to more bankruptcy proceedings.

However, the Court is concerned that the evidence in support of Movant's knowledge of the bankruptcy filing and decision to foreclose is vague as to who made the decision, who believed the unrecorded in rem order was effective, and the timing of the notice and decision.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Amparo De Leon

Represented By
Julie J Villalobos

Movant(s):

CAM XI 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 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

6:21-12668 Dayanara Garcia

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Dodge Challenger, VIN: 2C3CDYBT5EH218577

MOVANT: EXETER FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Exeter Finance LLC)

Docket 10

Tentative Ruling:

7/6/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);

-WAIVE 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):

Dayanara Garcia

Represented By
Freddie V Vega

Movant(s):

Exeter Finance LLC f/k/a Exeter

Represented By
Sheryl K Ith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

11:00 AM

CONT... Dayanara 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 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#12.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 94 Acres on Ft Irwin Road with proof of service.

Also #13

From: 5/25/21,6/22/21

MOVANT: BARSTOW DALUVOY FIRST MORTGAGE INVESTORS, LP

EH__

(Tele. appr. William Beall, rep. creditor, Barstow Daluvoy First Mortgage Investors, LP)

(Tele. appr. Ali Matin, rep. United States Trustee)

Docket 66

Tentative Ruling:

5/25/2021

Service: Proper

Opposition: Debtor

Raman Enterprises, LLC ("Debtor") filed a Chapter 11 voluntary petition on December 8, 2020. Debtor's only material assets are two parcels of real property, one in Barstow (zoned commercial) (the "Barstow Property") and one in Riverside (zoned residential) (the "Riverside Property"). Schedule A valued these real estate parcels at \$1.95 million each. On Schedule D, Debtor listed three liens against each parcel. The Barstow Property was identified as encumbered by a voluntary lien in the amount of \$761,099 and a tax lien in the amount of \$17,631.66. The Riverside Property was encumbered by a voluntary lien in the amount of \$525,000 and a tax lien in the amount of \$96,049.76. Both properties were encumbered by a cross-collateralized lien of an unknown amount, although Proof of Claim Number 4 identifies the amount

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation
of the cross-collateralized lien as \$565,098.40.

Chapter 11

On January 11, 2021, the Court entered a scheduling order that provided for a deadline to file a Chapter 11 plan and disclosure statement of July 15, 2021. Debtor subsequently employed counsel and a real estate broker to market the two properties.

On April 20, 2021, Barstow Daluvoy First Mortgage Investors, LP ("Movant"), the holder of the voluntary lien against the Barstow Property, filed a motion for relief from the automatic stay. Movant seeks relief under 11 U.S.C. § 362(d)(1)-(3). On May 11, 2021, Debtor filed an opposition. On May 18, 2021, Movant filed a reply.

Regarding 11 U.S.C. § 362(d)(1), Movant argues that the case was filed in bad faith and that the fair market value of the properties is declining, eliminating any adequate protection for Movant. Regarding 11 U.S.C. § 362(d)(2), Movant asserts that there is no equity in the Barstow Property and that Debtor does not have reasonable prospects for reorganizing. Regarding 11 U.S.C. § 362(d)(3), Movant asserts that the Court should treat the Barstow and Riverside properties as a "single project," and if the Court finds that this is a single asset real estate case, then § 362(d)(3) is clearly applicable. The Court notes that Movant has not maintained its argument under § 362(d)(3) in the reply.

11 U.S.C. § 362(d)(1)

There are two proffered bases for relief under § 362(d)(1): (1) lack of adequate protection; and (2) bad faith. Regarding the former argument, it would appear that uncontested that Movant *presently* has an adequate equity cushion; indeed, the figures in the Motion (pgs. 7-8) indicate an equity cushion in excess of 50%. Pointing to the continuing decline in the valuations declared by Debtor, and the intention to continue decrease the listing price, Movant contends that its equity cushion is eroding.

The Court notes, however, that Debtor's intent to facilitate a quick sale by steadily decreasing the listing price does not necessarily indicate any decline in value. The steady decline in the properties' valuations does place the credibility of the valuations in question, but § 362(g)(1) places the burden on the issue of equity on the Movant. Here, lacking evidence that convincingly establishes that the Barstow Property is truly declining in value, and noting that Movant's argument that it is not adequately protected appears premature at the present time, the Court cannot find that Movant

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

lacks adequate protection.

The Court also is not convinced by Movant's argument that this case was filed in bad faith. The fact that there are merely five creditors and that there were transfers of the subject property in 2018 and 2019 is not unusual for the type of Debtor that exists here – a business entity that was created for the sole purpose of owning parcels of real property. Instead, the record before the Court suggests that when Debtor filed this case it was reasonably plausible that Debtor would be able to sell the properties at a price that would enable it to pay all creditors in full.

11 U.S.C. § 362(d)(2) and (3)

First, the Court notes that Debtor does not appear to contemplate a *reorganization*. Instead, as indicated in the previous status report in this case, "Debtor believes its bankruptcy estate is solvent and can be expediently *liquidated* in this chapter 11 case." [Dkt. No. 65, pg. 2].

Turning to whether there is equity, the dispute between Movant and Debtor centers around the treatment of the cross-collateralized lien. Debtor contends that in the aggregate there is equity in the Barstow and Riverside properties, although it would appear, based on current listing prices, and because of the cross-collateralized lien, the amount of the liens secured against the Barstow Property exceeds its fair market value.

Debtor, however, asks this Court to attribute half (or all) of the value of the cross-collateralized lien to the Riverside Property, thereby reducing the amount attributable to the Barstow Property and creating equity in the latter. The Court notes that Debtor has not provided any caselaw supporting its proposed modification of the simply equity calculation. Importantly, Debtor's argument that the Court should consider the aggregate value of the two properties, and the aggregate value of the liens attaching to those properties, essentially asks this Court to consider the properties as a single project.

But in its opposition to Movant's request under § 362(d)(3), Debtor points out that the two subject parcels are located in different counties and are zoned different, and therefore are not a single project. Outside of the context of a liquidation in bankruptcy, these two parcels would not appear to be part of a common project. In

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation Chapter 11

these Chapter 11 liquidation proceedings, however, the "project" is simple – sell the two properties and satisfy the existing liens, including the cross-collateralized lien.

In short, it appears plainly inconsistent for Debtor to assert that these two parcels of property are not a common project and should be treated separately, while also asking this Court to acknowledge that it intends to sell the two properties, generate a common pot, and pay all creditors. Regardless of their "use" in a different context, in the context of the proceedings at issue here, the properties would appear to be part of a "single project," and thus 11 U.S.C. § 362(d)(3) may be satisfied. And, if treated separately, as the Court believes is the correct approach, then it would appear that 11 U.S.C. § 362(d)(2) has been satisfied.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

Movant(s):

Barstow Daluvoy Project Lenders

Represented By
William C Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 6, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#13.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference And (2) Requiring Status Report

Also #12

From: 1/5/21, 4/6/21,4/20/21,5/25/21,6/22/21

EH__

(Tele. appr. William Beall, rep. creditor, Barstow Daluvoy First Mortgage Investors, LP)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-11780 Oluwatosin Balogun

Chapter 7

#1.00 Pro se Reaffirmation Agreement Between Debtor and Wells Fargo Bank, in the amount of \$14,590.74, re: 2016 Mercedes-Benz

EH__

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Oluwatosin Balogun

Pro Se

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-11898 Kathryn Jean Gomez

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation, in the amount of \$19,963.10, rep 2018 Toyota Prius

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Jean Gomez

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-12211 Anahi Guadalupe Velazquez

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Wells Fargo Bank in the amount of \$5104.06, re: 2006 Ford F-150

EH__

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anahi Guadalupe Velazquez

Represented By
Marlin Branstetter

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-12525 Victor Mayorga Alvarez

Chapter 7

#4.00 Reaffirmation Agreement Between Debtor and LBS Financial Credit Union re 2018 Jeep Wrangler Rubicon, in the amount of \$36,781.41

Also #5

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Mayorga Alvarez

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-12525 Victor Mayorga Alvarez

Chapter 7

#5.00 Reaffirmation Agreement Between Debtor and The Huntington National Bank, in the amount of \$16472.31, re: 2018 Ragen Trailer

Also #4

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victor Mayorga Alvarez

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-12766 Carol D Barrera

Chapter 7

#6.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation, in the amount of \$4801.47, re: 2015 Toyota Tundra

EH__

Docket 10

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol D Barrera

Pro Se

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

10:00 AM

6:21-12796 Beatriz Gomez

Chapter 7

#7.00 Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation 2015 Toyota Corolla

EH__

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Beatriz Gomez

Represented By
Marlin Branstetter

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

6:20-17532 Hermelindo Herrera

Chapter 7

#8.00 Motion for Turnover of Property Notice of Motion and Motion for Turnover of Estate Property Held by Debtor pursuant to 11 USC § 542(a) and (e); memorandum of points and authorities and declaration in support thereof with proof of service

EH__

Docket 17

Tentative Ruling:

7/7/2021

Service proper
No opposition

BACKGROUND

On November 19, 2020, Heremelindo Herrera ("Debtor") filed a Chapter 7 voluntary petition. On March 1, 2021, Debtor was granted a discharge.

Prior to the meeting of creditors, Debtor submitted his 2019 tax returns to the Trustee. Based on Debtor's 2019 tax returns, Trustee determined that the estate would be entitled to 92% of Debtor's 2020 tax refund. Trustee has not received Debtor's 2020 tax returns despite several requests made to Debtor's counsel.

In e-mail exchanges between Debtor's counsel and Trustee, Debtor's counsel acknowledges that she has made efforts to explain to Debtor that he needs to provide his 2020 tax returns and any refunds (collectively, the "Property") to Trustee. The e-mail exchanges also indicate that Debtor has not responded to his counsel's calls or emails.

On June 10, 2021, Trustee filed the instant motion for an order compelling Debtor to turnover the Property pursuant to 11 U.S.C. § 542(a) and (e).

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... Hermelindo Herrera

Chapter 7

DISCUSSION

11 U.S.C. § 542(a) and (e) state:

- (a) Except as provided in subsection (c) or (d) of this section, an entity, other than a custodian, in possession, custody, or control, during the case, of property that the trustee may use, sell, or lease under section 363 of this title, or that the debtor may exempt under section 522 of this title, shall deliver to the trustee, and account for, such property or the value of such property, unless such property is of inconsequential value or benefit to the estate.

- (e) 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.

The standard for a turnover action is well established:

"To prevail in a turnover action under § 542, the party seeking turnover must establish (1) that the property is or was in the possession, custody or control of an entity during the pendency of the case, (2) that the property may be used by the trustee in accordance with § 363 or exempted by the debtor under § 522; and (3) that the property has more than inconsequential value or benefit to the estate."

In re Bailey, 380 B.R. 486, 490 (B.A.P. 6th Cir. 2008); *see also In re Newman*, 487 B.R. 193 (B.A.P. 9th Cir. 2013). Here, none of these elements are in dispute and it is clear that Trustee has met his burden to request turnover of the Property, as copies of the returns are necessary to the administration of the estate.

Further, the Court notes that service was proper and no opposition was filed, which the Court deems 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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... Hermelindo Herrera

Chapter 7

The Court is inclined to GRANT Trustee's motion.

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):

Hermelindo Herrera

Represented By
Daniel King

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

6:21-11216 Luz Dumlao Santos

Chapter 7

#9.00 Motion to Avoid Lien Judicial Lien with Luxor Properties, Inc.

(Placed on calendar by order entered 6/21/21)

Docket 11

Tentative Ruling:

7/7/2021

BACKGROUND

On March 10, 2021, Luz Dumlao Santos ("Debtor") filed a Chapter 7 voluntary petition. Debtor had previously filed a Chapter 13 case on August 24, 2020 but voluntarily dismissed that case on September 30, 2020.

On May 26, 2021, Debtor filed the instant motion seeking to avoid the junior judicial lien held by Luxor Properties, Inc. ("Creditor") in the amount of \$70,925.00 pursuant to 11 U.S.C. §522(f) in the property Debtor claims as his homestead located at 7154 Catalpa Ave, Highland, CA 92346 ("Catalpa residence"). The Catalpa residence is also encumbered by a first position lien by Wells Fargo in the amount of \$31,925.35. Debtor is claiming a homestead exemption of \$456,000 pursuant to Cal. Code Civ. Proc. ("C.C.P.") § 704.730. Per the appraisal, the fair market value of the Catalpa residence is \$375,000.

On June 8, 2021, Creditor filed an opposition and request for a hearing arguing that Debtor's homestead exemption amount should be calculated according to the version of C.C.P. § 704.730 in effect at the time its judicial lien was fixed on August 7, 2020. Under C.C.P. § 704.730 at the time the judicial lien was recorded, Debtor was eligible for \$100,000 in homestead exemption. *See* C.C.P. § 704.730 (effective January 1, 2013 to December 31, 2020). Creditor argues that Debtor's motion to avoid its lien should be denied because, if the homestead exemption is only \$100,000, there is adequate value in the Catalpa residence to satisfy Creditor's lien. In her June 23, 2021 reply, the Debtor contends that she is entitled to the homestead exemption under the current version of C.C.P. § 704.730, in effect as of the petition date, which allows

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... Luz Dumlao Santos

Chapter 7

Debtor a homestead exemption of \$456,000.

DISCUSSION

11 U.S.C. § 522(f) provides in relevant part:

- (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 that such lien impairs an exemption to which the debtor would have been entitled under subsection (b) of this section, if such lien is—
 - (A) a judicial lien . . .
- (2)
 - (A) For the purposes of this subsection, a lien shall be considered to impair an exemption to the extent that the sum of—
 - (i) the lien;
 - (ii) all other liens on the property; and
 - (iii) the amount of the exemption that the debtor could claim if there were no liens on the property;exceeds the value that the debtor's interest in the property would have in the absence of any liens.

11 U.S.C. § 522(f)(1)(A)-(2)(A)(i)-(iii).

The issue for the Court to resolve is whether Debtor's homestead exemption amount is measured on the date Creditor's judicial lien was recorded or on the date that Debtor filed for bankruptcy. The relevant date will determine whether Creditor's lien impairs Debtor's exemption under 11 U.S.C. § 522(f).

A. Homestead Exemption Amount is Measured at the Petition Date

C.C.P. § 704.730 states that "if a homestead is sold . . . the proceeds . . . are exempt in the amount of the homestead exemption provided in Section 704.730." The current version of § 704.730(a)(1), (2), amended January 1, 2021, provides that:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT...

Luz Dumlao Santos

Chapter 7

- (a) The amount of the homestead exemption is the greater of the following:
- (1) The countywide median sale price for a single-family home in the calendar year prior to the calendar year in which the judgement debtor claims the exemption, not to exceed six hundred thousand dollars (\$600,000).
 - (2) Three hundred thousand dollars (\$300,000).

C.C.P. § 704.730(a)(1), (2).

In her Chapter 7 petition filed March 10, 2021, Debtor claimed an automatic homestead exemption pursuant to C.C.P. § 704.730 in the amount of \$456,000 for the Catalpa residence. Creditor asserts that Debtor is only entitled to the \$100,000 exemption amount allowed under C.C.P. § 704.730 at the time the judicial lien was fixed in August of 2020. C.C.P. § 704.730 (effective January 1, 2013 to December 31, 2020)).

The Court adopts the ruling in *In re Mayer*, 167 B.R. 186 (9th Cir. B.A.P. 1994) and the subsequent reasoning in the unpublished 9th Circuit B.A.P. decision, *In re Zall*, 2006 Bankr. LEXIS 4886 (9th Cir B.A.P. 2006). The measuring date for a homestead exemption is Debtor's petition date of March 10, 2021.

The facts of *In re Mayer* parallel the facts here. The debtor in *Mayer* claimed a homestead exemption under C.C.P. § 704.730 in the amount available for the year he filed for bankruptcy. *Mayer*, 167 B.R. at 187. The creditors contended and the bankruptcy court held that the debtor's exemption was calculated according to the year their judgement lien was fixed. *Id.* The B.A.P. overruled the bankruptcy court, holding that "exemptions are determined as of the date the bankruptcy petition was filed." *Id.* at 188. The panel determined that judgement liens do not affect the exemption a debtor is entitled to claim. *Id.* at 189. Rather, it is the trustee's "hypothetical levy" on the property upon the petition date that "the court must focus on in analyzing [debtors'] entitlement to a homestead exemption." *Id.*

More recently, the 9th Circuit B.A.P. in *In re Zall* explained at length why the *Mayer* decision was correct. 2006 Bankr. LEXIS 4886 (9th Cir B.A.P. 2006). Debtor's attorney also seemed to have found this case, as he pasted almost the entire opinion word-for-word in Debtor's reply without providing a citation. Nevertheless, the panel

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... Luz Dumlao Santos

Chapter 7

in *Zall* points out the impracticality of Creditor's argument:

Creditor contends that California exemption law in effect on the petition date provides that parties should refer to prior versions of the statutes to determine whether the exemption amount of a judgment lien predates the current enactment. This procedure is not only unworkable in the bankruptcy context, but it is also inconsistent with the Bankruptcy Code.

First, as a practical matter, if the exemption amount is fixed as of the dates of multiple judgment liens, a debtor may have varying amounts of exemptions in the same property. How would a bankruptcy trustee, who is generally the party who objects to a debtor's exemptions, be able to determine the appropriate amount of the exemption if there are multiple judgment liens against the property?

Id. at 7-8.

Further, measuring the exemption amount according to the judgement lien date does not align with the language of 11 U.S.C. § 522(f). As cited in full above, § 522(f) allows a debtor to "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." When calculating the impairment, courts are to consider the "amount of the exemption that the debtor could claim if there were no liens on the property." 11 U.S.C. § 522(f)(2)(A)(iii). Therefore, "[i]n order to determine the amount of an exemption that Debtors could claim if there were no liens on the property, the court must look not to the time the lien was fixed but rather to the time the trustee's hypothetical levy became effective, which is the date Debtors filed their bankruptcy petition." *Zall*, 2006 Bankr. at 9.

Creditor relies on *In re Morgan*, 157 B.R. 467 (Bankr. C.D. Cal. 1993), and the language of C.C.P. § 703.050 and C.C.P. § 704.965 to assert that Debtor's exemption should be calculated from the date the judgement lien attached to the property. However, unlike the present case, *In re Morgan* does not pertain to the automatic homestead exemption statute. Further, *Morgan* was decided prior to the decisions issued by the 9th Circuit B.A.P. in *In re Mayer* and *In re Zall*.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... Luz Dumlao Santos

Chapter 7

Although the language of C.C.P. §§ 704.965 and 703.050 state that the exemption amount is measured by the judgement lien date, these statutes are inapplicable, as the B.A.P. in *In re Zall* explains: "[t]he policy . . . of allowing states to opt out of the federal exemption scheme is not absolute." *Zall*, 2006 Bankr. at 11. "To the extent that the California exemption law attempts to establish a procedure that overrides the well-settled bankruptcy law regarding the date for determining an exemption, it is preempted." *Id.* (citing to *In re Kim*, 257 B.R. 680, 687 (9th Cir. B.A.P. 2000)). Therefore, because C.C.P. §§ 703.050 and 704.965 conflict with the formula provided by 11 U.S.C. §522(f) to calculate the exemption amount at the petition date, the state laws are preempted.

B. Debtor is Entitled to Avoid Creditor's Judicial Lien

11 U.S.C. § 522(f)(2)(A) provides the formula for determining whether a judicial lien "impairs" an exemption:

(A) For the purposes of this subsection, a lien shall be considered to impair an exemption to the extent that the sum of—
 (i) the lien;
 (ii) all other liens on the property; and
 (iii) the amount of the exemption that the debtor could claim if there were no liens on the property;
exceeds the value that the debtor's interest in the property would have in the absence of any liens.

11 U.S.C. § 522(f)(2)(A)(i)-(iii).

- (i) Creditor's lien is \$70,935.
- (ii) Wells Fargo's first position lien is \$31,925.35.
- (iii) Debtor claims a homestead exemption of \$456,000.

$\$70,935 + \$31,925.35 + \$456,000 = \$558,860.35$.

The Catalpa residence was appraised at \$375,000.

\$558,860.35 exceeds the Catalpa residence's value of \$375,000. Therefore, according

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... Luz Dumlao Santos

Chapter 7

to 11 U.S.C. § 522(f), Creditor's lien impairs Debtor's exemption and should be avoided.

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to GRANT the motion to avoid lien under 11 U.S.C. § 522(f).

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Luz Dumlao Santos

Represented By
Edgar P Lombera

Movant(s):

Luz Dumlao Santos

Represented By
Edgar P Lombera
Edgar P Lombera
Edgar P Lombera

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

6:15-21418 James Lloyd Walker

Chapter 7

#9.10 CONT. Notice of Trustee's Final Report and Applications for Compensation

From: 6/23/21

EH__

(Tele. appr. Robert Whitmore, rep, chapter 7 trustee)

Docket 226

Tentative Ruling:

7/7/2021

Service was proper.
Opposition filed by Debtor.

The applications for compensation of the Trustee, Accountant for Trustee, and Best Best & Krieger ("Counsel") have been set for hearing on the notice required by LBR 2016-1. Debtor filed an objection to Trustee and Counsel's fee application on June 1, 2021. Counsel filed a reply on June 16, 2021. The Court notes that the administrative fees increased, in part, as a consequence of Debtor's general lack of cooperation, for example, with this Court's order entered on June 27, 2019 granting the sale of 13247 Mammoth Street, Hesperia, CA ("Property"). The Court had continued the hearing from 6/23/2021 to review Counsel's fee application.

The Court previously entered an interim order reducing Counsel's fees by \$6,736.00 and allowing fees in the amount of \$34,358.50 and costs in the amount of \$2,029.19 for the period of March 21, 2016 to February 5, 2019. The instant fee application covers the period February 6, 2019 through November 9, 2020 for 106 hours of work at a blended hourly rate of \$394.78. The Court acknowledges that most of the fees for this period were incurred due to Debtor's attempts to conceal ownership of assets and delay their liquidation. Notwithstanding, certain entries reveal excessive, vague, and unnecessary billing by Counsel pursuant to 11 U.S.C. § 330.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... James Lloyd Walker

Chapter 7

For example, Counsel logged over 29 hours of work – including a 10.7 hour entry on 5/13/19 – on the opposition to motion for stay pending appeal. Attorneys also logged multiple additional entries of several hours spent drafting, redrafting, reviewing, and revising said opposition. (Fee App., Pgs. 42-44). Some of these entries suffer further from vague descriptions, like 5/08/19's entry of "analysis re stay pending appeal." Additionally, 2.8 hours were logged on 5/14/19 to finalize the motion and draft request for judicial notice. Although the opposition is a 17-page motion and likely took some time in preparing, such excessive time logged in drafting, researching, reviewing, and tinkering an opposition to the Debtor's four-page motion, cannot be ignored by the Court. As such, the Court is inclined to reduce the 25.1 hours billed for drafting the motion and the 1.4 hours spent preparing for the hearing in half for a reduction of \$3,832.

Counsel also billed 7.8 hours/\$2,490 drafting and revising the motion to sell real property, which the Court finds excessive given the contents of the motion. Additionally, Counsel logged 1.8 hours on 2/6/19 to prepare for the OSC hearing, and then .7 hours on 2/26/19 to prepare for the continued hearing on the OSC. The Court cannot evaluate whether this was reasonable given the vague descriptions and finds that the \$1,250 billed is excessive. Here, the Court is also inclined to reduce these entries by half for a reduction of \$1,870.

Finally, other entries reveal an overbilling due to the attorney taking on work that could have been done by the real estate broker or a paralegal. For example, a partner billed .2 hours for reviewing the Zillow value of the Property and .4 hours for twice communicating with the property manager regarding access to the Property for real estate showings on 4/8/19 and 4/9/19. The Court is inclined to reduce these fees by \$250.

The Court also notes its displeasure with Counsel's practice of separating closely related work entries into multiple categories, obscuring the record, and unnecessarily complicating the Court's review and analysis of the time sheets. In sum, the Court is inclined to reduce Counsel's fees for this period by \$5,952 from \$42,006 to **\$36,054**, which the Court notes reduces Trustee's fees, as indicated below, subject to Trustee's comments.

Pursuant to the Trustee's final report, and the above discussion, the Court is inclined to APPROVE the following administrative expenses on a final basis:

Trustee Fees: \$ 8,953.08
Trustee Expenses: \$ 986.74

Attorney Fees: \$ 70,412.50
Attorney Expenses: \$ 6,841.45

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

11:00 AM

CONT... James Lloyd Walker

Chapter 7

Accountant Fees: \$ 1,838
Accountant Expenses: \$ 277.80

APPEARANCES REQUIRED.

Party Information

Debtor(s):

James Lloyd Walker

Represented By
Andrew Edward Smyth
William J Smyth

Trustee(s):

Robert Whitmore (TR)

Represented By
Caroline Djang

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:18-16908 Visiting Nurse Association of the Inland Counties

Chapter 11

Adv#: 6:21-01035 Meislik v. Hutton Foundation, Inc

#10.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01035. Complaint by Adam Meislik against Hutton Foundation, Inc. Recovery, and Preservation of Actual Fraudulent Transfer; and (2) Avoidance, Recovery, and Preservation of Constructively Fraudulent Transfer [11 U.S.C. Sections 544(b), 548, 550, and 551; Cal. Civ. Code Sections 3439.04, 3439.05], filed by Adam Meislik, solely in his capacity as the Liquidating Trustee for the Liquidating Trust of Visiting Nurse Association (Attachments: # 1 Adversary Proceeding Cover Sheet) Nature of Suit: (14 (Recovery of money/property - other)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Wood, David)

From: 5/26/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 9/8/21 BY ORDER
ENTERED 6/22/21**

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
Steven T Gubner
Jason B Komorsky

Defendant(s):

Hutton Foundation, Inc

Represented By
William C Beall

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Visiting Nurse Association of the Inland Counties

Chapter 11

Plaintiff(s):

Adam Meislik

Represented By
Richard A Marshack
David Wood

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01085 Pringle v. Khozam

#11.00 Motion for Default Judgment Motion for Default Judgment Against Defendant Margaret Khozam Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1

Also #12

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 24

Tentative Ruling:

7/7/2021

No opposition.

Service appears proper.

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Margaret Khozam ("Defendant"). On February 8, 2021, the Trustee filed a first amended complaint ("FAC"). Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

FAC contains three causes of action: (1) actually fraudulent transfer; (2) constructively fraudulent transfer; and (3) recovery of avoided transfers.

The FAC generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$50,000 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On June 7, 2021, Trustee filed the instant motion [Dkt. 24] for default judgment against Defendant, after the time period expired for filing an answer to the FAC. The motion for default judgment requests judgment as to the first and third causes of action in the FAC.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

B. Motion for Default Judgment

1. Proper Service of Summons and FAC

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 FAC 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, Defendant was served at 8484 Planetary Dr., Buena Park, CA 90620 and 212 S Delano St., Apt. 1, Anaheim, CA 92804, based on two listed addresses contained in the Westlaw database PeopleMap Report. *See* Dkt. 24, Ex. 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 FAC relating to liability as true.").

Here, the FAC includes three causes of action, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 550 and CAL. CIV. CODE § 3439.04(a)(1). §544(b)(1) allows the trustee to avoid transfers that are voidable under state law. CAL. CIV. CODE §

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... **Mark Bastorous**
3439.04(a)(1) provides:

Chapter 7

(a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

"Inasmuch as the purpose of California fraudulent conveyance law in no way differs from that of Bankruptcy Code § 548, the discussion applicable to the first disposes of claims under the latter as well." *Kupetz v. Wolf*, 845 F.2d 842, 845 (9th Cir. 1988); see also *In re ThinkFilm, LLC*, 510 B.R. 266, 274 (C.D. Cal. 2014) ("The federal fraudulent transfer provisions are 'similar in form and substance' to California's fraudulent conveyance statutes...") (citing *In re United Energy Corp.*, 944 F.2d 589, 594 (9th Cir. 1991)). The court in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a)(1) or a state's equivalent to that section." 525 F.3d 700, 703 (9th Cir. 2008) (internal quotations omitted). "Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered "return of principal." *Donell v. Kowell*, 533 F.3d 762, 770 (9th Cir. 2008).

Here, the payments totaling \$50,000 are transfers of Debtors' property, as PIG's assets were consolidated into the Debtors' bankruptcy case. The transfers occurred between December 23, 2013 and June 2, 2014. The petition date was December 8, 2017. The Court extended the deadline for the Trustee to file an action under 11 U.S.C. § 546, and this proceeding was filed within the deadline set by the Court. Therefore, the transfers occurred within the four-year period to file the instant action as prescribed by 11 U.S.C. § 546(a). See Dkt. 24, Ex. 2 & 3.

Per the general allegations in the FAC, Debtors were running a Ponzi scheme by paying investors fictitious profits with funds raised by other investors. As the transfers were made during the alleged Ponzi scheme, there is "actual intent" to hinder, delay, or defraud. Additionally, at the time of the transfers the IRS already held a claim from

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... **Mark Bastorous** **Chapter 7**

2013 against the Debtors. *See* Dkt. 24, Ex. 1. Accepting these allegations as true, the Court is inclined to find Trustee has established that the payments to Defendant are fraudulent transfers.

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to GRANT the motion for default judgment in favor of the Plaintiff, allowing Trustee to avoid the transfers and recover them for the benefit of the estate pursuant to 11 U.S.C. §§ 550 and 551.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Margaret Khozam

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P. Pringle

Represented By
David M Goodrich

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

Trustee(s):

John P Pringle (TR)

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

David M Goodrich
Reem J Bello

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01085 Pringle v. Khozam

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01085. Complaint by John P. Pringle against Margaret Khozam. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Also #11

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Margaret Khozam

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01058 Pringle v. Gendy

#13.00 Motion for Default Judgment Against Defendant Medhat Saad Gendy Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1

Also #14

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 29

Tentative Ruling:

7/7/2021

No opposition.

Service appears proper.

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Medhat Gendy ("Defendant"). On February 8, 2021, the Trustee filed a first amended complaint ("FAC"). Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... **Mark Bastorous**

Chapter 7

FAC contains three causes of action: (1) actually fraudulent transfer; (2) constructively fraudulent transfer; and (3) recovery of avoided transfers.

The FAC generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Per the instant motion for default judgment filed on June 7, 2021 [Dkt. 29], the FAC erroneously states that Defendant received \$194,116.85 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG"). Trustee is only seeking to recover \$184,116.85 and requests judgment only as to the first and third causes of action in the FAC.

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

1. Proper Service of Summons and FAC

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 FAC 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, Defendant was served at 2910 W Ravenswood Dr., Anaheim, CA 92804 and 3526 Vinton Ave. Apt. 7, Los Angeles, CA 90034, based on two listed addresses contained in the Westlaw database PeopleMap Report. *See* Dkt. 29, Ex. 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 FAC relating to liability as true.").

Here, the FAC includes three causes of action, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). §544(b)(1) allows the trustee to avoid transfers that are voidable under state law. CAL. CIV. CODE § 3439.04(a)(1) provides:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

(a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

"Inasmuch as the purpose of California fraudulent conveyance law in no way differs from that of Bankruptcy Code § 548, the discussion applicable to the first disposes of claims under the latter as well." *Kupetz v. Wolf*, 845 F.2d 842, 845 (9th Cir. 1988); see also *In re ThinkFilm, LLC*, 510 B.R. 266, 274 (C.D. Cal. 2014) ("The federal fraudulent transfer provisions are 'similar in form and substance' to California's fraudulent conveyance statutes...") (citing *In re United Energy Corp.*, 944 F.2d 589, 594 (9th Cir. 1991)). The court in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a)(1) or a state's equivalent to that section." 525 F.3d 700, 703 (9th Cir. 2008) (internal quotations omitted). "Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered "return of principal." *Donell v. Kowell*, 533 F.3d 762, 770 (9th Cir. 2008).

Here, the payments totaling \$184,116.85 are transfers of Debtors' property, as PIG's assets were consolidated into the Debtors' bankruptcy case. The transfers occurred between December 17, 2013 and March 25, 2015. The petition date was December 8, 2017. This Court extended the deadline for the Trustee to file an action under 11 U.S.C. § 546, and this proceeding was filed within the deadline set by the Court. Therefore, the transfers occurred within the four-year period to file the instant action as prescribed by 11 U.S.C. § 546(a). See Dkt. 29, Ex. 2 & 3.

Per the general allegations in the FAC, Debtors were running a Ponzi scheme by paying investors fictitious profits with funds raised by other investors. As the transfers were made during the alleged Ponzi scheme, there is "actual intent" to hinder, delay, or defraud. Additionally, at the time of the transfers the IRS already held a claim from 2013 against the Debtors. See Dkt. 29, Ex. 1. Accepting these allegations as true, the Court is inclined to find Trustee has established that the payments to Defendant are

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... **Mark Bastorous**
fraudulent transfers.

Chapter 7

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to GRANT the motion for default judgment in favor of the Plaintiff, allowing Trustee to avoid the transfers and recover them for the benefit of the estate pursuant to 11 U.S.C. §§ 550 and 551.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Saad Gendy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P. Pringle

Represented By
David M Goodrich

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01058 Pringle v. Gendy

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01058. Complaint by John P. Pringle against Medhat Saad Gendy. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Also #13

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/13/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Saad Gendy

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01072 Pringle v. Goldvilla Ltd

#15.00 Motion for Default Judgment Against Defendant Goldvilla LTD. Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1

Also #16

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 32

Tentative Ruling:

7/7/2021

No opposition.

Service appears proper.

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Goldvilla Ltd. ("Defendant"). On February 8, 2021, the Trustee filed a first amended complaint ("FAC"), which was

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

corrected on March 26, 2021 and served on April 5, 2021. Trustee's FAC contains three causes of action: (1) actually fraudulent transfer; (2) constructively fraudulent transfer; and (3) recovery of avoided transfers.

The FAC generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$317,083 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On June 7, 2021, Trustee filed the instant motion [Dkt. 32] for default judgment against Defendant, after the time period expired for filing an answer to the FAC. The motion for default judgment requests judgment as to only the first and third causes of action in the FAC.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

B. Motion for Default Judgment

1. Proper Service of Summons and FAC

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 FAC 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, Defendant was served at 2220 Hillcrest St., Orlando, FL 32803, based on the listed address contained in the Westlaw database PeopleMap Report. *See* Dkt. 32, Ex. 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 FAC includes three causes of action, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 550 and CAL. CIV. CODE § 3439.04(a)(1). §544(b)(1) allows the

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

trustee to avoid transfers that are voidable under state law. CAL. CIV. CODE § 3439.04(a)(1) provides:

(a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

"Inasmuch as the purpose of California fraudulent conveyance law in no way differs from that of Bankruptcy Code § 548, the discussion applicable to the first disposes of claims under the latter as well." *Kupetz v. Wolf*, 845 F.2d 842, 845 (9th Cir. 1988); see also *In re ThinkFilm, LLC*, 510 B.R. 266, 274 (C.D. Cal. 2014) ("The federal fraudulent transfer provisions are 'similar in form and substance' to California's fraudulent conveyance statutes...") (citing *In re United Energy Corp.*, 944 F.2d 589, 594 (9th Cir. 1991)). The court in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a)(1) or a state's equivalent to that section." 525 F.3d 700, 703 (9th Cir. 2008) (internal quotations omitted). "Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered "return of principal." *Donell v. Kowell*, 533 F.3d 762, 770 (9th Cir. 2008).

Here, the payments totaling \$317,083 are transfers of Debtors' property, as PIG's assets were consolidated into the Debtors' bankruptcy case. The transfers occurred between June 2, 2014 and January 1, 2015. The petition date was December 8, 2017. Accordingly, the transfers occurred within the four-year period preceding the filing of a petition as prescribed by CAL. CIV. CODE § 3439.09. The Court extended the deadline for the Trustee to file an action under 11 U.S.C. § 546, and this proceeding was filed within the deadline set by the Court. Therefore, the transfers occurred within the required period to file the instant action as prescribed by 11 U.S.C. § 546(a). See Dkt. 32, Ex. 2 & 3.

Per the general allegations in the FAC, Debtors were running a Ponzi scheme by

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

paying investors fictitious profits with funds raised by other investors. As the transfers were made during the alleged Ponzi scheme, there is "actual intent" to hinder, delay, or defraud. Additionally, at the time of the transfers the IRS already held a claim from 2013 against the Debtors. *See* Dkt. 32, Ex. 1. Accepting these allegations as true, the Court is inclined to find Trustee has established that the payments to Defendant are fraudulent transfers.

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to GRANT the motion for default judgment in favor of the Plaintiff, allowing Trustee to avoid the transfers and recover them for the benefit of the estate pursuant to 11 U.S.C. §§ 550 and 551.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Goldvilla Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P. Pringle

Represented By
David M Goodrich

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01072 Pringle v. Goldvilla Ltd

#16.00 CONT. STATUS CONFERENCE RE: [23] Amended Complaint (1) TO AVOID AND RECOVER TRANSFERS PURSUANT TO 11 U.S.C. §§ 544(b) and 550, and CAL. CIV. CODE § 3439.04(a)(1); (2) TO AVOID AND RECOVER TRANSFERS PURSUANT TO 11 U.S.C. §§ 544(b) and 550, and CAL. CIV. CODE §§ 3439.04(a)(2) and 3439.05(a); (3) TO PRESERVE TRANSFERS FOR THE BENEFIT OF THE ESTATE PURSUANT TO 11 U.S.C. § 551 (with Proof of Service) by David M Goodrich on behalf of John P. Pringle against Goldvilla. (RE: related document(s)1 Adversary case 6:20-ap-01072. Complaint by John P. Pringle against Goldvilla. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David) Modified on 5/12/2020 filed by Plaintiff John P. Pringle). (Goodrich, David)

Also #15

From: 6/21/21

(Another Summons Issued 4/5/21)

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 23

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Goldvilla Ltd

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01090 Pringle v. Sawires

#17.00 Motion for Default Judgment Motion for Default Judgment Against Defendant Sanad Sawires Pursuant to Federal Rule of Civil Procedure 55, as Incorporated by Bankruptcy Rule 7055, and Local Bankruptcy Rule 7055-1

Also #18

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 25

Tentative Ruling:

7/7/2021

No opposition.

Service appears proper.

BACKGROUND

On December 8, 2017, Mark Bastorous & Bernadette Shenouda ("Debtors") filed a Chapter 7 voluntary petition. On May 4, 2018, Trustee employed Weiland Golden Goodrich LLP as counsel for the bankruptcy estate. On December 5, 2019, the Court extended the deadline for Trustee to file avoidance actions until March 6, 2020; that deadline was subsequently extended to May 11, 2020. On May 1, 2020, the Court ordered Debtors' bankruptcy estate to be substantively consolidated with thirty-seven related entities.

On May 11, 2020, Trustee filed a complaint against Sanad Sawires ("Defendant"). On February 8, 2021, the Trustee filed a first amended complaint ("FAC"). Trustee's

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

FAC contains three causes of action: (1) actually fraudulent transfer; (2) constructively fraudulent transfer; and (3) recovery of avoided transfers.

The FAC generally alleges that Debtors perpetrated a Ponzi scheme. Specifically, Debtors induced friends, acquaintances, and members of their church to invest in a real estate flipping investment by representing that their investment would be used in relation to a real estate project. Instead, Debtors operated in a typical Ponzi scheme fashion, using subsequent investments to pay off earlier investments at a profit. Debtors also used some of the funds to pay off their personal and business expenses, and, for other investors, convinced the investor to reinvest the money.

Defendant in this action is one of the investors who received prepetition payments from Debtors. Specifically, Defendant received payments in the aggregate amount of \$106,900 from an entity controlled by Debtors, Professional Investment Group LLC ("PIG").

On June 7, 2021, Trustee filed the instant motion [Dkt. 25] for default judgment against Defendant, after the time period expired for filing an answer to the FAC. The motion for default judgment requests judgment as to only the first and third causes of action in the FAC.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

B. Motion for Default Judgment

1. Proper Service of Summons and FAC

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 FAC 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, Defendant was served at 1530 Leanne Ter., Walnut, CA 91789, 24256 Brookwood Dr., Diamond Bar, CA 91765, and 1815 Morgan Ln. #B, Redondo Beach, CA 90278, based on two listed addresses contained in the Westlaw database PeopleMap Report. *See* Dkt. 25, Ex. 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 FAC relating to liability as true").

Here, the FAC includes three causes of action, although the motion for default judgment only proceeds upon the first and third causes of action. Regarding avoidance of fraudulent transfer – actual intent, the first claim for relief cites 11 U.S.C. §§ 544(b), 548(a)(1)(A), 550 and CAL. CIV. CODE § 3439.04(a)(1). §544(b)(1)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

allows the trustee to avoid transfers that are voidable under state law. CAL. CIV. CODE § 3439.04(a)(1) provides:

(a) A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation as follows:

(1) With actual intent to hinder, delay, or defraud any creditor of the debtor

"Inasmuch as the purpose of California fraudulent conveyance law in no way differs from that of Bankruptcy Code § 548, the discussion applicable to the first disposes of claims under the latter as well." *Kupetz v. Wolf*, 845 F.2d 842, 845 (9th Cir. 1988); see also *In re ThinkFilm, LLC*, 510 B.R. 266, 274 (C.D. Cal. 2014) ("The federal fraudulent transfer provisions are 'similar in form and substance' to California's fraudulent conveyance statutes...") (citing *In re United Energy Corp.*, 944 F.2d 589, 594 (9th Cir. 1991)). The court in *In Re AFI Holding, Inc.* has stated that "the mere existence of a Ponzi scheme is sufficient to establish actual intent under § 548(a)(1) or a state's equivalent to that section." 525 F.3d 700, 703 (9th Cir. 2008) (internal quotations omitted). "Under the actual fraud theory, the receiver may recover the entire amount paid to the winning investor, including amounts which could be considered "return of principal." *Donell v. Kowell*, 533 F.3d 762, 770 (9th Cir. 2008).

Here, the payments totaling \$106,900 are transfers of Debtors' property, as PIG's assets were consolidated into the Debtors' bankruptcy case. The transfers occurred between December 13, 2013 and November 17, 2016. The petition date was December 8, 2017. Accordingly, the transfers occurred within the four-year period preceding the filing of a petition as prescribed by CAL. CIV. CODE § 3439.09. The Court extended the deadline for the Trustee to file an action under 11 U.S.C. § 546, and this proceeding was filed within the deadline set by the Court. Therefore, the transfers occurred within the required period to file the instant action as prescribed by 11 U.S.C. § 546(a). See Dkt. 25, Ex. 2 & 3.

Per the general allegations in the FAC, Debtors were running a Ponzi scheme by

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT...

Mark Bastorous

Chapter 7

paying investors fictitious profits with funds raised by other investors. As the transfers were made during the alleged Ponzi scheme, there is "actual intent" to hinder, delay, or defraud. Additionally, at the time of the transfers the IRS already held a claim from 2013 against the Debtors. *See* Dkt. 25, Ex. 1. Accepting these allegations as true, the Court is inclined to find Trustee has established that the payments to Defendant are fraudulent transfers.

TENTATIVE RULING

In accordance with the foregoing, the Court is inclined to GRANT the motion for default judgment in favor of the Plaintiff, allowing Trustee to avoid the transfers and recover them for the benefit of the estate pursuant to 11 U.S.C. §§ 550 and 551.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sanad Sawires

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P. Pringle

Represented By
David M Goodrich

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01090 Pringle v. Sawires

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01090. Complaint by John P. Pringle against Sanad Sawires. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

Also #17

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sanad Sawires

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

6:20-10762 Daisy Wheel Ribbon Co., Inc.

Chapter 7

Adv#: 6:21-01057 Speier, Chapter 7 Trustee v. Northwestern Mutual Life Insurance Company,

#19.00 Status Conference RE: [1] Adversary case 6:21-ap-01057. Complaint by Steven M Speier, Chapter 7 Trustee against Northwestern Mutual Life Insurance Company, Milwaukee, WI, Harold W. Baer, Sharon M. Baer. (\$350.00 Fee Charge To Estate). Complaint: (1) To Avoid and Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), and 550, and California Civil Code § 3439.04(a)(1); (2) To Avoid and Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(B) and 550, and California Civil Code §§ 3439.04(a)(2) and 3439.05; (3) Avoidance and Recovery of Fraudulent Transfers Pursuant to 11 U.S.C. § 550(a); and (4) To Recover and Preserve Transfers for the Benefit of the Estate Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/21 BY ORDER
ENTERED 6/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Wheel Ribbon Co., Inc.

Represented By
Louis J Esbin

Defendant(s):

Northwestern Mutual Life Insurance

Pro Se

Harold W. Baer

Pro Se

Sharon M. Baer

Pro Se

Plaintiff(s):

Steven M Speier, Chapter 7 Trustee

Represented By
Robert P Goe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 7, 2021

Hearing Room 301

2:00 PM

CONT... Daisy Wheel Ribbon Co., Inc.

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 301 Calendar**

Thursday, July 8, 2021

Hearing Room 301

11:00 AM

6:16-11309 Aurelio Palma

Chapter 13

#1.00 Motion for order denying discharge and dismissing case

EH__

Docket 98

***** VACATED *** REASON: RENOTICED FOR 7/22/21**

Party Information

Debtor(s):

Aurelio Palma

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:17-19083 Juan Hernandez

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25425 Moorland Road, Moreno Valley, CA 92551

MOVANT: U.S. BANK NATIONAL ASSOCIATION

EH__

(Tele. appr. Marjorie Johnson, rep. U.S. Bank National Association)

Docket 45

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 7/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Hernandez

Represented By
Rebecca Tomilowitz

Movant(s):

U.S. 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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:18-18415 Donna Denise Upton

Chapter 13

#2.00 CONT.Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14617 Regent Ct, Adelanto, CA 92301

From: 6/22/21.

MOVANT: BANK OF AMERICA

EH__

Docket 115

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 7/2/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Donna Denise Upton

Represented By
Seema N Sood

Movant(s):

Bank of America, N.A.

Represented By
Raymond Jereza

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:19-10669 Michael Anthony Delgado, III

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 GMC Light Duty Denali VIN No.1GKFK66898J145617

MOVANT: WELLS FARGO BANK N.A.

EH ____

(Tele. appr. Todd Garan, rep. creditor, Wells Fargo Bank)

(Tele. appr. Trang Nguyen, rep. Debtor)

Docket 74

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed twelve car payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Michael Anthony Delgado, III

Chapter 13

Debtor(s):

Michael Anthony Delgado III

Represented By

Gary S Saunders - SUSPENDED -

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By

Joseph C Delmotte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:19-12195 Jerold Ray Hoxie

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13876 Dogwood Avenue, Chino, CA 91710 Under 11 U.S.C. § 362

MOVANT: FREEDOM MORTGAGE CORPORATION

From: 4/20/21,5/25/21,6/29/21

EH__

(Tele. appr. Dan Exnowski, rep. creditor, Freedom Mortgage)

(Tele. appr. Suzette Douglas, rep. Debtor)

Docket 34

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 7/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jerold Ray Hoxie

Represented By
Suzette Douglas

Movant(s):

Freedom Mortgage Corporation

Represented By
Dane W Exnowski
Ciro Mestres

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:19-18371 Diego Retana and Grecia Marielos Retana

Chapter 7

#5.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Nissan Armada SL Sport Utility 4D

MOVANT: WOLLEMI ACQUISITIONS, LLC

EH_____

(Tele. appr. Marjorie Johnson, rep. Wollemi Acquisitions, LLC)

Docket 41

Tentative Ruling:

7/20/2021

**Service: Proper
Opposition: None**

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 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):

Diego Retana

Represented By
Todd L Turoci

Joint Debtor(s):

Grecia Marielos Retana

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Diego Retana and Grecia Marielos Retana

Chapter 7

Todd L Turoci

Movant(s):

Wollemi Acquisitions, LLC

Represented By
Marjorie M Johnson

Trustee(s):

Howard B Grobstein (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:19-19092 Hakim M. Iscandari and Christine E. Allen

Chapter 13

#6.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 41015 Crimson Pillar Lane, Lake Elsinore, CA 92532

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH ____

(Tele. appr. Alan Wolf, rep. Movant)

(Tele. appr. Michael Smith, rep. rep. Debtors)

Docket 123

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: Debtors

Parties to apprise the Court of the status of mortgage arrears and of any adequate protection discussion.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Hakim M. Iscandari

Represented By
Christopher J Langley
Michael Smith

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Hakim M. Iscandari and Christine E. Allen

Chapter 13

Joint Debtor(s):

Christine E. Allen

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Deutsche Bank National Trust

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:19-21042 Kevin Odinni Lawrence and Vonetta Isioma Lawrence

Chapter 13

#7.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13383 Harper Place, Fontana, California 92336

From: 6/22/21

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

(Tele. appr. Erica Taylor Loftis Pacheco, rep. creditor, SchoolsFirst Federal Credit Union)

(Tele. appr. Summar Shaw, rep. Debtor)

Docket 44

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed four mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 12;

Movant to include in the proposed order a provision providing that: "In granting relief from stay the Court does not rule on the applicability of any pandemic-related

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:20-10678 Martha E Morales

Chapter 13

#8.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 Nissan Rogue

From: 6/22/21

MOVANT: NISSAN MOTOR ACCEPTANCE CORPORATION

EH__

(Tele. appr. Kirsten Martinez, rep. Nissan Motor Acceptance Corp.)

(Tele. appr. Suzette Douglas, rep. Debtor)

Docket 32

***** VACATED *** REASON: ORDER GRANTING ADEQUATE
PROTECTION ENTERED 7/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Martha E Morales

Represented By
Suzette Douglas

Movant(s):

Nissan Motor Acceptance

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Mercedes-Benz E-Class E 350 Sedan 4D

MOVANT: CAPITAL ONE AUTO FINANCE

EH___

(Tele. appr. Marjorie Johnson, rep. Capital One Auto Finance)

Docket 103

Tentative Ruling:

7/20/2020

Service: Proper

Opposition: Debtor

Parties to apprise the Court of the status of the adequate protection stipulation.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Movant(s):

Capital One Auto Finance, a division

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:20-14361 Jennifer Lopez

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Toyota Camry

MOVANT: TOYOTA LEASE TRUST

EH__

(Tele. appr. Kirsten Martinez, rep. Toyota Lease Trust)

Docket 34

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed three car payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 2;
- GRANT relief from the co-debtor stay;
- 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Jennifer Lopez

Chapter 13

Debtor(s):

Jennifer Lopez

Represented By
Andy Nguyen

Movant(s):

Toyota Lease Trust, as serviced by

Represented By
Kirsten Martinez

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:20-16402 Maria Elvia Hernandez

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Toyota Corolla

MOVANT: TOYOTA MOTOR CREDIT CORPORATION

EH__

(Tele. appr. Kirsten Martinez, rep. Toyota Motor Credit Corp.)

Docket 67

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed three mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY alternative request under ¶ 13 as MOOT;

Movant to include in the proposed order a provision providing that: "In granting relief from stay the Court does not rule on the applicability of any pandemic-related moratoriums."

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Maria Elvia Hernandez

Chapter 7

Party Information

Debtor(s):

Maria Elvia Hernandez

Represented By
Christopher J Langley

Movant(s):

Toyota Motor Credit Corporation

Represented By
Austin P Nagel

Trustee(s):

Karl T Anderson (TR)

Represented By
Tinho Mang
Richard A Marshack
Chad V Haes

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:21-12124 Rafael Fausto

Chapter 7

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 1969 Star Manufactured Home, Serial Numbers S5471XXU/S5471XX, Label Numbers 290367/290368, Decal No. ABD5014, located at 721 N. Sunset Ave., Space 10, Banning, CA 92220 .

MOVANT: 21ST MORTGAGE CORPORATION

EH__

(Tele. appr. Diane Weifenbach, rep. creditor, 21st Mortgage Corporation)

Docket 11

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

Pursuant to CAL. REV. & TAX. Code § 5801, a manufactured home is not classified as real property, and is therefore subject to Debtor completing a statement of intention. 11 U.S.C. § 362(h)(1)(A), (B) (emphasis added) states:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate *if the debtor fails within the applicable time set by section 521(a)(2)—*

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c)

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT...

Rafael Fausto

Chapter 7

applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

(B) to take timely the action specified in such statement, as it may be amended before expiration of the period for taking action, unless such statement specifies the debtor's intention to reaffirm such debt on the original contract terms and the creditor refuses to agree to the reaffirmation on such terms.

11 U.S.C. §521(a)(2)(B) sets forth the applicable time to perform the action specified in the statement of intention:

(B) within 30 days after the first date set for the meeting of creditors under section 341(a), or within such additional time as the court, for cause, within such 30-day period fixes, perform his intention with respect to such property, as specified by subparagraph (A) of this paragraph;

Here, as Movant points out, although Debtor has selected to retain the manufactured home by entering into a reaffirmation agreement, there is no evidence of an executed reaffirmation agreement on the record despite Movant's assertion of attempts to enter one. As the 341(a) meeting was set for May 25, 2021, the deadline for Debtor to perform his intention passed on June 24, 2021 pursuant to 11 U.S.C. § 521(a)(2)(B). Therefore, the automatic stay has terminated as a matter of law under 11 U.S.C. § 362(h)(1). Therefore, the Court is inclined to DENY the motion as MOOT, and Movant may proceed under applicable law.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rafael Fausto

Represented By
Christopher Hewitt

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Rafael Fausto

Chapter 7

Movant(s):

21st Mortgage Corporation

Represented By
Diane Weifenbach

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:21-12496 Wildo Amadeo Mereles

Chapter 7

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Mercedes-Benz GLK; VIN: WDCGG5HB5EG303331

MOVANT: I.L.W.U. CREDIT UNION

EH ____

Docket 10

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) (emphasis added) states:

(h)(1) In a case in which the debtor is an individual, *the stay provided by subsection (a) is terminated with respect to personal property* of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate *if the debtor fails within the applicable time set by section 521(a)(2)—*

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

Here, Debtor has left the statement of intention as to the 2014 Mercedes Benz blank.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Wildo Amadeo Mereles

Chapter 7

The Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention passed on June 3, 2021 pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Wildo Amadeo Mereles

Represented By
Brian J Soo-Hoo

Movant(s):

I.L.W.U. Credit Union

Represented By
Bruce P. Needleman

Trustee(s):

Steven M Speier (TR)

Pro Se

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

6:21-12916 Daniel Sanchez

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2010 BMW M3, VIN: WBSWD9C53AP362769

MOVANT: EXETER FINANCE LLC

EH__

(Tele. appr. Sheryl Ith, rep. creditor, Exeter Finance LLC)

Docket 9

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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):

Daniel Sanchez

Represented By
Brian J Soo-Hoo

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

11:00 AM

CONT... Daniel Sanchez

Chapter 7

Movant(s):

Exeter Finance 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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 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)

Also #7, 9

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21, 3/30/21/5/4/21

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#16.00 Confirmation of First Amended Chapter 11 Plan

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Marc Lieberman, rep. Debtor)

(Tele. appr. Everett Green, rep. United States Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

Docket 539

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

#17.00 CONT Order (1) Setting Scheduling Hearing And Case Management Conference And (2) Requiring Status Report

Also #

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20, 1/12/21, 3/30/21, 5/4/21

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 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

#18.00 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))

(HOLDING DATE)

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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/28/20, 1/13/21, 3/30/21, 5/4/21

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:18-01109 David M. Goodrich, Chapter 11 Trustee v. Titanium Resource Company,

#19.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/20/20, 9/30/20/1/13/21, 3/30/21,5/4/21

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Marc Lieberman, rep. Defendant)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 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

#20.00 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

(HOLDING DATE)

From: 7/10/18, 8/21/18, 10/30/18, 1/15/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 2/19/20, 4/29/20, 7/29/20, 9/30/20,1/13/21, 3/30/21,5/4/21

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Marc Lieberman, rep. Defendant)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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
Steven Werth

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

6:16-14273 Allied Injury Management, Inc.

Chapter 11

Adv#: 6:16-01225 Cambridge Medical Funding Group II, LLC v. Allied Injury Management,

#21.00 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, 11/27/18, 2/26/19, 4/10/19, 6/12/19, 8/28/19, 11/6/19, 2/12/20, 3/4/20, 4/29/20, 7/29/20, 9/30/20, 1/13/21, 3/30/21, 5/4/21

EH__

(Tele. appr. David Goodrich, chapter 11 trustee)

(Tele. appr. Mark Horoupian, rep. David Goodrich, chapter 11 Trustee)

(Tele. appr. Kenneth Hennesay Jr. rep. secured creditor, Cambridge Medical Funding II, LLC)

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

1:00 PM

CONT... Allied Injury Management, Inc.

Chapter 11

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#22.00 CONT Confirmation of Chapter 11 Plan

From: 1/14/20, 2/25/20, 8/25/20,1/12/21

Also #23

EH__

(Tele. appr. Nicholas Gebelt, rep. Debtor, Markus Boyd)

Docket 179

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 301 Calendar**

Tuesday, July 20, 2021

Hearing Room 301

2:00 PM

6:18-10628 Markus Anthony Boyd

Chapter 11

#23.00 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, 11/27/18, 2/5/19, 5/7/19, 7/30/19, 10/8/19, 10/29/19, 1/14/20, 2/25/20, 8/25/20,1/12/21

Also #22

EH__

(Tele. appr. Nicholas Gebelt, rep. Debtor, Markus Boyd)

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:12-20957 Justin Hoang Tran and Xuan Suong Ho Thi Tong

Chapter 7

#1.00 Debtors' Motion to Reopen Chapter 7 Case

(Placed on calendar by order entered 7/1/21)

EH__

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Justin Hoang Tran

Represented By
Roman Quang Vu

Joint Debtor(s):

Xuan Suong Ho Thi Tong

Represented By
Roman Quang Vu

Movant(s):

Justin Hoang Tran

Represented By
Roman Quang Vu

Xuan Suong Ho Thi Tong

Represented By
Roman Quang Vu

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:12-22788 Maria Teresa Ingal Batac

Chapter 7

#2.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

(Tele. appr. John Pringle, chapter 7 trustee)

(Tele. appr. Nancy Hoffmeier Zamora, rep. John Pringle, chapter 7 trustee)

Docket 44

Tentative Ruling:

7/21/2021

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 \$174,684.05 in compensable "receipts," but that amount includes \$114,162.12 paid to Aylstock, Witkin, Kreis & Overholtz, PLLC and \$14,000 for an MDL assessment, which do 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. This Court has consistently and repeatedly held that in such circumstances,

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Maria Teresa Ingal Batac

Chapter 7

the money should not be included in the Chapter 7 trustee's compensation base, as outlined below.

Not only are the requested fees 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 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 \$908.04, attorney fees and expenses

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Maria Teresa Ingal Batac

Chapter 7

in the amount of \$9,249, accountant fees and expenses in the amount of \$2,027, and payments to creditors in the amount of \$21,221.77, for an aggregate amount of \$33,405.81. Therefore, the Court is inclined to approve Trustee's fees in the reduced amount of \$4,090.58. The Court also notes that Trustee did not provide any evidentiary support for the requested trustee expenses.

Trustee Fees: \$ 4,090.58
Trustee Expenses: \$ 0.00

Attorney Fees: \$ 8,745.00
Attorney Expenses: \$ 504.00

Accountant Fees: \$ 1,750
Accountant Expenses: \$ 277.00

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Maria Teresa Ingal Batac

Represented By
George P Hobson Jr

Trustee(s):

John P Pringle (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:13-10714 Steven A Velasquez, Sr. and Paisley E Velasquez

Chapter 7

#3.00 Motion to Avoid Lien with Capital One Bank

(Placed on calendar by order entered 6/30/21)

EH__

Docket 40

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven A Velasquez Sr.

Represented By
Marc E Grossman

Joint Debtor(s):

Paisley E Velasquez

Represented By
Marc E Grossman

Movant(s):

Paisley E Velasquez

Represented By
Marc E Grossman

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:21-10853 Sotero Chandler Elias Ramas, III and Harvy Yojany Ortiz

Chapter 7

#4.00 Motion Chapter 7 Trustee's Notice of Motion and Motion Objecting to Debtors' Exemption Claim Under California Code of Civil Procedure § 704.730; Declaration of Todd A. Frealy in Support

EH__

(Tele. appr. Walter Scott, rep. Debtors)

(Tele. appr. Anna Landa, rep. chapter 7 trustee)

Docket 33

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sotero Chandler Elias Ramas III

Represented By
Walter Scott

Joint Debtor(s):

Harvy Yojany Ortiz Campo

Represented By
Walter Scott

Movant(s):

Todd A. Frealy (TR)

Represented By
Anna Landa

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anna Landa

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:18-14446 James Burnett and Elsa Burnett

Chapter 7

#5.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 27

Tentative Ruling:

7/21/2021

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: \$ 2,700.00
Trustee Expenses: \$ 183.42

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 Burnett

Represented By
Marc A Duxbury

Joint Debtor(s):

Elsa Burnett

Represented By
Marc A Duxbury

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:19-19046 Raymundo Avalos Sanchez and Gema Avalos

Chapter 7

#6.00 Notice of Trustee's final report and Applications for Compensation

EH__

(Tele. appr. Lynda Bui, chapter 7 trustee)

Docket 66

Tentative Ruling:

7/21/2021

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 Fees: \$3,974.88

Trustee Expenses: \$1,769.95

The above amounts reflect a reduction in Trustee expenses in the amount of \$657.60 for copying more than 3,000 pages related to the sale motion twice, the second time after the original notice of hearing attempted to set the hearing on an unavailable hearing date.

As to Accountant's fees and expenses of \$3,232.30, the Court this excessive for the preparation of one year's state and federal tax returns. Accountant may supplement by providing copies of redacted tax returns.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raymundo Avalos Sanchez

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Raymundo Avalos Sanchez and Gema Avalos
Robert L Firth

Chapter 7

Joint Debtor(s):

Gema Avalos

Represented By
Robert L Firth

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:20-13525 Dimlux, LLC

Chapter 7

#7.00 Trustee's Motion for Order Approving Compromise and Stipulation By and Between Trustee and Creditor Mansour Barghie

(Placed on calendar by order entered 6/21/21)

EH__

(Tele. appr. Nancy Hoffmeier Zamora, rep. chapter 7 trustee, Larry Simon)

(Tele. appr. Larry Simons, chapter 7 trustee)

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dimlux, LLC

Represented By
Donald Beury - SUSPENDED -
John E Bouzane

Movant(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous and Bernadette Shenouda

Chapter 7

#8.00 Motion to Approve Compromise Under Rule 9019 Omnibus Motion for Order Approving Compromise of Controversy re: (1) Adversary Case No.: 6:20-ap-01064- MH, John Pringle vs. Mina Farah; (2) Adversary Case No.: 6:20-ap-01059- MH, John Pringle vs. Boles Bishay; (3) Adversary Case No.: 6:20-ap-01127- MH, John Pringle vs. Amir Maher Guirgus Awad; (4) Adversary Case No.: 6:20-ap-01126- MH, John Pringle vs. Emad Khalifa Botors (5) Adversary Case No.: 6:20-ap-01061- MH, John Pringle vs. Medhat Mikhael; (6) Adversary Case No.: 6:20-ap-01056- MH, John Pringle vs. Martin Amin Mettias; (7) Adversary Case No.: 6:20-ap-01091- MH, John Pringle vs. Sarwat Beshai (8) Adversary Case No.: 6:20-ap-01063- MH, John Pringle vs. Ramez Ghaly (9) Adversary Case No.: 6:20-ap-01077- MH, John Pringle vs. John Maurice Youssef And Sally Youssef (10) Adversary Case No.: 6:20-ap-01065- MH, John Pringle vs. Ehab Yassa (Sued as Ehap Yassa) (11) Adversary Case No.: 6:20-ap-01082- MH, John Pringle vs. Magda Wagdy (12) Adversary Case No.: 6:20-ap-01093- MH, John Pringle vs. St. George Medical Office, L.L.C. (13) Adversary Case No.: 6:20-ap- 01054- MH, John Pringle vs. Anruf Llc And Nadial Khalil (14) Adversary Case No.: 6:20-ap-01067- MH, John Pringle vs. Emad Eskander (15) Adversary Case No.: 6:20-ap-01060- MH, John Pringle vs. Diamond Potrans Investments, Inc. (Sued As Diamond Portrans) (16) Adversary Case No.: 6:20-ap-01053- MH, John Pringle vs. Amgad Bebawy And Reham Nakhil (17) Adversary Case No.: 6:20-ap-01078- MH, John Pringle vs. Kaiwha Peng (18) Adversary Case No.: 6:20-ap- 01079- MH, John Pringle vs. Karam Fayez Kodsy (19) Adverary Case No.: 6:20-ap-01055- MH, John Pringle vs. Antonio Mena (20) Adversary Case No.: 6:20-ap-01076- MH, John Pringle vs. John 20/20 Enterprises, Inc. (21) Adversary Case No.: 6:20-ap-01081- MH, John Pringle vs. Magda Labib And Khair Labib (22) Adversary Case No.: 6:20-ap-01087- MH, John Pringle vs. Ray Zumut And Mary Zumut (23) Adversary Case No.: 6:20-ap-01068- MH, John Pringle vs. Rafat Gerges (24) Adversary Case No.: 6:20-ap-01083- MH, John Pringle vs. Manal Tadrous (Sued As Manal Eskarous) Pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure; Request for Payment of Contingency Fee; Memorandum of Points And Authorities, Declarations of David M. Goodrich and John P. Pringle in Support Thereof (with Proof of Service) (Goodrich, David)

EH__

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT...

**Mark Bastorous and Bernadette Shenouda
(Tele. appr. David Goodrich, chapter 7 trustee)**

Chapter 7

(Tele. appr. Michael Wallin, rep. creditor, Boles Bishay)

Docket 277

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

John P Pringle (TR)

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01053 Pringle v. Bebawy et al

#9.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01053. Complaint by John P. Pringle against Amgad Bebawy, Reham Nakhil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amgad Bebawy

Represented By
Michael A Corfield

Reham Nakhil

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01054 Pringle v. ANRUF LLC et al

#10.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01054. Complaint by John P. Pringle against ANRUF LLC, Nadia Khalil. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

ANRUF LLC

Represented By
Andy C Warshaw

Nadia Khalil

Represented By
Andy C Warshaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01055 Pringle v. Mena

#11.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01055. Complaint by John P. Pringle against Antonio Mena. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Antonio Mena

Represented By
Jeffrey Charles Bogert

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01059 Pringle v. Bishay

#12.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01059. Complaint by John P. Pringle against Boles Bishay. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Boles Bishay

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01060 Pringle v. Portrans

#13.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01060. Complaint by John P. Pringle against Diamond Portrans. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Diamond Portrans

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01063 Pringle v. Ghaly

#14.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01063. Complaint by John P. Pringle against Ramez Ghaly. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ramez Ghaly

Pro Se

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01064 Pringle v. Farah

#15.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01064. Complaint by John P. Pringle against Mina Farah. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Mina Farah

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01065 Pringle v. Yassa

#16.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01065. Complaint by John P. Pringle against Ehap Yassa. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ehap Yassa

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01067 Pringle v. Eskander

#17.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01067. Complaint by John P. Pringle against Emad Eskander. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Eskander

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01076 Pringle v. John 20/20 Enterprises, Inc. et al

#18.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01076. Complaint by John P. Pringle against John 20/20 Enterprises, Inc.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20, 11/30/20, 2/1/21, 4/12/21, 6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John 20/20 Enterprises, Inc.

Represented By
Michael A Corfield

Amir Maher Guirguis Awad

Represented By
Scott Talkov
Christopher M Kiernan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01079 Pringle v. Kodsy

#19.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01079. Complaint by John P. Pringle against Karem Faye Kods. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Karem Faye Kods

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01081 Pringle v. Labib et al

#20.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01081. Complaint by John P. Pringle against Magda Labib, Khair Labib. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Labib

Represented By
Michael A Corfield

Khair Labib

Represented By
Michael A Corfield

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01087 Pringle v. Zumut et al

#21.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01087. Complaint by John P. Pringle against Ray Zumut, Mary Zumut. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

(Tele. appr. Lawrence Hoodack, rep. Defendants)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Ray Zumut

Represented By
Lawrence Hoodack

Mary Zumut

Represented By
Lawrence Hoodack

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01091 Pringle v. Beshai

#22.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01091. Complaint by John P. Pringle against Sarwat Beshai. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)
(STANDSTILL AGREEMENT UNTIL 9/16/20) HOLDING DATE

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Sarwat Beshai

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01093 Pringle v. St. George Medical Office L.L.C.

#23.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01093. Complaint by John P. Pringle against St. George Medical Office L.L.C.. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20, 11/30/20, 2/1/21, 4/12/21, 6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

St. George Medical Office L.L.C.

Represented By
Andy C Warshaw

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01126 Pringle v. Botors

#24.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01126. Complaint by John P. Pringle against Emad Khalifa Botors. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 9/30/20,11/30/20,2/1/21,4/12/21,6/21/21

EH____

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Emad Khalifa Botors

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#25.00 CONT Motion to Dismiss Adversary Proceeding

Also #26

(HOLDING DATE)

From 9/30/20,1/13/21, 3/17/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 5

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01127 Pringle v. Awad

#26.00 Status Conference RE: [1] Adversary case 6:20-ap-01127. Complaint by John P. Pringle against Amir Maher Guirgus Awad. (Charge To Estate). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

Also #25

From: 11/30/20,2/1/21,4/12/21,6/21/21

EH ____

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Amir Maher Guirgus Awad

Represented By
Scott Talkov

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01061 Pringle v. Mikhael

#27.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01061. Complaint by John P. Pringle against Medhat Mikhael. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Medhat Mikhael

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#28.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01083. Complaint by John P. Pringle against Manal Eskarous. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/23/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich
Sonja Hourany

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01068 Pringle v. Gerges

#29.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01068. Complaint by John P. Pringle against Rafat Gerges. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,2/1/21, 4/12/21, 6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

(Tele. appr. Louis Esbin, rep. Defenant, Rafat Gerges)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Rafat Gerges

Represented By
Louis J Esbin

Joint Debtor(s):

Bernadette Shenouda

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01077 Pringle v. Youssef et al

#30.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01077. Complaint by John P. Pringle against John Maurice Youssef, Sally Yo. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20, 2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

John Maurice Youssef

Pro Se

Sally Yo

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01078 Pringle v. Peng

#31.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01078. Complaint by John P. Pringle against Kaiwha Peng. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Kaiwha Peng

Represented By
Michael A Wallin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich
Sonja Hourany

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01082 Pringle v. Wagdy

#32.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01082. Complaint by John P. Pringle against Magda Wagdy. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Magda Wagdy

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01056 Pringle v. Mettias

#33.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01056. Complaint by John P. Pringle against Martin Amin Mettias. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other))

From: 7/27/20, 9/28/20,11/30/20,2/1/21,4/12/21,6/21/21

EH__

(Tele. appr. David Goodrich, rep. Plaintiff, John Pringle)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Martin Amin Mettias

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

11:00 AM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:11-20534 Siqua M. Walls

Chapter 7

Adv#: 6:21-01061 Walls v. EDUCAP, INC.

#34.00 Status Conferece RE: [1] Adversary case 6:21-ap-01061. Complaint by Siqua M. Walls against EDUCAP, INC.. (\$350.00 Fee Not Required). Complaint to Determine Dischargeability of Debt of Student Loan Nature of Suit: (63 (Dischargeability - 523(a)(8), student loan))

EH__

Docket 1

***** VACATED *** REASON: NOTICE OF DISMISSAL FILED 6/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Siqua M. Walls

Represented By
Jasmine Firooz

Defendant(s):

EDUCAP, INC.

Represented By
Kelly Ann M Tran

Plaintiff(s):

Siqua M. Walls

Represented By
David Brian Lally

Trustee(s):

Sandra L Bendon (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:18-10939 Vance Zachary Johnson

Chapter 7

Adv#: 6:18-01106 Bankers Healthcare Group, LLC v. Johnson

#35.00 CONT Pre-Trial 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))

From: 7/10/18, 2/20/19, 4/24/19, 7/3/19, 7/17/19, 8/21/19, 11/20/19, 1/29/20, 3/25/20, 4/1/20, 4/15/20, 7/1/20, 7/29/20, 10/7/20, 10/14/20,12/2/20, 3/31/21,6/30/21

EH ____

(Tele. appr. Robert Goe, rep. Defendant, Vance Johnson)

(Tele. appr. Todd Turoci, rep. Plaintiff)

(Tele. appr. Melissa Hayward, rep. Bankers Healthcare Group, LLC)

Docket 1

Tentative Ruling:

4/15/20

TENTATIVE RULING

Opposition: None

Service: Proper

Pursuant to the stipulation agreement between Bankers Health Care Group, LLC, and Vance Zachary Johnson, the Court GRANTS this stipulation to continue Status

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

CONT... Vance Zachary Johnson

Chapter 7

Conference to July 1, 2020. A Status Report is due on June 24, 2020.

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):

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)

Represented By
Monica Y Kim

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:20-10762 Daisy Wheel Ribbon Co., Inc.

Chapter 7

Adv#: 6:21-01021 STEVEN M. SPEIER, solely in his capacity as Chapte v. Baer et al

#36.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01021. Complaint by STEVEN M. SPEIER, solely in his capacity as Chapter 7 Trustee against Harold W. Baer, Kimberly A Baer, Laura Losquardo, HBall Properties, LLC. (\$350.00 Fee Charge To Estate). Complaint: 1. To Avoid And Recover Preferential Transfers Pursuant to 11 U.S.C. §§ 547 AND 550; 2. To Avoid And Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), AND 550, AND CALIFORNIA CIVIL CODE §§ 3439.04(a)(1); 3. To Avoid And Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(B) AND 550, and California Civil Code §§ 3439.04(a)(2) and 3439.05; 4. To Recover and Preserve Transfers For The Benefit Of The Estate Pursuant to 11 U.S.C. § 551; 5. To Recover Fraudulent Transfers Pursuant to 11 U.S.C. § 550(a); and 6. Breach Of Fiduciary Duty Nature of Suit: (12 (Recovery of money/property - 547 preference)),(13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

From: 4/28/21

EH__

(Tele. appr. Louis Esbin, rep. Defendants, for Harold W. Baer, Kimberly A. Baer, Laura Losquardo and HBall Properties, LLC)

(Tele. appr. Robert Goe, rep. Plaintiff, Steven Speier)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

CONT... Daisy Wheel Ribbon Co., Inc.

Chapter 7

Debtor(s):

Daisy Wheel Ribbon Co., Inc.

Represented By
Louis J Esbin

Defendant(s):

Harold W. Baer

Represented By
Louis J Esbin

Kimberly A Baer

Represented By
Louis J Esbin

Laura Losquadro

Represented By
Louis J Esbin

HBall Properties, LLC

Represented By
Louis J Esbin

Plaintiff(s):

STEVEN M. SPEIER, solely in his

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, July 21, 2021

Hearing Room 301

2:00 PM

6:20-11280 Phillip Carl Noble

Chapter 7

Adv#: 6:20-01103 Pavon-Arita v. Noble et al

#37.00 CONT. Pre-Trial Conference RE: [1] Adversary case 6:20-ap-01103. Complaint by Jose Eduardo Pavon-Arita against Phillip Carl Noble. false pretenses, false representation, actual fraud)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Bosse, Gregory)

(HOLDING DATE)

From: 7/22/20,1/13/21, 3/17/21,6/23/21

EH__

(Tele. appr. Todd Turoci, rep. Defendants)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Phillip Carl Noble

Represented By
Todd L Turoci

Defendant(s):

Juana Julian Noble

Represented By
Todd L Turoci

Phillip Carl Noble

Represented By
Todd L Turoci

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

CONT... Phillip Carl Noble

Chapter 7

Joint Debtor(s):

Juana Julian Noble

Represented By
Todd L Turoci

Plaintiff(s):

Jose Pavon-Arita

Represented By
Gregory L Bosse

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:20-11944 Ronald V. Cruz

Chapter 7

Adv#: 6:20-01112 Cruz v. Cruz

#38.00 CONT Status Conference RE: [3] Amended Complaint First Amended Complaint by William H Brownstein on behalf of Patricia Marlen Cruz against all defendants. (RE: related document(s)1 Adversary case 6:20-ap-01112. Complaint by Patricia Marlen Cruz against Ronald V. Cruz. 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)),(64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decreed)),(91 (Declaratory judgment)) filed by Plaintiff Patricia Marlen Cruz). (Brownstein, William)

From: 8/19/20,2/17/21,6/23/21

EH__

Docket 3

***** VACATED *** REASON: STIPULATION FOR DISMISSAL FILED
7/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald V. Cruz

Represented By
Walter Scott

Defendant(s):

Ronald V. Cruz

Represented By
Walter Scott

Plaintiff(s):

Patricia Moonyeen Cruz

Represented By
William H Brownstein

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

CONT... Ronald V. Cruz

Chapter 7

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:20-17926 Douglas Kinion

Chapter 7

Adv#: 6:21-01072 Canyon Lake Investments, LLC v. Kinion et al

#39.00 Status Conference re: [1] Adversary case 6:21-ap-01072. Complaint by Canyon Lake Investments, LLC against Douglas Kinion, Shawn Kinion. willful and malicious injury)

EH ____

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Douglas Kinion

Represented By
Robert K McKernan

Defendant(s):

Douglas Kinion

Pro Se

Shawn Kinion

Pro Se

Joint Debtor(s):

Shawn Kinion

Represented By
Robert K McKernan

Plaintiff(s):

Canyon Lake Investments, LLC

Represented By
Stuart G Steingraber

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:21-10506 John Molina Soto, Jr

Chapter 7

Adv#: 6:21-01058 Logix Federal Credit Union v. Soto, Jr

#40.00 Status Conference re: Adversary case 6:21-ap-01058. Complaint by Logix Federal Credit Union against John Molina Soto Jr. willful and malicious injury)) (Rocha, Karel)

EH__

Docket 1

***** VACATED *** REASON: CASE DISMISSED 7/9/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

John Molina Soto Jr

Represented By
Qais Zafari

Defendant(s):

John Molina Soto Jr

Pro Se

Plaintiff(s):

Logix Federal Credit Union

Represented By
Karel G Rocha

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:21-10840 Bruce A. Parker

Chapter 7

Adv#: 6:21-01042 Red Rock Minerals LP et al v. Parker

#41.00 Order to Show Cause Why Case Should Not be Dismissed for Lack of Prosecution

Also #42-43

EH ____

(Tele. appr. Luke Hendrix, rep. Defendant)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce A. Parker

Represented By
Lazaro E Fernandez

Defendant(s):

Bruce A. Parker

Represented By
J. Luke Hendrix

Plaintiff(s):

Red Rock Minerals LP

Pro Se

Paul K Singh

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:21-10840 Bruce A. Parker

Chapter 7

Adv#: 6:21-01042 Red Rock Minerals LP et al v. Parker

#42.00 CONT. Motion to Dismiss Plaintiff's Fourth Cause of Action Under 11 U.S.C. § 727(a)(2)

From: 6/9/21

Also #41,43

EH__

(Tele. appr. Luke Hendrix, rep. Defendant)

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce A. Parker

Represented By
Lazaro E Fernandez

Defendant(s):

Bruce A. Parker

Represented By
J. Luke Hendrix

Movant(s):

Bruce A. Parker

Represented By
J. Luke Hendrix

Plaintiff(s):

Red Rock Minerals LP

Pro Se

Paul K Singh

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

CONT... Bruce A. Parker

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

6:21-10840 Bruce A. Parker

Chapter 7

Adv#: 6:21-01042 Red Rock Minerals LP et al v. Parker

#43.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01042. Complaint by Red Rock Minerals LP , Paul K Singh against Bruce A. Parker . false pretenses, false representation, actual fraud)) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury))

From: 6/9/21

Also # 41-42

EH__

(Tele. appr. Luke Hendrix, rep. Defendant)

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bruce A. Parker

Represented By
Lazaro E Fernandez

Defendant(s):

Bruce A. Parker

Represented By
J. Luke Hendrix

Plaintiff(s):

Red Rock Minerals LP

Pro Se

Paul K Singh

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 21, 2021

Hearing Room 301

2:00 PM

CONT... Bruce A. Parker

Chapter 7

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:16-11309 Aurelio Palma

Chapter 13

#1.00 CONT. Motion for order denying discharge and dismissing case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 98

Tentative Ruling:

7/22/2021

BACKGROUND

In the instant motion [Dkt. No. 104], filed May 10, 2021, Trustee seeks to dismiss Case 6:16-bk-11309 filed under Chapter 13 by Aurelio Palma ("Debtor") with an order denying discharge.

Although Debtor has completed all the plan payments designated to be paid through the Trustee, Debtor has defaulted on the direct mortgage payments to Deutsche Bank ("Lender"). In its response to Trustee's notice of final cure payment, Lender asserts that Debtor is \$22,375.35 in post-petition arrears. [Dkt. No. 104, Attachment 1].

DISSCUSION

As a preliminary matter, the Court does not formally "deny" a discharge for failure to make payments. Rather, if Debtor has not satisfied the requirements for receiving a discharge, the Court would dismiss the case rather than enter a discharge. Therefore, the Court will construe Trustee's motion as a request to dismiss the case under 11 U.S.C. § 1307.

Here, Debtor has materially defaulted under the terms of the plan by failing to make direct mortgage payments. Therefore, it is proper for the Court to dismiss the case.

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

CONT... Aurelio Palma

Chapter 13

Notice appearing proper, good cause appearing, and no opposition having been filed, the Court is inclined to GRANT the motion to the extent of dismissing the case.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Aurelio Palma

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:20-15440 Tushar Anthony Jansen and Mary Frances Jansen

Chapter 13

#2.00 Motion compelling trustee to pay first the secured IRS taxes in full and second the FTB and IRS unsecured priority taxes in full and for an order correcting the factual errors, omissions & anomalies that continue to be propagated in the 12/28/20 amended order confirming chapter 13 plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tushar Anthony Jansen	Pro Se
-----------------------	--------

Joint Debtor(s):

Mary Frances Jansen	Pro Se
---------------------	--------

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12491 Jose Luis Vallejo

Chapter 13

#3.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Luis Vallejo

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:20-17295 Anna M Gonzales

Chapter 13

#4.00 Application for Compensation / Application for Payment of Final Fees and Expenses for Todd A. Frealy (TR), Trustee Chapter 7, Period: 11/4/2020 to 4/2/2021, Fee: \$2,302.50, Expenses: \$349.30

Also # 4-5

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Brandon Iskander, rep. Todd Frealy, former chapter 7 trustee)

(Tele. appr. Todd Frealy, chapter 7 trustee)

Docket 59

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna M Gonzales

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:20-17295 Anna M Gonzales

Chapter 13

#5.00 Application for Compensation Application for Payment of Final Fees and Expenses by Shulman Bastian Friedman & Bui LLP; Declaration of Lynda T. Bui in Support [with proof of service] for Lynda T Bui, Trustee's Attorney, Period: 12/17/2020 to 5/4/2021, Fee: \$8,651.44, Expenses: \$375.71

Also #3,5

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Brandon Iskander, rep. Todd Frealy, former chapter 7 trustee)

Docket 55

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna M Gonzales

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:20-17295 Anna M Gonzales

Chapter 13

#6.00 Confirmation of Chapter 13 Plan

Also #4-5

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtor, Anna Gonzales)

(Tele. appr. Brandon Iskander, rep. Todd Frealy, former chapter 7 trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anna M Gonzales

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12492 Edwina Brewer

Chapter 13

#7.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Edwina Brewer

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12507 Susan Schroeder

Chapter 13

#8.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 5/24/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Schroeder

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12723 Kathleen A Lander

Chapter 13

#9.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Aaron Lloyd, rep. Debtor)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathleen A Lander

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12782 Angel Ortega and Rosa Arias

Chapter 13

#10.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angel Ortega

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Rosa Arias

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12791 Victoria Leangela Hare

Chapter 13

#11.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Victoria Leangela Hare

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:00 AM

6:21-12805 Carol Smith and Jim Smith, Jr.

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Sundee Teeple, rep. Debtor, Carol Smith)

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol Smith

Represented By
Sundee M Teeple

Joint Debtor(s):

Jim Smith Jr.

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:01 AM

6:16-18990 John D Castro, Jr and Jennifer Manda Castro

Chapter 13

#13.00 Motion for order Denying Discharge and Dismissing Case

EH__

Docket 173

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:01 AM

6:17-11456 Jose Alberto Lara-Pena and Yanisleidy Sanchez-Quinonez Chapter 13

#14.00 Motion for Order Denying Discharge and Dismissing Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 101

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Alberto Lara-Pena

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Yanisleidy Sanchez-Quinonez

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:01 AM

6:17-14157 Joe Wallace Brown and Yolanda Denise Moore

Chapter 13

#15.00 CONT. Trustee's Motion to Dismiss Case

From: 7/1/21

EH ____

Docket 116

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/15/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Joe Wallace Brown

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Yolanda Denise Moore

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:01 AM

6:20-10353 Jamar A Earnest

Chapter 13

#16.00 CONT. Trustee's Motion to Dismiss Case

From: 7/1/21

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/15/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jamar A Earnest

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 301 Calendar**

Thursday, July 22, 2021

Hearing Room 301

11:01 AM

6:20-10517 Doreen M. Coronado

Chapter 13

#17.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Michael Smith, rep. Debtor)

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doreen M. Coronado

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, July 27, 2021

Hearing Room 301

2:00 PM

6:20-15400 Fasttrak Foods, LLC

Chapter 11

#1.00 CONT. Confirmation of Chapter 11 Plan

From: 5/25/21

EH__

Docket 68

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 6/11/21**

Party Information

Debtor(s):

Fasttrak Foods, LLC

Represented By
Crystle Jane Lindsey
James R Selth
Daniel J Weintraub

Trustee(s):

Caroline Renee Djang (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 28, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01095 Pringle v. Fannyan

#1.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01095. Complaint by John P. Pringle against Zahra Fannyan. (Charge To Estate - \$350.00). Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/21 BY ORDER
ENTERED 7/9/21**

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Zahra Fannyan

Represented By
Kaveh Ardalan

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 28, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 28, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#2.00 CONT. Defendant's Motion For Summary Judgment

From: 5/12/21,6/23/21

EH__

Docket 17

*** VACATED *** REASON: CONTINUED TO 8/11/21 BY ORDER
ENTERED 7/9/21

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

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 301 Calendar**

Wednesday, July 28, 2021

Hearing Room 301

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#3.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01015. Complaint by Matthew Cotter, Courtney Cotter against Christopher Edward Hutchinson, false pretenses, false representation, actual fraud)) (Pagter)

*Alias summons issued on 3/3/21 for defendant Veronica Hutchinson

*Second amended complaint filed 6/2/21

Also #

From: 3/31/21,5/5/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/21 BY ORDER
ENTERED 7/9/21**

Party Information

Debtor(s):

Christopher Edward Hutchinson

Represented By
Paul Y Lee

Defendant(s):

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

Veronica Aurora Hutchinson

Pro Se

Joint Debtor(s):

Veronica Aurora Hutchinson

Represented By
Paul Y Lee

Plaintiff(s):

Matthew Cotter

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 28, 2021

Hearing Room 301

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

R Gibson Pagter Jr.

Courtney Cotter

Represented By
R Gibson Pagter Jr.

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, July 28, 2021

Hearing Room 301

2:00 PM

6:21-10853 Sotero Chandler Elias Ramas, III

Chapter 7

Adv#: 6:21-01066 Maddox v. Ramas, III et al

#4.00 Status Conference re Adversary case 6:21-ap-01066. Complaint by Farideh Maddox against Sotero Chandler Elias Ramas III, Harvy Yojany Ortiz Campo. (d),(e)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/21 BY ORDER
ENTERED 7/9/21**

Party Information

Debtor(s):

Sotero Chandler Elias Ramas III

Represented By
Ruben Salazar
Anna Landa

Defendant(s):

Sotero Chandler Elias Ramas III

Pro Se

Harvy Yojany Ortiz Campo

Pro Se

Joint Debtor(s):

Harvy Yojany Ortiz Campo

Represented By
Ruben Salazar
Anna Landa

Plaintiff(s):

Farideh Maddox

Represented By
Morris Nazarian

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anna Landa

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 3, 2021

Hearing Room 301

2:00 PM

6:21-12270 Steven D Johns

Chapter 11

#1.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 5/25/21

EH__

Docket 5

***** VACATED *** REASON: CASE DISMISSED 7/22/21**

Party Information

Debtor(s):

Steven D Johns

Represented By
Summer M Shaw

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 4, 2021

Hearing Room 301

2:00 PM

6:21-11005 Brent Anthony Buckner

Chapter 7

Adv#: 6:21-01069 Skeffington et al v. Buckner

#1.00 Status Conference RE: [1] Adversary case 6:21-ap-01069. Complaint by William Skeffington, Laurie Skeffington against Brent Anthony Buckner. fraud as fiduciary, embezzlement, larceny)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(91 (Declaratory judgment))

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 8/11/21 BY ORDER
ENTERED 7/22/21**

Party Information

Debtor(s):

Brent Anthony Buckner

Represented By
Michael R Totaro

Defendant(s):

Brent Anthony Buckner

Pro Se

Plaintiff(s):

William Skeffington

Represented By
J Scott Williams

Laurie Skeffington

Represented By
J Scott Williams

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:15-19432 Kirk Eugene Frantz and Mary Elizabeth Frantz

Chapter 13

#1.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jenny Doling, rep. Debtors)

Docket 268

Party Information

Debtor(s):

Kirk Eugene Frantz

Represented By
Jenny L Doling

Joint Debtor(s):

Mary Elizabeth Frantz

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 301 Calendar

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:15-22362 Catherine L Mires

Chapter 13

#2.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 57

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21

Party Information

Debtor(s):

Catherine L Mires

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-15239 John Enrique Deir

Chapter 13

#3.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 58

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

John Enrique Deir

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-15668 Roger C Jefferson

Chapter 13

#4.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 197

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/4/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-16719 Warren Thomas Derry

Chapter 13

#5.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-16946 Elliott Howard Blue, Jr and Yvette Blue

Chapter 13

#6.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 123

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-17411 Charlotte N Apacible

Chapter 13

#7.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Charlotte N Apacible

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-17736 Willie Elvin Chambers and Marlene Shirley Chambers

Chapter 13

#8.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 98

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Willie Elvin Chambers

Represented By
Heather J Canning
Barry E Borowitz

Joint Debtor(s):

Marlene Shirley Chambers

Represented By
Heather J Canning
Barry E Borowitz

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-17765 Mary Jones

Chapter 13

#9.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Russ Stong, rep. Debtor]

Docket 73

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-18529 Ricardo Carranza and Teresa D. Sotelo

Chapter 13

#10.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 72

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-19070 Michele Helen Murillo

Chapter 13

#11.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 95

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-19962 Fonda Cormier

Chapter 13

#12.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 133

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Fonda Cormier

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-20163 Sandra M. Hankins

Chapter 13

#13.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 135

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/26/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-20247 Judith A. Conroy

Chapter 13

#14.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Judith A. Conroy

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-20259 Adriana T. Cobian

Chapter 13

#15.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Adriana T. Cobian

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-10102 Steven Leimel and Adela Leimel

Chapter 13

#16.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Steven Leimel

Represented By
Paul Y Lee

Joint Debtor(s):

Adela Leimel

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-10414 Felipe Morales

Chapter 13

#17.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#18.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. John Brady, rep. Debtors]

Docket 239

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/9/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-12758 Luis A Jovel

Chapter 13

#19.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 90

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Luis A Jovel

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-13165 Richard Ortiz and Dolores Ortiz

Chapter 13

#20.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-13212 Liliana Martinez

Chapter 13

#21.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Ramiro Munoz, rep. Debtor]

Docket 78

Party Information

Debtor(s):

Liliana Martinez

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-13529 Mark R. Smith

Chapter 13

#22.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Mark R. Smith

Represented By
Joselina L Medrano

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-13729 Paula Rosales

Chapter 13

#23.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Gouveia, rep. Debtor]

Docket 72

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-14789 Sadia Sohail

Chapter 13

#24.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 119

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-14798 Gail Katherine Stump

Chapter 13

#25.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 58

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/20/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-14909 Louis Lee Brown, III and Teri Claudette Brown

Chapter 13

#26.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/29/21**

Party Information

Debtor(s):

Louis Lee Brown III

Represented By
Summer M Shaw

Joint Debtor(s):

Teri Claudette Brown

Represented By
Summer M Shaw

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-15660 Guillermina Perez

Chapter 13

#27.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 91

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-15772 Annette Leshon Rudd

Chapter 13

#28.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 156

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-17531 Harvey Everett Mosely and Jean Ann Mosely

Chapter 13

#29.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 91

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-17575 Terry Neil Gaia and Tamara Marie Devalle-Gaia

Chapter 13

#30.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/02/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-18230 Ricardo Munoz and Roseann Munoz

Chapter 13

#31.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 83

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Ricardo Munoz

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Roseann Munoz

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-18669 Hector Rene Flores, Jr. and Mayra Cecilia Canchola

Chapter 13

#32.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 85

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-18720 Patricia Morales

Chapter 13

#33.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 132

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

Patricia 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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-18792 Roman Negrete Manriquez

Chapter 13

#34.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/20/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-19130 Roger C. Rosal and Rosalinda N. Rosal

Chapter 13

#35.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Roger C. Rosal

Represented By
William E Windham

Joint Debtor(s):

Rosalinda N. Rosal

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-19291 Carolyn Maxine Bodden

Chapter 13

#36.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 59

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-20177 Randal Scott Oakley and Christine Ann Oakley

Chapter 13

#37.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 106

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:17-20652 Marian Amelia Pagano

Chapter 13

#38.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 80

Party Information

Debtor(s):

Marian Amelia Pagano

Represented By
Frank J Alvarado

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-10261 Nereeka Tamar Haynes

Chapter 13

#39.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 83

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-10496 Luis Fuentes Moreno

Chapter 13

#40.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 78

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-11416 Darlene J. Wadler

Chapter 13

#41.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 68

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-11890 Rogelio Ramos and Maria Escobar

Chapter 13

#42.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Rebecca Tomilowitz, rep. Debtors]

Docket 81

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/6/21**

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 301 Calendar

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-11924 Don Gurule and Elaine Gurule

Chapter 13

#43.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 117

*** VACATED *** REASON: CASE DISMISSED 7/30/21

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-13302 Janelle A. Kline

Chapter 13

#44.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 56

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Janelle A. Kline

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-13335 Annabelle M. Vigil

Chapter 13

#45.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor)

Docket 115

Party Information

Debtor(s):

Annabelle M. Vigil

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-13714 Jose Martinez and Aurora Martinez

Chapter 13

#46.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 103

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-14014 Maggie Ruth Thomas

Chapter 13

#47.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 69

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-14144 Ridley R. Molders

Chapter 13

#48.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Ridley R. Molders

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-15900 Adrio Soedarmo and Yolanda Soedarmo

Chapter 13

#49.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-15970 Incha K Lockhart

Chapter 13

#50.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-16098 Brianne Lucinda Pituley and Michele Diana Niehe Sharik

Chapter 13

#51.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-16153 Shannon Williams

Chapter 13

#52.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

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**

Monday, August 9, 2021

Hearing Room 303

1:00 PM

6:18-16237 Miguel Santa Maria and Lilia Maldonado

Chapter 13

#53.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 98

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/9/21**

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**

Monday, August 9, 2021

Hearing Room 303

1:00 PM

6:18-16680 Tanisha S. Santee

Chapter 13

#54.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 65

***** VACATED *** REASON: CASE DISMISSED 6/28/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-16959 Robert J Martin and Amanda J Martin

Chapter 13

#55.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-16996 Gabriel Cruz

Chapter 13

#56.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 88

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Gabriel Cruz

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-17556 Daniel Javier Garcia

Chapter 13

#57.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 120

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-17676 Patricia Ellen Bond-Gomez

Chapter 13

#58.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. John Brady, rep. Debors]

Docket 155

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-17732 DeBora Debbie Walker

Chapter 13

#59.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/15/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-17946 Erika Lynn Pruitt

Chapter 13

#60.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-18402 Susan Louise Marquez

Chapter 13

#61.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-18415 Donna Denise Upton

Chapter 13

#62.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Seema Sood, rep. Debtor]

Docket 119

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-18847 Jennifer Lee Minkalis

Chapter 13

#63.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 66

***** VACATED *** REASON: CASE DISMISSED 6/9/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-19196 Sheila Rosales Manabat

Chapter 13

#64.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 83

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/6/21**

Party Information

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-19628 Reynaldo Perez and Gatziry Zeledon

Chapter 13

#65.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 95

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Reynaldo Perez

Represented By
Paul Y Lee

Joint Debtor(s):

Gatziry Zeledon

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-19729 John R Saxton

Chapter 13

#66.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 80

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

John R Saxton

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-19969 Daniel Porche and Leta Lorraine Porche

Chapter 13

#67.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 48

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

Party Information

Debtor(s):

Daniel Porche

Represented By
Dana Travis

Joint Debtor(s):

Leta Lorraine Porche

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-20070 Alexander J Perfinowicz and Ingeborg Maria Pefinowicz

Chapter 13

#68.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 90

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Alexander J Perfinowicz Pro Se

Joint Debtor(s):

Ingeborg Maria Pefinowicz Pro Se

Trustee(s):

Rod Danielson (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-20105 Darrel Jay Rumsey and Fe Eruela Rumsey

Chapter 13

#69.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 54

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Party Information

Debtor(s):

Darrel Jay Rumsey

Represented By
Norma Duenas
Andrea Liddick

Joint Debtor(s):

Fe Eruela Rumsey

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-20232 Diana Marie Perrone

Chapter 13

#70.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Diana Marie Perrone

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-20236 Carlos Rizo and Desiree Santistevan

Chapter 13

#71.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 53

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Carlos Rizo

Represented By
Erika Luna

Joint Debtor(s):

Desiree Santistevan

Represented By
Erika Luna

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-20246 Buckleigh Xavier Pruitt and Donna Lee Pruitt

Chapter 13

#72.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Buckleigh Xavier Pruitt

Represented By
Nicholas M Wajda

Joint Debtor(s):

Donna Lee Pruitt

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-20847 Erica Raquel Zavaleta

Chapter 13

#73.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 87

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

Party Information

Debtor(s):

Erica Raquel Zavaleta

Represented By
William J Smyth
Stephen S Smyth

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-10273 Maisha Lenette Ghant-Elie

Chapter 13

#74.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. John Brady, rep. Debors]

Docket 109

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-10822 Jason Leroy Albaugh and Jamie Lean Albaugh

Chapter 13

#75.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/26/21**

Party Information

Debtor(s):

Jason Leroy Albaugh

Represented By
Gregory M Shanfeld

Joint Debtor(s):

Jamie Lean Albaugh

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-10934 Jorge Ramirez and Evelia Ramirez

Chapter 13

#76.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor)

Docket 70

Party Information

Debtor(s):

Jorge Ramirez

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Evelia Ramirez

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-11281 Nadia Michelle Lipscomb

Chapter 13

#77.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 90

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Nadia Michelle Lipscomb

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-11619 David Ray Bowman and Michelle Jan Bowman

Chapter 13

#78.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

David Ray Bowman

Represented By
Carey C Pickford

Joint Debtor(s):

Michelle Jan Bowman

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-11766 Hassan Mohamad Adib Yahya

Chapter 13

#79.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/26/21**

Party Information

Debtor(s):

Hassan Mohamad Adib Yahya

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-12113 Rudy Torres Garcia and Irma Valencia Garcia

Chapter 13

#80.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Rudy Torres Garcia

Represented By
Rabin J Pournazarian

Joint Debtor(s):

Irma Valencia Garcia

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-12398 Jerry Melendrez and Laura Therese Melendrez

Chapter 13

#81.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 87

***** VACATED *** REASON: CASE DISMISSED 7/23/21**

Party Information

Debtor(s):

Jerry Melendrez

Represented By
Todd L Turoci

Joint Debtor(s):

Laura Therese Melendrez

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-12482 Ramon Leo Delgado

Chapter 13

#82.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 55

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Ramon Leo Delgado

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-12699 Luis Enrique Chavez

Chapter 13

#83.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Luis Enrique Chavez

Represented By
Giovanni Orantes

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-12702 Cesar Armando Carrillo

Chapter 13

#84.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Tele. appr. Russ Stong, rep. Debtor]

Docket 51

Party Information

Debtor(s):

Cesar Armando Carrillo

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-13314 Tamra Gillian Rehak

Chapter 13

#85.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 84

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Tamra Gillian Rehak

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-13514 Michael Ray Sandoval

Chapter 13

#86.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 66

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Michael Ray Sandoval

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-13757 Vernita Goodwin

Chapter 13

#87.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-14735 Trinen Arniese Pratt

Chapter 13

#88.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 117

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Trinen Arniese Pratt

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-14847 Phonmany Phengphavong

Chapter 13

#89.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Phonmany Phengphavong

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15018 Diana Nava and Ramiro Nava

Chapter 13

#90.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 68

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/1/21**

Party Information

Debtor(s):

Diana Nava

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Ramiro Nava

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15066 Jason A Hightower

Chapter 13

#91.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 44

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Jason A Hightower

Represented By
Donald J Gagnon III

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15270 La Chatta P Hunter

Chapter 13

#92.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Party Information

Debtor(s):

La Chatta P Hunter

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15368 Phillip Herrera and Mayra Herrera

Chapter 13

#93.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

Phillip Herrera

Represented By
Paul Y Lee

Joint Debtor(s):

Mayra Herrera

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15460 Frank Rubin Carrillo

Chapter 13

#94.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 53

***** VACATED *** REASON: CASE DISMISSED 6/25/21**

Party Information

Debtor(s):

Frank Rubin Carrillo

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15489 Angel B Castro, Sr. and Elizabeth Castro

Chapter 13

#95.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

Angel B Castro Sr.

Represented By
Kevin Tang

Joint Debtor(s):

Elizabeth Castro

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15665 Kenyaita Denise Washington

Chapter 13

#96.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 71

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Kenyaita Denise Washington

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15980 Jonathon Keith Stoner and Jacqueline Belinda Stoner

Chapter 13

#97.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH __

Docket 111

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Jonathon Keith Stoner

Represented By
Sundee M Teeple

Joint Debtor(s):

Jacqueline Belinda Stoner

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-15995 June A. Bitanga and Maria Teresita A Bitanga

Chapter 13

#98.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 65

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

June A. Bitanga

Represented By
Gregory Ashcraft

Joint Debtor(s):

Maria Teresita A Bitanga

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-16072 Sara Rolston

Chapter 13

#99.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 51

Party Information

Debtor(s):

Sara Rolston

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-16409 Maria Elly Lotz and Steven Lotz

Chapter 13

#100.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Maria Elly Lotz

Represented By
Kevin Cortright

Joint Debtor(s):

Steven Lotz

Represented By
Kevin Cortright

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-16728 Patrocinio Castaneda and Liliana Salgado

Chapter 13

#101.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 42

***** VACATED *** REASON: CASE DISMISSED 6/28/21**

Party Information

Debtor(s):

Patrocinio Castaneda

Represented By
George C Panagiotou

Joint Debtor(s):

Liliana Salgado

Represented By
George C Panagiotou

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-17080 Cesar Orozco

Chapter 13

#102.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 92

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/4/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-17416 Gerald Curtis Collins and Valerie Cecelia Collins

Chapter 13

#103.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-17897 Christina D. Cochran

Chapter 13

#104.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 25

Party Information

Debtor(s):

Christina D. Cochran

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-17987 John A Kiernan and Maria Kiernan

Chapter 13

#105.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

John A Kiernan

Represented By
Paul Y Lee

Joint Debtor(s):

Maria Kiernan

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-18209 Carlos A Martinez

Chapter 13

#106.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Party Information

Debtor(s):

Carlos A Martinez

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-18397 Mark David Dixon

Chapter 13

#107.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 44

Party Information

Debtor(s):

Mark David Dixon

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-18906 Michael D Albrecht and Irene R Albrecht

Chapter 13

#108.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Michael D Albrecht

Represented By
Paul Y Lee

Joint Debtor(s):

Irene R Albrecht

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19063 Paul Edward Young, Jr.

Chapter 13

#109.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Seema Sood, rep. Debtor]

Docket 68

Party Information

Debtor(s):

Paul Edward Young Jr.

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19092 Hakim M. Iscandari and Christine E. Allen

Chapter 13

#110.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor)

Docket 125

Party Information

Debtor(s):

Hakim M. Iscandari

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Christine E. Allen

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19106 David Cornelius Watson and Crystal Tamara Watson

Chapter 13

#111.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/1/21**

Party Information

Debtor(s):

David Cornelius Watson

Represented By
Todd L Turoci

Joint Debtor(s):

Crystal Tamara Watson

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19251 Adam Brian Britt and Kenya Lashawn Britt

Chapter 13

#112.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Tele. appr. Russ Stong, rep. Debtors]

Docket 54

Party Information

Debtor(s):

Adam Brian Britt

Represented By
Matthew D. Resnik

Joint Debtor(s):

Kenya Lashawn Britt

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19300 Nicholas A. Asamo

Chapter 13

#113.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 52

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

Nicholas A. Asamo

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19335 Sandraea La 'Jean Plummer

Chapter 13

#114.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 69

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

Party Information

Debtor(s):

Sandraea La 'Jean Plummer

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 126 Calendar**

Monday, August 9, 2021

Hearing Room 126

1:00 PM

6:19-19467 Jihad Jundi

Chapter 13

#115.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/19/21**

Party Information

Debtor(s):

Jihad Jundi

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19763 Randolph Thomas Lascurain

Chapter 13

#116.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Party Information

Debtor(s):

Randolph Thomas Lascurain

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-19912 Josephina Lopez

Chapter 13

#117.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Josephina 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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-20214 Jaqueline Aguilar-Ramos

Chapter 13

#118.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

Jaqueline Aguilar-Ramos

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-20280 Michael Brown and Robin Brown

Chapter 13

#119.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Kevin Tang, rep. Debtors]

Docket 78

Party Information

Debtor(s):

Michael Brown

Represented By
Kevin Tang

Joint Debtor(s):

Robin Brown

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-20629 Gino Camilleri and Kristen Camilleri

Chapter 13

#120.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 47

***** VACATED *** REASON: CASE DISMISSED 7/15/21**

Party Information

Debtor(s):

Gino Camilleri

Represented By
Terrence Fantauzzi

Joint Debtor(s):

Kristen Camilleri

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-20725 Priscilla Fernandez Richardson

Chapter 13

#121.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Chris Mullen, rep. Debtor]

Docket 62

Party Information

Debtor(s):

Priscilla Fernandez Richardson

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-20882 Dennis Gene Rankin

Chapter 13

#122.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Todd Turoci, rep. Debtor]

Docket 75

Party Information

Debtor(s):

Dennis Gene Rankin

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-20908 Daniel Gardono and Dianna Isla

Chapter 13

#123.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 50

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Daniel Gardono

Represented By
Gregory Ashcraft

Joint Debtor(s):

Dianna Isla

Represented By
Gregory Ashcraft

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-21002 Jose Luis Feliciano and Linda Joann Feliciano

Chapter 13

#124.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

Party Information

Debtor(s):

Jose Luis Feliciano

Represented By
Carey C Pickford

Joint Debtor(s):

Linda Joann Feliciano

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-21112 Santos Mercado Macias and Blanca Bojorquez De Leon

Chapter 13

#125.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Santos Mercado Macias

Represented By
Ramiro Flores Munoz

Joint Debtor(s):

Blanca Bojorquez De Leon

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-21123 Fiji Simmons

Chapter 13

#126.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Fiji Simmons

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-21226 Edwin Leonel Barco and Juana De Jesus Marin

Chapter 13

#127.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 66

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/4/21**

Party Information

Debtor(s):

Edwin Leonel Barco

Represented By
Jaime A Cuevas Jr.

Joint Debtor(s):

Juana De Jesus Marin

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-21232 Lawrence Mitchell, Jr.

Chapter 13

#128.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/6/21**

Party Information

Debtor(s):

Lawrence Mitchell Jr.

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10105 Christopher Arriaga

Chapter 13

#129.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 47

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Christopher Arriaga

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10138 Amparo Alejo Mercado

Chapter 13

#130.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Amparo Alejo Mercado

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10236 Robert D. Warren and Monica Vargas Restrepo

Chapter 13

#131.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 45

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/27/21**

Party Information

Debtor(s):

Robert D. Warren

Represented By
Kevin Tang

Joint Debtor(s):

Monica Vargas Restrepo

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10654 Steven A. Gabriel and Rachel I. Gabriel

Chapter 13

#132.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Steven A. Gabriel

Represented By
Paul Y Lee

Joint Debtor(s):

Rachel I. Gabriel

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10705 Bogar Hernandez and Elvira Landin Hernandez

Chapter 13

#133.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 49

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Party Information

Debtor(s):

Bogar Hernandez

Represented By
Todd L Turoci

Joint Debtor(s):

Elvira Landin Hernandez

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10794 Corey Jason Gomes

Chapter 13

#134.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 64

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/12/21**

Party Information

Debtor(s):

Corey Jason Gomes

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10850 Raymond Daniel Yaisrael and Koytoya Deona Arnold

Chapter 13

#135.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Party Information

Debtor(s):

Raymond Daniel Yaisrael

Represented By
Michael E Clark

Joint Debtor(s):

Koytoya Deona Arnold

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-11162 Jose Luis Plascencia and Ana Veronica Plascencia

Chapter 13

#136.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 32

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Jose Luis Plascencia

Represented By
Raj T Wadhvani

Joint Debtor(s):

Ana Veronica Plascencia

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-11434 Michele Marie Ruggieri

Chapter 13

#137.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Michele Marie Ruggieri

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-11573 Lorane L Luna

Chapter 13

#138.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/1/21**

Party Information

Debtor(s):

Lorane L Luna

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-11739 Miguel A. Ruelas and Yizel I. Ruelas

Chapter 13

#139.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 38

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

Party Information

Debtor(s):

Miguel A. Ruelas

Represented By
Joseph A Weber
Fritz J Firman

Joint Debtor(s):

Yizel I. Ruelas

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-11946 Michelle Cadena Quinn

Chapter 13

#140.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 102

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12092 Loi Phuoc Au and Nancy O Sengdara-Au

Chapter 13

#141.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Jason Boyer, rep. Debtors]

Docket 68

Party Information

Debtor(s):

Loi Phuoc Au

Represented By
Todd B Becker

Joint Debtor(s):

Nancy O Sengdara-Au

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12194 Claudia P. Contreras

Chapter 13

#142.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 58

Party Information

Debtor(s):

Claudia P. Contreras

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12311 Russell P Eves and Lupita Eves

Chapter 13

#143.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 36

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Russell P Eves

Represented By
Daniel C Sever

Joint Debtor(s):

Lupita Eves

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12392 Angelita Kurmen

Chapter 13

#144.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Rebecca Tomilowitz, rep. Debtors]

Docket 74

Party Information

Debtor(s):

Angelita Kurmen

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12466 Annette S. Cofer

Chapter 13

#145.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor)

Docket 36

Party Information

Debtor(s):

Annette S. Cofer

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12638 Mary Therese Conley

Chapter 13

#146.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/26/21**

Party Information

Debtor(s):

Mary Therese Conley

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-12796 Dennis Michael Lasby and Cynthia Marie Lasby

Chapter 13

#147.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Dennis Michael Lasby

Represented By
Daniel King

Joint Debtor(s):

Cynthia Marie Lasby

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-13282 Jamin Ward Amond and Davina Patricia Amond

Chapter 13

#148.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Jamin Ward Amond

Represented By
Michael E Clark
Barry E Borowitz

Joint Debtor(s):

Davina Patricia Amond

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-13354 Rudolph Brown and Maria D. Garcia-Brown

Chapter 13

#149.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 39

Party Information

Debtor(s):

Rudolph Brown

Represented By
Julie J Villalobos

Joint Debtor(s):

Maria D. Garcia-Brown

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-13463 Gregory Scott Richman

Chapter 13

#150.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 52

Party Information

Debtor(s):

Gregory Scott Richman

Represented By
Jeffrey J Hagen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-13858 Robert Lee Thomas, Sr.

Chapter 13

#151.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 50

Party Information

Debtor(s):

Robert Lee Thomas, Sr.

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-13889 Sheila Bocala

Chapter 13

#152.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 23

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

Party Information

Debtor(s):

Sheila Bocala

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-14512 Michelle Giralao

Chapter 13

#153.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/30/21**

Party Information

Debtor(s):

Michelle Giralao

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-14820 Manuel Rios and Sandra Subia Rios

Chapter 13

#154.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Manuel Rios

Represented By
Paul Y Lee

Joint Debtor(s):

Sandra Subia Rios

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-14903 Manuel Monroy

Chapter 13

#155.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 43

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Manuel Monroy

Represented By
George C Panagiotou

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-15263 Yvette Deneese Kearns

Chapter 13

#156.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 33

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/28/21**

Party Information

Debtor(s):

Yvette Deneese Kearns

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-15370 Michael J. Slowinski

Chapter 13

#157.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 60

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Michael J. Slowinski

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-15567 Jason Wood and Janella Wood

Chapter 13

#158.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/29/21**

Party Information

Debtor(s):

Jason Wood

Represented By
Natalie A Alvarado

Joint Debtor(s):

Janella Wood

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-15785 Jose Rodriguez and Celine Rodriguez

Chapter 13

#159.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 28

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/4/21**

Party Information

Debtor(s):

Jose Rodriguez

Represented By
Andy Nguyen

Joint Debtor(s):

Celine Rodriguez

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-15958 Fred Sachs

Chapter 13

#160.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 31

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Fred Sachs

Represented By
Krystina T Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-16628 Alexandria Dacanay Calunsod

Chapter 13

#161.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 37

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Alexandria Dacanay Calunsod

Represented By
Hasmik Jasmine Papian

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-16684 Ronald Eugene Day

Chapter 13

#162.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 30

Party Information

Debtor(s):

Ronald Eugene Day

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-17134 Wilfred Banawa

Chapter 13

#163.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 23

Party Information

Debtor(s):

Wilfred Banawa

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-17561 Kent D. Moore

Chapter 13

#164.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 41

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/22/21**

Party Information

Debtor(s):

Kent D. Moore

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-17707 Shawn Hawkins Cole

Chapter 13

#165.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH ____

Docket 35

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Shawn Hawkins Cole

Represented By
Timothy S Huyck

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-13111 Eusebia Rios

Chapter 13

#166.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 59

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/21/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:19-13334 Rafael Gonzalez and Sonia Cardenas

Chapter 13

#167.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 113

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Rafael Gonzalez

Represented By
Henry D Paloci

Joint Debtor(s):

Sonia Cardenas

Represented By
Henry D Paloci

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-16241 Gabrielle Mendoza

Chapter 13

#168.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 42

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Gabrielle Mendoza

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-16858 Stephanie Marie Encinas

Chapter 13

#169.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 29

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/6/21**

Party Information

Debtor(s):

Stephanie Marie Encinas

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:20-10537 Martin Sanchez-Flores and Pamela Sanchez

Chapter 13

#170.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 34

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Martin Sanchez-Flores

Represented By
Andy Nguyen

Joint Debtor(s):

Pamela Sanchez

Represented By
Andy Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:18-17784 David John Stoykovich, Jr. and Merlina Lynn Burton

Chapter 13

#171.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 76

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/26/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-19890 Rick Gaeta Carreon

Chapter 13

#172.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 172

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
6/29/21**

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 301 Calendar**

Monday, August 9, 2021

Hearing Room 301

1:00 PM

6:16-19169 Alfredo Navas

Chapter 13

#173.00 Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

EH__

Docket 73

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/13/21**

Party Information

Debtor(s):

Alfredo Navas

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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:17-19894 William Edward Walker and Carla Sue Walker

Chapter 13

#1.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 78560 Saguaro Rd, La Quinta, California 92253-2410

From: 5/25/21,6/22/21

MOVANT: MEB LOAN TRUST IV

EH__

Docket 53

***** VACATED *** REASON: CONTINUED TO 10/12/21 BY ORDER
ENTERED 8/6/21**

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

Movant(s):

MEB Loan Trust IV

Represented By
Joseph C Delmotte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:19-11430 Michael L. Williams

Chapter 7

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 33320 Kilroy Road, Temecula, CA 92592 Under 11 U.S.C. § 362

From: 4/20/21, 6/8/21

(Case converted to chapter 7 on 3/30/21)

MOVANT: NEWREZ LLC d/ba SHELLPOINT MORTGAGE SERVICING

EH__

Docket 45

***** VACATED *** REASON: CONTINUED TO 11/2/21 BY ORDER
ENTERED 8/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michael L. Williams

Represented By
Gregory Ashcraft

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Alexander G Meissner
Julian T Cotton
Mary D Vitartas
Dane W Exnowski

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:19-15018 Diana Nava and Ramiro Nava

Chapter 13

#3.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9684 Sharon Avenue, Riverside, CA 92503

From: 4/20/21,5/25/21,7/6/21

MOVANT: NEWREZ LLC

EH___

[Tele. appr. Fritz Firman, rep. Debtors]

[Tele. appr. Kristin Zilberstein, rep. creditor, NewRez LLC]

Docket 59

Tentative Ruling:

4/20/2021

Service: Okay

Opposition: Debtors

Given the evidence submitted by Debtors that Movant granted Debtors a COVID-19 related forbearance for the payments in question, the Court is inclined to DENY the motion for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana Nava

Represented By
Joseph A Weber
Fritz J Firman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Diana Nava and Ramiro Nava

Chapter 13

Joint Debtor(s):

Ramiro Nava

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Eric P Enciso
Dane W Exnowski
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:19-20214 Jaqueline Aguilar-Ramos

Chapter 13

#4.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 2790 Mangular Avenue, Corona CA 92882 .

MOVANT: PINGORA LOAN SERVICING, LLC

EH__

[Tele. appr. Kelli Brown, rep. creditor, Pingora Loan Servicing]

Docket 45

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: Debtor

Parties to apprise the Court of the status of adequate protection discussions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Jaqueline Aguilar-Ramos

Represented By

Ramiro Flores Munoz

Movant(s):

Pingora Loan Servicing, LLC

Represented By

Christina J Khil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:19-21042 Kevin Odinni Lawrence and Vonetta Isioma Lawrence

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 13383 Harper Place, Fontana, California 92336

From: 6/22/21,7/20/21

MOVANT: SCHOOLSFIRST FEDERAL CREDIT UNION

EH__

[Tele. appr. Summar Shaw, rep. Debtor]

[Tele. appr. Adam Thursby, rep. creditor, SchoolsFirst Federal Credit Union)

Docket 44

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed four mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- GRANT request under ¶ 12;

Movant to include in the proposed order a provision providing that: "In granting relief from stay the Court does not rule on the applicability of any pandemic-related

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#6.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Mercedes-Benz E-Class E 350 Sedan 4D

From: 7/20/21

MOVANT: CAPITAL ONE AUTO FINANCE

EH___

Docket 103

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 7/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Elizabeth T Baker

Represented By
Nancy Korompis

Movant(s):

Capital One Auto Finance, a division

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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:20-16018 Perry A Covello and Tia Lia Covello

Chapter 13

#7.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 19112 CRONESE LN APPLE VALLEY, CA 92308

MOVANT: BROKER SOLUTIONS, INC.

EH__

[Tele. appr. Kelli Brown, rep. creditor, Broker Solutions, Inc.]

Docket 38

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- WAIVE Rule 4001(a)(3) stay;
- GRANT requests under ¶¶ 2 and 3;
- DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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):

Perry A Covello

Represented By

Gary S Saunders - SUSPENDED -

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Perry A Covello and Tia Lia Covello

Chapter 13

Joint Debtor(s):

Tia Lia Covello

Represented By
Gary S Saunders - SUSPENDED -

Movant(s):

Broker Solutions, Inc. dba New

Represented By
Christina J Khil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:21-10853 Sotero Chandler Elias Ramas, III and Harvy Yojany Ortiz Chapter 7

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Mazda VIN No.JM1GJ1U55G1407484

MOVANT : WELLS FARGO BANK

EH__

[Tele. appr. Jenelle Arnold, rep. creditor, Wells Fargo Bank]

Docket 42

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- WAIVE 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):

Sotero Chandler Elias Ramas III

Represented By
Walter Scott

Joint Debtor(s):

Harvy Yojany Ortiz Campo

Represented By
Walter Scott

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Sotero Chandler Elias Ramas, III and Harvy Yojany Ortiz

Chapter 7

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By
Joseph C Delmotte

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anna Landa

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:21-11119 Amparo De Leon

Chapter 13

#9.00 CONT.Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 1498 West 21st Street, San Bernardino, CA 92411

From: 6/8/21,7/6/21

MOVANT: CAM XI TRUST

EH__

[Tele. appr. Reilly Wilkinson, rep. creditor CAM XI TRUST]

Docket 24

Tentative Ruling:

7/6/2021

Service appears proper.
No opposition.

BACKGROUND

Movant is the beneficiary of a recorded Deed of Trust on the Property in question. In February 2021, Movant was informed of the unauthorized transfer of the Property dated to March 12, 2020 to a party in a separate bankruptcy (case number 2:21-bk-11377-WB). This transfer was allegedly executed by the original borrower, Onie Devaughn-James, who died in September 17, 2017. In the prior bankruptcy case, Movant filed a motion for relief from the prior automatic stay, requesting in rem relief, which was granted on March 19, 2021. Movant did not record the in rem order until March 22, 2021, shortly after the foreclosure sale of the Property.

On March 22, 2021, just before the foreclosure sale of the Property occurred and prior to the recording of the in rem order, Movant was informed of another unauthorized transfer of the Property on October 16, 2020, again by the deceased original borrower.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Amparo De Leon

Chapter 13

The Debtor is not the borrower on the Property and did not list the Property in his schedules.

Although Movant knew the bankruptcy case had been filed, Movant proceeded with the foreclosure sale on March 22, 2021 and the property reverted to the Lender. Because the Debtor's petition for Chapter 13 Bankruptcy was filed before the foreclosure sale, the stay was in place and the foreclosure sale was void.

Movant now seeks an annulment of the stay to validate the March 22, 2021 foreclosure sale and a waiver of the 14 day stay prescribed by FRBP 4001(a)(3). If an annulment is not granted, the Movant requests relief pursuant to 11 U.S.C. § 362(d) (1), (4) and 11 U.S.C. § 1301(a) for relief from the new stay on the Property.

Movant argues that a retroactive annulment of the stay is justified due to the original borrower's repeated bad-faith and unauthorized transfers of the Property.

DISCUSSION

1. Movant's Request for Retroactive Annulment of Stay

11 U.S.C. § 362(d)(1) sets forth the grounds for relief from stay. It provides that:

". . . the court shall grant relief from the stay provided under subsection (a) of this section, such as by terminating, annulling, modifying or conditioning such stay—

(1) or cause, including the lack of adequate protection of an interest in property of such party in interest."

A bankruptcy court's authority to make exceptions to a stay "includes annulment providing retroactive relief, which, if granted, moots any issue as to whether the violating sale was void." *In re Fjeldsted*, 293 B.R. 12, 21 (B.A.P. 9th Cir. 2003). The B.A.P. in *Fjeldsted* set out the following twelve factors in determining whether a court should annul the automatic stay retroactively:

1. Number of filings;
2. Whether, in a repeat filing case, the circumstances indicate an intention to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT...

Amparo De Leon

Chapter 13

delay and hinder creditors;

3. A weighing of the extent of prejudice to 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 debtors 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;
12. Whether stay relief will promote judicial economy or other efficiencies."
Id. At 25 (citations omitted).

Id.

Fjeldsted cautioned that these factors are "merely a framework for analysis and not a scorecard," but that any one factor "may so outweigh the others as to be dispositive."
Id. at 32.

Here, the major issue involves factor #5. Movant knew that Debtor had filed for bankruptcy and that the Property had been transferred to the Debtor. Movant's in rem order had no effect, as it was not recorded at the time of the sale. Nevertheless, the Movant proceeded with the foreclosure sale despite the stay being in place. This shows a lack of good faith on the part of the Movant and an action that compounded the problem. Further, under factor #9, this issue arose due to Movant not swiftly recording its in rem order before the foreclosure sale.

Movant's actions, in fact, constituted a "willful" violation of the automatic stay. See *Knupfer v. Lindblade (In re Dyer)*, 322 F.3d 1178, 1191 (9th Cir. 2003) (a stay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Amparo De Leon

Chapter 13

violation is "willful" if the party knew of the stay); *Ramirez v. Fuselier (In re Ramirez)*, 183 B.R. 583, 589 (9th Cir. B.A.P. 1995) (knowledge of the bankruptcy filing is legal equivalent of knowledge of the automatic stay).

However, as the Ninth Circuit ruled in both *In re Glaser*, 1995 U.S. App. LEXIS 12268 (1995), a willful violation of a stay does not prevent a court from retroactively validating a foreclosure sale. In *Glaser*, the Ninth Circuit explained that:

Section 362(d) permits the court, in annulling a stay, to validate retroactively actions taken by a party that would otherwise be in violation of the stay. (citing to *In re Schwartz*, 954 F.2d 569, 573 (9th Cir. Ct. App. 1992) ("section 362(d) gives the [bankruptcy] court the power to ratify retroactively *any* violation of the automatic stay which would otherwise be void."). This power exists whether the creditor acts at a time when he is unaware of the stay, 2 Collier on Bankruptcy P362.07 (1994), or proceeds with a foreclosure sale when he has actual knowledge of the stay. (citing to *Algeran, Inc. v. Advance Ross Corp.*, 759 F.2d 1421, 1422-25 (9th Cir. 1985)).

Glaser, 1995 U.S. App. LEXIS 12268.

Similar to the present facts, in *Glaser*, the debtor provided evidence that the creditor proceeded with a foreclosure sale despite knowledge of the bankruptcy filing. *Id.* However, the Ninth Circuit ruled that "bankruptcy court[s] can validate the foreclosure sale regardless of [creditor's] knowledge of [debtor's] April 14 petition." *Id.* More recently, the panel in *In re Oya*, 2019 Bankr. LEXIS 3303, 14 (9th Cir. B.A.P. 2019) reaffirmed that "the creditor's knowledge is just one factor to consider in weighing the equities of the case."

While Movant's knowledge of the bankruptcy filing goes against it, in sum, the "balancing of equities" tips toward granting the Movant an annulment to validate the foreclosure sale. Under *Fjeldsted* factors #1 and #2, the original borrower's repeated unauthorized transfers within a month indicate a clear intention and scheme to delay and hinder the Movant. The scheme at hand is also clearly done in bad faith as the alleged executor of the unauthorized transfers has been deceased since 2017. Further, under #11, it appears that the Debtor will not be adversely affected in any way, as the Property was not in the Debtor's schedules. Per #7, granting an annulment would also

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Amparo De Leon

Chapter 13

allow parties to return to the *status quo ante* relatively easily, as Debtor would be able to continue unperturbed with his bankruptcy proceeding and Movant could validate the already completed foreclosure sale. Lastly, under #3 and #12, if the stay is not annulled, Movant likely would have to unwind the sale and would provide the people behind the scheme with more opportunities to repeat their fraudulent activities, leading to more bankruptcy proceedings.

However, the Court is concerned that the evidence in support of Movant's knowledge of the bankruptcy filing and decision to foreclose is vague as to who made the decision, who believed the unrecorded in rem order was effective, and the timing of the notice and decision.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Amparo De Leon

Represented By
Julie J Villalobos

Movant(s):

CAM XI 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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:21-11718 Alicia Cabello

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2018 GMC Terrain, VIN: 3GKALMEV2JL219297

MOVANT: ACAR LEASING LTD

EH__

[Tele. appr. Sheryl Ith, rep. creditor ACAR Leasing Ltd.]

Docket 29

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- WAIVE 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):

Alicia Cabello

Represented By
Andy Nguyen

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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Alicia Cabello

Sheryl K Ith

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:21-13021 John Athy Pope and Irmina Lizette Pope

Chapter 7

#11.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Ford Escape, VIN: 1FMCU0HD1KUA06289

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

[Tele. appr. Sheryl Ith, rep. creditor, Ford Motor Credit)

Docket 10

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: None

The Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (2);
- WAIVE 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):

John Athy Pope

Represented By
Kristin R Lamar

Joint Debtor(s):

Irmina Lizette Pope

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... John Athy Pope and Irmina Lizette Pope

Chapter 7

Kristin R Lamar

Movant(s):

Ford Motor Credit Company LLC

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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:21-13371 Cheryl Linda Fernandez

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 425 Grant Street, Redlands, CA 92373

Also #13

(Case Dismissed 7/19/21)

MOVANT: WILMINGTON SAVINGS FUND SOCIETY

EH__

[Tele. appr. Nancy Lee, rep. creditor, Wilmington Savings)

Docket 12

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: None

Due to the dismissal of the subject bankruptcy case on July 19, 2021, the automatic stay has terminated as a matter of law.

Therefore, the Court is inclined to:

-DENY the requests under ¶¶ 2, 3, and 6 as MOOT

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(4) based upon seven dismissed Chapter 13 filings since Movant recorded its notice of default, including three *pro se*, summarily dismissed Chapter 13 filings since April 2021

-GRANT request under ¶ 14 based upon seven dismissed Chapter 13 filings since Movant recorded its notice of default, including three *pro se*, summarily dismissed Chapter 13 filings since April 2021

-WAIVE Rule 4001(a)(3) stay;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

CONT... Cheryl Linda Fernandez

Chapter 13

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
-GRANT request under ¶ 10;
-GRANT request under ¶ 12;
-DENY requests under ¶¶ 8 and 11 for lack of cause shown. Specifically, Movant has not provided a writ of possession or other evidence establishing its right to immediate possession of the subject real property. Regarding ¶ 11, the Court only grants that request in extraordinarily egregious situations.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Cheryl Linda Fernandez	Pro Se
------------------------	--------

Movant(s):

Wilmington Savings Fund Society,	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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

11:00 AM

6:21-13371 Cheryl Linda Fernandez

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 424 South Eureka Street, Redlands, California 92373

Also #12

(Case Dismissed 7/19/21)

MOVANT: US BANK TRUST NATIONAL ASSOCIATION

EH ____

Docket 15

***** VACATED *** REASON: CASE DISMISSED 7/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cheryl Linda Fernandez

Pro Se

Movant(s):

U.S. Bank Trust 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 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#14.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Motion for Order: (1) Approving the Sale of Real Property (Subject to Overbids); (2) Approving the Sale Free and Clear of Liens and Interests; (3) Finding Buyer a Good Faith Purchaser; (4) Authorizing Payment of Real Estate Fees and Costs of Sale; and (5) Waiving Fourteen-Day Stay of Rule 6004(h); Declarations of Dr. Rao Daluvoy, Shawn Smithson, and Reza Safaie In Support Thereof.

Also #15

EH__

(Tele. appr. William Beall, rep. Barstow Daluvoy First Mortgage Investors, LP)

[Tele. appr. Donald Reid, rep. Debtor in possession and Reza Safaie, proposed buyer]

Docket 97

Tentative Ruling:

8/10/2021

BACKGROUND

On December 8, 2020, Raman Enterprises LLC ("Debtor") filed a Chapter 11 voluntary petition. Among the scheduled assets was a parcel of raw land located in Barstow, California (the "Property"). Schedule A identified the value of the Property as \$1,950,000. Schedule D identified three creditors holding a security interest in the Property: (1) Santa Barbara Commercial Mortgage (in the amount of \$761,099); (2) Arvin Doshi (in an unknown amount)¹ and (3) the San Bernardino County Tax

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation
Collector (in the amount of \$17,631.66)².

Chapter 11

On January 14, 2021, Debtor filed an application to employ a real estate broker; RE/MAX was approved as broker pursuant to order entered February 5, 2021.

On April 20, 2021, Barstow Daluvoy Project Lenders LP filed a motion for relief from stay as to the Property. On May 11, 2021, Debtor filed an opposition. At a hearing held on May 25, 2021, the Court indicated that it was inclined to order relief from stay, but continued the matter for: (a) Debtor to file a supplemental brief; and (b) Debtor to continue marketing the Property. After a continued hearing on June 22, 2021, the Court continued the matter again, for further marketing efforts and for the parties to discuss an agreement. At the third hearing, on July 6, 2021, the Court granted the motion, delaying the effectiveness of the order, entered July 12, 2021, until October 6, 2021.

On July 20, 2021, Debtor filed the instant sale motion. Debtor proposes to sell the Property to Yucca Valley Property, LLC (the "Purchaser") for \$1,050,000. Proposed payments from the proceeds include: (1) \$47,250 for broker's commission³; (2) \$15,750 for costs of sale; (3) \$17,580.52 for property taxes; and (4) \$784,485.31 for Barstow Daluvoy First Mortgage Investors, LP. This distribution leaves \$184,934.43 for the estate. The motion does not propose to pay the liens of American Lending, Inc. and The Doshi Family Trust, for the reasons set forth in the discussion section.

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*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

Parners, 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 asserts that the Property was marketed for more than five months, the evidence presented in support of the motion is lacking in any description of the marketing. The Court also notes that the unsigned declaration of the managing member of the Purchaser indicates that the Purchaser has personally known the managing member of the Debtor for several years and has previously discussed purchasing the Property. Finally, the Court notes that the Property is being sold for \$900k less than its scheduled value.

While not directly relevant to the Court's analysis under § 363(b), the Court notes that page 8, lines 12-13 of the instant motion state that "Debtor intends to distribute the Net Sales Proceeds pursuant to the distribution schemes in the Bankruptcy Code." It is not clear what Debtor means by this statement.

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;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

CONT...

Raman Enterprises LLC, a Nevada corporation

Chapter 11

- (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, Debtor is requesting that the sale be free and clear of the liens of: (i) the County of San Bernardino; (ii) Barstow Daluvoy First Mortgage Investors, LP; (iii) American Lending, Inc.; and (iv) The Doshi Family Trust. Regarding (i) and (ii), Debtor states the sale proceeds are sufficient to satisfy the liens in full, and, therefore, the sale can be approved free and clear of those liens pursuant to § 363(f)(1) and (5).

Regarding the liens of American Lending, Inc. and The Doshi Family Trust, Debtor contends that § 363(f)(4) is applicable because those liens are subject to a bona fide dispute. Importantly, Debtor does not present any analysis or evidence whatsoever regarding this bona fide dispute, nor does Debtor request the Court to take judicial notice of the complaint. Assuming, *arguendo*, the Debtor include the complaint in the record, Debtor must show that there is an "objective basis for either a factual or legal dispute as to the validity of the debt." *See In re Gaylord Grain L.L.C.*, 306 B.R. 624, 627 (B.A.P. 8th Cir. 2004) (*quoting In re Busick*, 831 F.2d 745, 750 (7th Cir. 1987).

Here, the complaint filed by Debtor alleges that the granting of deeds of trust to American Lending, Inc. and The Doshi Family Trust constitute constructively fraudulent transfers because Debtor did not receive any value in exchange. While Debtor concedes that Debtor was a borrower in the underlying loan documents, Debtor asserts that Debtor's managing member, Dr. Daluvoy, or his other entities, used all of the loan proceeds for purposes unrelated to Debtor.

As noted by one bankruptcy court, the Court's inquiry is more complicated than

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation
simply determining whether Debtor received the loan proceeds:

Chapter 11

In bringing this action the Johnsons contend that they did not receive reasonably equivalent value in exchange for the transfer of the mortgage on their house since it was the corporation and not themselves who received all of the loan proceeds. This argument is without merit. It is well settled that a debtor need not benefit directly in order to receive reasonably equivalent value for a transfer. He may benefit indirectly through benefit to a third person. *Williams v. Twin City Co.*, 251 F.2d 678, 681 (9th Cir.1958), *Klein v. Tabatchnick*, 610 F.2d 1043, 1047 (2d Cir.1979), *Rubin v. Manufacturer's Hanover Trust Co.*, 661 F.2d 979, 991 (2d Cir.1981).

Johnson v. First Nat'l Bank, 81 B.R. 87, 88-89 (Bankr. N.D. Fla. 1987). The Court notes that this third-party/indirect benefit analysis is a factual inquiry that varies upon the facts of each case, and, in the instant case, Debtor has not provided any admissible evidence or legal argument to support its contention that the liens of American Lending, Inc. and The Doshi Family Trust are in bona fide dispute. As a result, Debtor has not met its burden on this issue.

Additionally, the Court notes that there appear to be further issues regarding additional elements of a constructively fraudulent transfer. For example, the complaint asserts that Debtor became insolvent of a result of the transfers, but the record in this case, for example docket number 26, suggests that Debtor was still solvent after the transactions at issue.

III. 14-Day Stay

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

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).

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Debtor's miscellaneous requests. The Court has reviewed the request for payment of a reduced broker's commission and closing costs. The Court notes that the motion states that the proposed broker's commission is \$47,250 on page 4 and \$42,000 on page 10.

The Court has reviewed Debtor's request for a § 363(m) good faith finding. As stated in the first section of the discussion section, the declaration of Purchaser submitted with the motion is unsigned, and, additionally, raises questions about whether a good faith finding is appropriate.

TENTATIVE RULING

Movant to supplement the motion to respond to the issues raised in the above tentative.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

CONT...

Raman Enterprises LLC, a Nevada corporation

Donald W Reid

Chapter 11

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#15.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference And (2) Requiring Status Report

Also #14

From: 1/5/21, 4/6/21,4/20/21,5/25/21,6/22/21,7/6/21

EH__

(Tele. appr. William Beall, rep. Barstow Daluvoy First Mortgage Investors, LP)

[Tele. appr. Donald Reid, rep. Debtor in possession and Reza Safaie, proposed buyer]

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#16.00 CONT. Motion to Approve Stipulation Between Debtor And Van Daele Homes Regarding Disposition Of Monies Held By Van Daele

From: 6/29/21

EH__

[Tele. appr. Elan Levey, rep. creditor, United States Small Business Administration]

[Tele. appr. Steven Fox, rep. Debtor in Possession]

Docket 136

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

Movant(s):

DW Trim, Inc.

Represented By
Steven R Fox
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 10, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#17.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 3/16/21, 3/30/21,5/25/21,6/29/21

EH__

[Tele. appr. Elan Levey, rep. creditor, United States Small Business Administration]

[Tele. appr. Steven Fox, rep. Debtor in Possession]

[Tele. appr. Cameron Ridley, rep. U.S. Trustee]

[Tele. appr. Hugo Gomez, rep. TM Cobb, Unsecured Creditors Committee]

[Tele. appr. Staci Cima, rep. Huttig Building Products, Unsecured Creditors Committee]

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

10:00 AM

6:21-11898 Kathryn Jean Gomez

Chapter 7

#1.00 CONT. Pro se Reaffirmation Agreement Between Debtor and Toyota Motor Credit Corporation, in the amount of \$19,963.10, rep 2018 Toyota Prius

From: 7/7/21

EH__

Docket 22

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathryn Jean Gomez

Pro Se

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

10:00 AM

6:21-12211 Anahi Guadalupe Velazquez

Chapter 7

#2.00 Pro se Reaffirmation Agreement Between Debtor and Golden 1 Credit Union, in the amount of \$32,591.46 re: 2018 Ford Explorer

EH __

Docket 20

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anahi Guadalupe Velazquez

Represented By
Marlin Branstetter

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

10:00 AM

6:21-12894 Natalie Mendez

Chapter 7

#3.00 Reaffirmation Agreement Between Debtor and Nissan Motor Acceptance Corporation, in the amount of \$8523.10, re: 2017 Nissan Sentra

EH__

Docket 8

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Natalie Mendez

Represented By
Daniel King

Trustee(s):

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

10:00 AM

6:21-13219 Nichole Lynn Youmans

Chapter 7

#4.00 Pro se Reaffirmation Agreement Between Debtor and OneMain Financial Group, LLC re 2013 Sentra

EH ____

Docket 9

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Nichole Lynn Youmans

Represented By
Yolanda Flores-Burt

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

10:00 AM

6:21-13644 Derica Johnson

Chapter 7

#5.00 Pro se Reaffirmation Agreement Between Debtor and Carvana LLC, in the amount of \$17,554.39, re: 2016 Honda Accord

EH__

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Derica Johnson

Pro Se

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:13-10714 Steven A Velasquez, Sr. and Paisley E Velasquez

Chapter 7

#6.00 CONT. Motion to Avoid Lien with Capital One Bank

From: 7/21/21

(Placed on calendar by order entered 6/30/21)

(Notice of Withdrawal of Motion filed 8/3/21)

EH__

Docket 40

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven A Velasquez Sr.

Represented By
Marc E Grossman

Joint Debtor(s):

Paisley E Velasquez

Represented By
Marc E Grossman

Movant(s):

Paisley E Velasquez

Represented By
Marc E Grossman

Trustee(s):

Charles W Daff (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:13-22713 Abel Solorzano and Irma Solorzano

Chapter 7

#7.00 CONT Trustee's Final Report and Applications for Compensation

(Status Conference)

From: 4/1/20, 5/13/20, 9/9/20,10/14/20,12/16/20,2/10,21, 4/7/21,
4/21/21,4/28/21,6/9/21

EH ____

Docket 464

***** VACATED *** REASON: CONTINUED TO 9/29/21 BY ORDER
ENTERED 8/9/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Abel Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Joint Debtor(s):

Irma Solorzano

Represented By
Byron Z Moldo
Howard Camhi

Trustee(s):

Howard B Grobstein (TR)

Represented By
Ivan L Kallick

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-17617 Imelda Vasquez

Chapter 7

#8.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 28

Tentative Ruling:

8/11/2021

No opposition has been filed.
Service is 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: \$ 1,702.70
Trustee Expenses: \$ 39.98

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):

Imelda Vasquez

Represented By
Douglas L Weeks

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:17-18302 Richard Evans and Deborah Evans

Chapter 7

#9.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

[Tele. appr. Lynda Bui, chapter 7 trustee]

Docket 101

Tentative Ruling:

8/11/2021

No opposition has been filed.
Service is 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 professionals, the Court is inclined to APPROVE the following administrative expenses:

Trustee Fees: \$ 6,750
Trustee Expenses: \$ 219.91

Counsel Fees: \$ 14,234.50
Counsel Expenses: \$ 237.76

Regarding Accountant's fees, the Court requests copies of the tax returns and prompt determination request letters (redacted as appropriate). The Court also requests clarification as to the IRS online system not being available, and as to the need for services by CPA Savage.

APPEARANCES WAIVED, other than as to Accountant.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

CONT... Richard Evans and Deborah Evans

Chapter 7

Debtor(s):

Richard Evans

Represented By
Lane K Bogard

Joint Debtor(s):

Deborah Evans

Represented By
Lane K Bogard

Trustee(s):

Lynda T. Bui (TR)

Represented By
Erin P Moriarty

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:19-11430 Michael L. Williams

Chapter 7

#10.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Chapter 7 Trustees Motion for Order: (1) Approving the Sale of Real Property of the Estate Free and Clear of Certain Liens Pursuant to Bankruptcy Code §§ 363(b)(1) and 363(f), Subject to Overbids, Combined With Notice of Bidding Procedures and Request for Approval of the Bidding Procedures Utilized; (2) Approving Payment of Real Estate Commission; and (3) Granting Related Relief; Memorandum of Points and Authorities and Declaration of Lynda T. Bui in Support [With Notice of Hearing on Motion]

EH__

[Tele. appr. Lynda Bui, chapter 7 trustee]

[Tele. appr. Joseline Medrano, rep. debtor]

[Tele. appr. Matthew Vanderbeek, rep. broker for chapter 7 trustee]

Docket 83

Tentative Ruling:

8/11/2021

Service: Proper
Opposition: None

BACKGROUND

On February 25, 2019, Michael L. Williams ("Debtor") filed a Chapter 13 voluntary petition. The case was converted to a Chapter 7 on March 30, 2021. Debtor filed amended schedules A/B listing the real property located at 33320 Kilroy Road, Temecula, CA ("Property") with a value of \$850,000. On July 6, 2021, the Court approved the employment of Pro Realty Group as real estate broker.

The Property is the subject of a marital dissolution, and as of the petition date is

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

CONT... Michael L. Williams

Chapter 7

community property because Debtor and his non-filing spouse are still married. Additionally, Debtor's spouse filed her own bankruptcy on May 3, 2021 and has not claimed an exemption in the Property.

On July 20, 2021, Trustee filed the instant sale motion. Trustee asserts that Debtor recognizes he is not entitled to a homestead exemption and has stipulated to waive any homestead exemption. The executed stipulation was filed on August 4, 2021 [Dkt. 88]. Trustee proposes to sell the Property to Cody White ("Purchaser") for \$915,000, the best out of five offers. Trustee will carve-out 1% of the broker's commission, and the remaining 5% will be divided the Trustee and Purchaser's broker. Additionally, Trustee's broker will be reimbursed up to \$1,500 for costs advanced to avoid HOA violations.

Proposed payments from the sale proceeds include: (1) \$65,000 for real estate commission and other costs of sale; (2) \$6,000 for property taxes; (3) \$698,291.44 for the 1st position secured claim of NewRez LLC; (4) \$44,000 for the 2nd position secured claim of United States Senate FCU; and (5) \$1,500 reimbursement to broker. This leaves a net recovery of \$99,658.56 to the estate and provides for an estimated distribution of approximately 20% to general unsecured claims.

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 evidence of the Property's marketing, which the Court deems

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

CONT... Michael L. Williams

Chapter 7

sufficient to establish the reasonableness of the sale. Specifically, the Court notes that Trustee employed a real estate broker to begin marketing the Property in May 24, 2021 and obtained a sale price above the value of the Property scheduled by Debtor.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) 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 proposes to sell under §§ 363 (f)(2) and (4). Here, the sale price exceeds the aggregate value of the liens encumbering the Property and, therefore, § 363(f)(3) permits Trustee to sell the Property free and clear of liens. Additionally, as Trustee points out the two judgment abstracts appearing on title should be resolved. One appears to be invalid as it was recorded in violation of the automatic stay, and the other appears not to be against the Debtor or his non-filing spouse. In any case, should the judgment abstracts not be resolved, they are subject to a bona fide dispute, and therefore, Trustee may sell the Property pursuant to § 363 (f)(4).

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 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

CONT... Michael L. Williams

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 1% carve-out requested from the 6% compensation due to the brokers and finds such compensation and carveout to be reasonable in the circumstances.

Finally, the Court has reviewed the declaration of the Purchaser and finds the declaration sufficient for a determination that the Purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m).

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety subject to any overbids being received.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Michael L. Williams

Represented By
Gregory Ashcraft

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 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-10426 Mathew Golla

Chapter 7

#11.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 32

Tentative Ruling:

8/11/2021

No opposition has been filed.
Service is 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: \$ 1,855.90
Trustee Expenses: \$ 104.90

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):

Mathew Golla

Represented By
Kevin Tang

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-12706 Demitrios Foster and Natesha Eileen Ellis

Chapter 7

#12.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

[Tele. appr. Christina Khil, rep. chapter 7 trustee]

Docket 34

Tentative Ruling:

8/11/2021

No opposition has been filed.
Service is 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: \$ 1,485.22
Trustee Expenses: \$ 20.00

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):

Demitrios Foster

Represented By
Chris A Mullen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

CONT... Demitrios Foster and Natesha Eileen Ellis

Chapter 7

Joint Debtor(s):

Natesha Eileen Ellis

Represented By
Chris A Mullen

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-13326 Uriel Garcia and Lilliana Garcia

Chapter 7

#13.00 Notice Trustee's Final Report and Applications for Compensation

EH__

[Tele. appr. Christina Khil, rep. chapter 7 trustee]

Docket 43

Tentative Ruling:

8/11/2021

No opposition has been filed.
Service is 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: \$ 570.75
Trustee Expenses: \$ 20.00

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):

Uriel Garcia

Represented By
William Radcliffe

Joint Debtor(s):

Lilliana Garcia

Represented By
William Radcliffe

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

CONT... Uriel Garcia and Lilliana Garcia

Chapter 7

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-13417 Eddie C. DeGracia, Jr.

Chapter 7

#14.00 Motion to Approve Compromise Under Rule 9019 Between the Bankruptcy Estate, the Debtor, and the Debtor's Former Spouse

(Placed on calendar by order entered 7/14/21)

EH__

[Tele. appr. Brandon Iskander, rep. chapter 7 trustee]

[Tele. appr. Scott Talkov, rep. Satoko Degracia, former spouse of Debtor, Defendant]

[Tele. appr. Charles Daff, chapter 7 trustee]

Docket 50

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Eddie C. DeGracia Jr.

Represented By
James D. Hornbuckle

Movant(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

Trustee(s):

Charles W Daff (TR)

Represented By
Brandon J Iskander

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-13525 Dimlux, LLC

Chapter 7

#15.00 CONT. Trustee's Motion for Order Approving Compromise and Stipulation By and Between Trustee and Creditor Mansour Barghie

From: 7/21/21

(Placed on calendar by order entered 6/21/21)

EH__

(Tele. appr. Nancy Hoffmeier Zamora, rep. chapter 7 trustee]

[Tele. appr. Larry Simons, chapter 7 trustee]

[Tele. appr. Kasra Barghi, pro se]

Docket 100

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Dimlux, LLC

Represented By
Donald Beury - SUSPENDED -
John E Bouzane

Movant(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-13610 Christa Teresa McCarthy

Chapter 7

#16.00 Notice of Trustee's Final Report and Applications for Compensation

EH__

Docket 40

Tentative Ruling:

8/11/2021

No opposition has been filed.
Service is 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: \$ 1,586.30
Trustee Expenses: \$ 66.95

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):

Christa Teresa McCarthy

Represented By
Neil R Hedtke

Trustee(s):

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:20-15054 Luis Alberto Pineda-Mata

Chapter 7

#17.00 CONT. Notice of Objection and Motion to Extend Time to File Additional Evidence in Support of Objection to Debtor's Claimed Homestead Exemption, with Proof of Service

From: 5/5/21

EH__

Docket 30

***** VACATED *** REASON: CONTINUED TO 10/13/21 BY ORDER
ENTERED 8/6/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Alberto Pineda-Mata

Represented By
Todd L Turoci
Christopher J Lauria

Movant(s):

Charles W Daff (TR)

Represented By
Chad V Haes
Tinho Mang
D Edward Hays

Trustee(s):

Charles W Daff (TR)

Represented By
Chad V Haes
Tinho Mang
D Edward Hays

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

11:00 AM

6:16-19947 Melissa Lynn Dixon

Chapter 7

#18.00 Status Conference Re: Contempt of Court Paul Kaur Singh

EH__

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Melissa Lynn Dixon

Represented By
Bryant C MacDonald

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

#19.00 CONT. Trustee's Motion for Turnover of Property

Also #20,21

**(Status Conference.)
(Specially set)**

(Holding Date)

From: 4/21/21,6/30/21

EH__

[Tele. appr. Mark Schnitzer, rep. Plaintiff]

Docket 96

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

#20.00 CONT Motion for Order Compelling Debtor to Vacate and Turnover Real Property
**HOLDING DATE
(Specially set)**

Also #19,21

From: 11/13/19, 12/18/19, 5/20/20, 9/9/20,11/4/20, 2/2/20,1/6/21,2/3/21,6/30/21

EH ____

[Tele. appr. Mark Schnitzer, rep. Plaintiff]

Docket 40

Tentative Ruling:

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

#21.00 CONT Motion to Disallow Homestead Exemption
HOLDING DATE
(Specially set)

Also #19,20

From: 12/18/19, 5/20/20, 9/9/20,11/4/20,12/2/20,1/6/21,2/3/21,5/5/21

EH__

Docket 49

Tentative Ruling:

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Movant(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:17-18617 Christy Carmen Hammond

Chapter 7

Adv#: 6:19-01144 Whitmore v. Hammond

#22.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01144. Complaint by Robert S. Whitmore against Kenneth Hammond. (Charge To Estate) \$350.00 (Attachments: # 1 Adversary Proceeding Cover Sheet # 2 Unexecuted Summons) Nature of Suit: (11 (Recovery of money/property - 542 turnover of property)),(31 (Approval of sale of property of estate and of a co-owner - 363(h))),(91 (Declaratory judgment))
(HOLDING DATE)

From: 12/18/19, 5/20/20, 9/9/20, 11/4/20, 12/2/20,1/6/21,2/3/21,6/30/21

EH ____

[Tele. appr. Mark Schnitzer, rep. Plaintiff]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christy Carmen Hammond

Represented By
Eric C Morris

Defendant(s):

Kenneth Hammond

Pro Se

Plaintiff(s):

Robert S. Whitmore

Represented By
Douglas A Plazak

Trustee(s):

Robert Whitmore (TR)

Represented By
Douglas A Plazak

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Christy Carmen Hammond

Chapter 7

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01095 Pringle v. Fannyan

#23.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01095. Complaint by John P. Pringle against Zahra Fannyan. (Charge To Estate - \$350.00).
Complaint: (1) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§548(a)(1)(A) and 550, and Cal. Civ. Code § 3439.04 (a)(1); (2) To Avoid and Recover Transfers Pursuant to 11 U.S.C. §§ 548(a)(1)(B) and 550, and Cal. Civ. Code §§ 3439.04(a)(2) and 3439.05(a); (3) To Preserve Transfers for the Benefit of the Estate Pursuant to 11 U.S.C. § 551 Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) (Goodrich, David)

From: 7/27/20, 9/28/20,11/30/20,2/1/21,7/28/21

EH__

[Tele. appr. Jeffrey Golden, rep. trustee, John Pringle]

[Tele. appr. David Goodrich, rep. trustee, John Pringle]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Zahra Fannyan

Represented By
Kaveh Ardalan

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich
Sonja Hourany

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 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:17-20092 Mark Bastorous

Chapter 7

Adv#: 6:20-01083 Pringle v. Eskarous

#24.00 CONT. Defendant's Motion For Summary Judgment

From: 5/12/21,6/23/21,7/28/21

EH__

[Tele. appr. David Goodrich, rep. trustee, John Pringle]

Docket 17

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark Bastorous

Represented By
Thomas F Nowland

Defendant(s):

Manal Eskarous

Represented By
Michael A Corfield

Joint Debtor(s):

Bernadette Shenouda

Represented By
Thomas F Nowland

Movant(s):

Manal Eskarous

Represented By
Michael A Corfield

Plaintiff(s):

John P. Pringle

Represented By
David M Goodrich

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Mark Bastorous

Chapter 7

Sonja Hourany

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 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:19-19387 Corinne Lara Ramirez

Chapter 7

Adv#: 6:20-01006 Eggleston et al v. Ramirez

#25.00 Amended Motion (related document(s): Motion Notice of Motion and Motion for Contractual Attorneys Fees; Declarations of Corinne Lara Ramirez And Scott Talkov in Support Thereof filed by Defendant Corinne Lara Ramirez) Notice of Motion and Amended Motion For Contractual Attorneys Fees Under 2014 Operating Agreement; Declarations of Corinne Lara Ramirez and Scott Talkov in Support Thereof

EH__

[Tele. appr. Scott Talkov, rep. Defendant]

[Tele. appr. Tyler Brown, rep. Plaintiffs]

Docket 103

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Corinne Lara Ramirez

Represented By
Natalie A Alvarado

Defendant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Movant(s):

Corinne Lara Ramirez

Represented By
Scott Talkov

Plaintiff(s):

David Eggleston

Represented By
Tyler H Brown

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Corinne Lara Ramirez

Chapter 7

Karin Doerr

Represented By
Tyler H Brown

Richard Alvarado

Represented By
Tyler H Brown

Yan Sum Alvarado

Represented By
Tyler H Brown

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:20-10762 Daisy Wheel Ribbon Co., Inc.

Chapter 7

Adv#: 6:21-01057 Speier, Chapter 7 Trustee v. Northwestern Mutual Life Insurance Company,

#26.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01057. Complaint by Steven M Speier, Chapter 7 Trustee against Northwestern Mutual Life Insurance Company, Milwaukee, WI, Harold W. Baer, Sharon M. Baer. (\$350.00 Fee Charge To Estate). Complaint: (1) To Avoid and Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(A), and 550, and California Civil Code § 3439.04(a)(1); (2) To Avoid and Recover Fraudulent Transfers Pursuant to 11 U.S.C. §§ 544(b), 548(a)(1)(B) and 550, and California Civil Code §§ 3439.04(a)(2) and 3439.05; (3) Avoidance and Recovery of Fraudulent Transfers Pursuant to 11 U.S.C. § 550(a); and (4) To Recover and Preserve Transfers for the Benefit of the Estate Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)) (Goe, Robert)

From: 7/7/21

EH__

[Tele. appr. Robert Goe, rep. Plaintiff, Steven Speier]

[Tele. appr. Louis Esbin, rep. for Harold W. Baer, Kimberly A. Baer, Laura Losquadro and HBall Properties, LLC]

[Tele. appr. Karen Tsui, rep. Northwestern Mutual Life Insurance Company]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Daisy Wheel Ribbon Co., Inc.

Represented By
Louis J Esbin

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Daisy Wheel Ribbon Co., Inc.

Chapter 7

Defendant(s):

Northwestern Mutual Life Insurance Represented By
Karen T Tsui

Harold W. Baer Represented By
Louis J Esbin

Sharon M. Baer Represented By
Louis J Esbin

Plaintiff(s):

Steven M Speier, Chapter 7 Trustee 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, August 11, 2021

Hearing Room 301

2:00 PM

6:20-11490 Niels Erik Topping

Chapter 7

Adv#: 6:20-01123 Thompson v. Topping

#27.00 Motion For Summary Judgment or in the Alternative Partial Summary Judgment; Declaration of Greg Thompson; Declaration of John G. Dickman; Exhibits.

EH__

Docket 41

***** VACATED *** REASON: CONTINUED TO 9/1/21 AT STATUS
CONFERENCE HEARING HELD ON 6/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Niels Erik Topping Pro Se

Defendant(s):

Niels Erik Topping Pro Se

Joint Debtor(s):

Sonja Haupt Topping Pro Se

Movant(s):

Greg Thompson Represented By
John G Dickman

Plaintiff(s):

Greg Thompson Represented By
John G Dickman

Trustee(s):

Steven M Speier (TR) Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#28.00 Motion to Dismiss Adversary Proceeding Motion to Dismiss 2nd Amended Complaint

Also #29

EH__

[Tele. appr. Misty Perry Issacson, rep. Plaintiffs]

[Tele. appr. Baruch Cohen, rep. Defendant]

Docket 30

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Edward Hutchinson

Represented By
Paul Y Lee

Defendant(s):

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

Veronica Aurora Hutchinson

Represented By
Baruch C Cohen

Joint Debtor(s):

Veronica Aurora Hutchinson

Represented By
Paul Y Lee

Movant(s):

Christopher Edward Hutchinson

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

Baruch C Cohen

Veronica Aurora Hutchinson

Represented By
Baruch C Cohen

Plaintiff(s):

Courtney Cotter

Represented By
R Gibson Pagter Jr.
Misty A Perry Isaacson

Matthew Cotter

Represented By
R Gibson Pagter Jr.
Misty A Perry Isaacson

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:20-17828 Christopher Edward Hutchinson

Chapter 7

Adv#: 6:21-01015 Cotter et al v. Hutchinson et al

#29.00 CONT. Status Conference RE: [1] Adversary case 6:21-ap-01015. Complaint by Matthew Cotter, Courtney Cotter against Christopher Edward Hutchinson, false pretenses, false representation, actual fraud))

Also #28

*Alias summons issued on 3/3/21 for defendant Veronica Hutchinson

*Second amended complaint filed 6/2/21

From: 3/31/21,5/5/21,7/28/21

EH__

[Tele. appr. Misty Perry Issacson, rep. Plaintiffs)

[Tele. appr. Baruch Cohen, rep. Defendant]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Christopher Edward Hutchinson

Represented By
Paul Y Lee

Defendant(s):

Veronica Aurora Hutchinson

Represented By
Baruch C Cohen

Christopher Edward Hutchinson

Represented By
Baruch C Cohen

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Christopher Edward Hutchinson

Chapter 7

Joint Debtor(s):

Veronica Aurora Hutchinson

Represented By
Paul Y Lee

Plaintiff(s):

Courtney Cotter

Represented By
R Gibson Pagter Jr.
Misty A Perry Isaacson

Matthew Cotter

Represented By
R Gibson Pagter Jr.
Misty A Perry Isaacson

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:21-10036 Rodolfo Rios, Jr.

Chapter 7

Adv#: 6:21-01045 Montejano v. Rios, Jr.

#30.00 CONT. Defendant's Motion to Dismiss Adversary Proceeding and Notice of Motion

From: 6/9/21

EH__

Docket 4

***** VACATED *** REASON: CASE DISMISSED 6/22/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rodolfo Rios Jr.

Represented By
Christopher J Langley

Defendant(s):

Rodolfo Rios Jr.

Represented By
Christopher J Langley

Movant(s):

Rodolfo Rios Jr.

Represented By
Christopher J Langley

Plaintiff(s):

Armando Montejano

Represented By
Garrick A Hollander
Ryan A Baggs

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:21-10853 Sotero Chandler Elias Ramas, III

Chapter 7

Adv#: 6:21-01066 Maddox v. Ramas, III et al

#31.00 CONT. Status Conference re Adversary case 6:21-ap-01066. Complaint by Farideh Maddox against Sotero Chandler Elias Ramas III, Harvy Yojany Ortiz Campo. (d),(e)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(65 (Dischargeability - other))

From: 7/28/21

EH__

[Tele. appr. Walter Scott, rep. Defendants]

[Tele. appr. Morris Nazarian, rep. Plaintiff]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sotero Chandler Elias Ramas III	Represented By Walter Scott
---------------------------------	--------------------------------

Defendant(s):

Sotero Chandler Elias Ramas III	Represented By Walter Scott
---------------------------------	--------------------------------

Harvy Yojany Ortiz Campo	Represented By Walter Scott
--------------------------	--------------------------------

Joint Debtor(s):

Harvy Yojany Ortiz Campo	Represented By Walter Scott
--------------------------	--------------------------------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

CONT... Sotero Chandler Elias Ramas, III

Chapter 7

Plaintiff(s):

Farideh Maddox

Represented By
Morris Nazarian

Trustee(s):

Todd A. Frealy (TR)

Represented By
Anna Landa

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 11, 2021

Hearing Room 301

2:00 PM

6:21-11005 Brent Anthony Buckner

Chapter 7

Adv#: 6:21-01069 Skeffington et al v. Buckner

#32.00 CONT Status Conference RE: [1] Adversary case 6:21-ap-01069. Complaint by William Skeffington, Laurie Skeffington against Brent Anthony Buckner. fraud as fiduciary, embezzlement, larceny),(68 (Dischargeability - 523(a)(6), willful and malicious injury)),(91 (Declaratory judgment)

From: 8/4/21

EH__

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Brent Anthony Buckner

Represented By
Michael R Totaro

Defendant(s):

Brent Anthony Buckner

Represented By
Candice Candice Bryner

Plaintiff(s):

William Skeffington

Represented By
J Scott Williams

Laurie Skeffington

Represented By
J Scott Williams

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

6:12-22788 Maria Teresa Ingal Batac

Chapter 7

#1.00 CONT. Notice of Trustee's Final Report and Applications for Compensation

From: 7/21/21

EH__

[Tele. appr. Nancy Hoffmeier Zamora, rep. chapter 7 trustee]

[Tele. appr. John Pringle, chapter 7 trustee]

Docket 44

Tentative Ruling:

8/18/2021

No opposition has been filed.
Service was proper.

As explained in the previous tentative posted for the hearing held on July 21, 2021, pursuant to 11 U.S.C. § 326(a), Trustee may not base the calculation of his compensation on the \$114,162.12 paid to Aylstock, Witkin, Kreis & Overholtz, PLLC ("special counsel") or the \$14,000 for the MDL assessment, as these moneys were not, at any time, held, administered, received, or disbursed by Trustee. *See e.g., In re Guido*, 237 B.R. 562, 564-65 (Bankr. E.D.N.Y. 1999). Rather, these money were disbursed by a settlement administrator.

In the instant supplement declaration filed on August 11, 2021 [Dkt. 50], Trustee cites to *In re Blair*, 329 B.R. 358 (Bankr. App. 9th Cir. 2005) for the proposition that the Trustee constructively disbursed the moneys similar to disbursement from escrow after the sale of real estate. The *Blair* court held that allowing a trustee's compensation base to include funds disbursed by an *escrow agent* to *secured creditors* from a sale of real property did not violate the plain meaning of § 326(a). 329 B.R. 358 at *3 (emphasis added). In reaching its conclusion the *Blair* court noted that agency law applied:

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT...

Maria Teresa Ingal Batac

Chapter 7

While § 326(a) provides that a trustee's compensation is based on amounts disbursed "by the trustee[.]" allowing the fee base to include funds distributed to the secured creditors through the escrow process is not inconsistent with the plain meaning of § 326(a), because the escrow handler was acting as the trustee's agent and following the trustee's instructions when it distributed funds to the secured creditors. Therefore, in a legal sense, the distributions were made by the trustee.

An escrow holder is an agent ... of the parties to the escrow. An agent is one who is authorized to act for or in the place of another; a representative. A court should presume that Congress legislates against the backdrop of established principles of state and federal common law, and that when it wishes to deviate from deeply rooted principles, it will say so.

There is no indication that Congress intended to override well-established principles of agency law when it enacted § 326(a). To the contrary, the legislative history indicates that Congress intended that a trustee be compensated for liquidating secured property:

It should be noted that the bases (sic) on which the maximum fee is computed includes moneys turned over to secured creditors, to cover the situation where the trustee liquidates property subject to a lien and distributes the proceeds.

Id. (internal quotations and citations omitted). Agency principals applied because the bankruptcy court had "expressly approved the use of an escrow holder and its role in distributing the sale proceeds to secured creditors" when it entered the order approving the sale of the properties. *Id.* at *2.

By contrast, the court in *Moreno* rejected a trustee's application for compensation that included moneys disbursed by a settlement agent, stating:

In calculating the aggregate amount of disbursements upon which her fee application is predicated, Ms. Dzikowski has included funds which in actuality were disbursed by one George Hough, Jr., P.A., who acted as the settlement

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT...

Maria Teresa Ingal Batac

Chapter 7

agent on the sale of a parcel of real property located at 909 West Midway Road, Fort Pierce, Florida. Pursuant to this Court's July 9, 2002 order, *Ms. Dzikowski was authorized to sell the referenced property for \$77,000. At no time during the administration of this estate was Mr. Hough, Jr. authorized to represent Ms. Dzikowski, or to act as her agent.*

Ms. Dzikowski's fee application is predicated, in part, upon her position that she, in effect, disbursed the funds which were paid by Mr. Hough in conjunction with the real estate closing, thereby enabling her to seek compensation based upon the funds paid by Mr. Hough. However, such an interpretation of the term "monies disbursed or turned over...by a trustee" as used in Section 326 of the Bankruptcy Code is at odds with established case authority.

In re Moreno, 295 B.R. 402, 403 (Bankr. S.D. Fla. 2003) (emphasis added) (internal quotations omitted).

The crucial difference between *Blair* and *Moreno* is that in *Blair* the escrow agent was approved by the court, and in *Moreno* the settlement agent was not. Here, the Court never issued an order approving special counsel or the settlement administrator. Accordingly, the settlement administrator cannot be analogous to the escrow agent in *Blair* and is more like the settlement agent in *Moreno*. As neither special counsel nor the administrator were employed by Trustee pursuant to Court order, the Court cannot find that Trustee constructively disbursed the moneys through the settlement administrator. The fact that Trustee was authorized to execute documents and take action necessary to implement the settlement does not equate to "control" sufficient to create an agency relationship.

Based on the foregoing, the Court having reviewed Trustee's calculation and the evidence submitted in support of the requested expenses, is inclined to approve fees in the amount of \$4,588.00 and expenses in the amount of \$18.60.

APPEARANCES WAIVED. If Trustee chooses not to appear, he will be deemed to submit on the tentative. If written or oral opposition is presented at the hearing, the hearing may be continued. Trustee to lodge order within 7 days.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT... Maria Teresa Ingal Batac

Chapter 7

Debtor(s):

Maria Teresa Ingal Batac

Represented By
George P Hobson Jr

Trustee(s):

John P Pringle (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

6:18-14714 Gilbert L Belfatto and Carole L Morgan

Chapter 7

#2.00 Chapter 7 Trustees Motion for Order: (1) Approving the Sale of Real Property of the Estate Free and Clear of Certain Liens Pursuant to Bankruptcy Code §§ 363(b)(1) and 363(f), Subject to Overbids, Combined With Notice of Bidding Procedures and Request for Approval of the Bidding Procedures Utilized; (2) Approving Payment of Real Estate Commission and Other Costs; and (3) Granting Related Relief
(Motion filed 7/28/21)

EH__

[Tele. appr. Jillian Wright, rep. creditor, Sun City Shadow Hills Community Association]

[Tele. appr. Nancy Lee, rep. creditor, CitiMortgage, Inc.]

[Tele. appr. Lynda Bui, chapter 7 trustee]

[Tele. appr. Richard Halderman Jr. real estate agent for trustee, Lynda Bui]

[Tele. appr. Norman Lee, agent for buyers, Richard Britton and Yoland Britton]

Docket 39

Tentative Ruling:

8/18/2021

Service: Proper
Opposition: None

BACKGROUND

On June 2, 2018, Gilbert L. Belfatto and Carole L. Morgan ("Debtors") filed a Chapter 13 voluntary petition. Debtors received a discharge on September 17, 2018. In their

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT... Gilbert L Belfatto and Carole L Morgan

Chapter 7

schedules, Debtors listed the real property located at 40767 Calle Los Osos, Indio, CA 92203 ("Property") with a value of \$259,350 and claimed an exemption in the Property in the amount of \$175,000. On December 6, 2018, the Court approved the employment of Richard A. Halderman, Jr. as real estate broker. On April 22, 2019, the Court entered an order approving the stipulation for occupancy and marketing of real property. Both Debtors have passed away.

On July 28, 2021, Trustee filed the instant sale motion [Dkt. 39]. Trustee proposes to sell the Property to Richard Kerry Britton and Yolanda Britton ("Purchasers"), for \$330,000, as the only offer after marketing, inquiries and showings in 2021, after Mr. Belfatto passed. On August 4, 2021 Creditor Sun City Shadow Hills Community Association filed a non-opposition to the sale, conditioned on payment of Debtors' delinquent HOA dues in the amount of \$3,354.42. Creditor CitiMortgage, Inc. also filed a non-opposition, requesting that any order granting the sale motion should include the following language:

The loan secured by a third lien on real property located at 40767 Calle Los Osos, Indio, CA 92203 will be paid in full as of the date of the closing of the sale, and the sale will be conducted through an escrow and based on a non-expired contractual payoff statement received directly from CitiMortgage, Inc.

Proposed payments from the sale proceeds include: (1) \$26,400 for real estate commission and other costs of sale (6% to commissions); (2) \$12,500 for property taxes; (3) \$38,000 for the 1st position secured claim of Citimortgage; (4) \$44,000 for the 2nd position secured claim of Citibank; (5) \$1,000 for estimated delinquent HOA fees; (6) \$1,500 reimbursement to broker for costs advanced to avoid HOA violations, leaving the estate with net proceeds of \$224,600. The proceeds will be applied to administrative claims in the amount of \$17,500 and general unsecured claims in the amount of \$16,038.24. This leaves a surplus of \$191,061.76, which will be paid to Debtors' heirs.

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT... Gilbert L Belfatto and Carole L Morgan

Chapter 7

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 evidence of the Property's marketing, which the Court deems sufficient to establish the reasonableness of the sale. Specifically, the Court notes that Trustee employed a real estate broker to market the Property in November 2018, although they were put on hold during the pandemic and to accommodate Mr. Belfatto's request to buy back the equity. Marketing efforts became active again in 2021 and Trustee obtained a sale price above the value of the Property scheduled by Debtor.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) 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 proposes to sell under §§ 363 (f)(2) and (4). Here, the sale price exceeds the aggregate value of the liens encumbering the Property with a surplus going to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT... Gilbert L Belfatto and Carole L Morgan Chapter 7

Debtors' heirs, and therefore § 363(f)(3) permits Trustee to sell the Property free and clear of liens. Additionally, to the extent there are any unresolved liens or interests against the Property, Trust will dispute them and they will attach to the sale proceeds as permitted under § 363 (f)(4).

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 6% compensation due to the brokers (to be divided equally) and finds such compensation to be reasonable in the circumstances.

Finally, the Court has reviewed the declaration of the Purchaser and finds the declaration sufficient for a determination that the Purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m).

TENTATIVE RULING

The Court is inclined to GRANT the motion in its entirety subject to any overbids being received and the requests in the non-oppositions.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Gilbert L Belfatto

Represented By
Christopher Hewitt

Joint Debtor(s):

Carole L Morgan

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

6:20-13525 Dimlux, LLC

Chapter 7

#3.00 Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) --Motion for Order Authorizing Trustee to Sell Real Property Free and Clear of Liens and Interests, Subject to Overbid;
(Motion filed 7/23/21)

EH__

[Tele. appr. Nancy Hoffmeier Zamora, rep. chapter 7 trustee]

Docket 115

Tentative Ruling:

8/18/2021

Service: Proper
Opposition: None

BACKGROUND

On May 19, 2020, Dimlux LLC ("Debtor") filed a Chapter 11 voluntary petition. The case was converted to a Chapter 7 on September 29, 2020. On Schedule A/B, Debtor listed an interest in the property located at 4880 Winnetka Avenue, Woodland Hills, CA ("Property"). On March 22, 2021, the Court approved Trustee's application to hire Neiman Realty as the real estate broker ("Broker") to market the Property. The Property was listed for \$1,499,949 on major MLS listings, and the Broker received multiple inquiries and conducted seventeen private showings.

At the hearing on August 11, 2021, the Court approved the compromise between Trustee and Creditor Mansour Barghi ("M. Barghi"), which provides that M. Barghi will release the notice of *lis pendens* on the Property.

On July 23, 2021, Trustee filed the instant sale motion [Dkt. 115]. Trustee proposes to sell the Property to Yi Zhang ("Purchaser") for \$1,280,000, as an all cash, contingency free sale. Trustee and the Broker agree it is the highest and best offer out

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT... Dimlux, LLC

Chapter 7

of six other offers that Trustee received. On August 4, 2021, Creditor Freedom Mortgage Corporation filed a non-opposition to the sale.

Proposed payments from the sale proceeds include: (1) \$76,800 for 6% real estate commission; (2) \$658,365.34 for the 1st position secured claim of TD; (3) \$20,727.21 for property taxes; (4) \$3,031.30 for other taxes; (5) \$14,661.23 for other closing costs. This leaves an estimated \$506,414.92 for the benefit of the 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 evidence of the Property's marketing, which the Court deems sufficient to establish the reasonableness of the sale. Specifically, the Court notes that Trustee listed the property on major MLS sites, had multiple inquiries and showings, and engaged with six other potential offers. Ultimately, Trustee obtained an all-cash offer with no contingencies and within range of the listing price that provides for a large recovery to the estate.

II. Sale Free & Clear of Liens

11 U.S.C. § 363(f) 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT...

Dimlux, LLC
if-

Chapter 7

- (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 proposes to sell under §363(f). Here, the sale price exceeds the aggregate value of the liens encumbering 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).

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 6% compensation due to the brokers (to be divided equally) and finds such compensation to be reasonable under the circumstances.

Finally, the Court has reviewed the declaration of the Purchaser and finds the declaration sufficient for a determination that the Purchaser is a good faith purchaser pursuant to 11 U.S.C. § 363(m).

TENTATIVE RULING

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

11:00 AM

CONT... Dimlux, LLC

Chapter 7

The Court is inclined to GRANT the motion in its entirety subject to any overbids being received.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Dimlux, LLC

Represented By
Donald Beury - SUSPENDED -
John E Bouzane

Movant(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

Trustee(s):

Larry D Simons (TR)

Represented By
Nancy H Zamora

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

6:16-15813 John E. Tackett

Chapter 7

Adv#: 6:18-01138 Speier v. Conestoga Settlement Services, LLC et al

#4.00 CONT Pre-Trial 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 \$350.00). 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)
(AS TO CONESTOGA)

From: 2/12/20, 4/29/20, 10/28/20, 4/21/21

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 12/29/21 AT 2:00 PM**

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 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

CONT... John E. Tackett

Chapter 7

Conestoga International Holdings,

Represented By
Charles Miller

Conestoga Trust

Represented By
Charles Miller

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
Rafael R Garcia-Salgado

Trustee(s):

Steven M Speier (TR)

Represented By
Robert P Goe
Thomas J Eastmond
Rafael R Garcia-Salgado

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

6:18-16831 Young Jin Yoon

Chapter 7

Adv#: 6:18-01210 Kim v. Yoon et al

#5.00 CONT Status Conference RE: [1] Adversary case 6:18-ap-01210. Complaint by Vivian Kim against Young Jin Yoon, Hyunmyung Park, Joshua Park. false pretenses, false representation, actual fraud)),(72 (Injunctive relief - other)),(13 (Recovery of money/property - 548 fraudulent transfer)),(68 (Dischargeability - 523(a)(6), willful and malicious injury)) (Kym, Jiyoung)

(Holding date)

From: 12/12/18, 1/9/19, 7/31/19, 10/16/19, 3/11/20, 7/15/20, 9/14/20, 3/4/21, 9/15/20, 10/18/20 ,2/3/21, 3/3/21,5/12/21, 6/16/21

EH__

Docket 1

***** VACATED *** REASON: ORDER ENTERED 8/17/21**

Tentative Ruling:

- NONE LISTED -

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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

CONT... Young Jin Yoon

Chapter 7

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 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

6:19-19337 Marc Anthony Capoccia

Chapter 7

Adv#: 6:20-01012 Canyon Springs Enterprises dba RSH Construction Se v. Capoccia

#6.00 CONT Status Conference RE: [1] Adversary case 6:20-ap-01012. Complaint by Canyon Springs Enterprises dba RSH Construction Services, a California corporation against Marc Anthony Capoccia. 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)) (Schlecter, Daren)

From: 3/25/20, 4/1/20,12/2/20,2/3/21,6/30/21

EH__

[Tele. appr. Daren Schlecter, rep. Plaintiff]

[Tele. appr. Todd Turoci, rep. Defendant]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Marc Anthony Capoccia

Represented By
Douglas A. Crowder

Defendant(s):

Marc Anthony Capoccia

Represented By
Todd L Turoci

Plaintiff(s):

Canyon Springs Enterprises dba

Represented By
David P Berschauer
Daren M Schlecter

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

CONT... Marc Anthony Capoccia

Chapter 7

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

6:20-12212 Juan Vargas

Chapter 7

Adv#: 6:21-01016 Bui v. Vargas

#7.00 CONT. Status Conference re: Complaint by Lynda T. Bui against Lourdes P. Vargas. (\$350.00 Fee 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))),(11 (Recovery of money/property - 542 turnover of property))

From: 4/7/21,4/21/21, 5/26/21, 6/23/21

EH__

Docket 1

***** VACATED *** REASON: CONT. TO 10/20/21 BY ORDER
ENTERED 8/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Vargas

Represented By
Todd L Turoci

Defendant(s):

Lourdes P. Vargas

Represented By
Michael Smith

Joint Debtor(s):

Anabely Vargas

Represented By
Todd L Turoci

Plaintiff(s):

Lynda T. Bui

Represented By

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

CONT... Juan Vargas

Chapter 7

Carmela Pagay

Trustee(s):

Lynda T. Bui (TR)

Represented By
Todd A Frealy

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Wednesday, August 18, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

Adv#: 6:21-01070 Raman Enterprises LLC, a Nevada corporation v. Doshi et al

#8.00 Status Conference RE: [1] Adversary case 6:21-ap-01070. Complaint by Raman Enterprises LLC, a Nevada corporation against American Lending, Inc., Arvind Doshi, Chandrika A Doshi. (\$350.00 Fee Charge To Estate). Nature of Suit: (13 (Recovery of money/property - 548 fraudulent transfer)),(21 (Validity, priority or extent of lien or other interest in property)) (Reid, Donald)

EH__

Docket 1

***** VACATED *** REASON: CONTINUED TO 10/20/21 BY ORDER
ENTERED 8/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

Defendant(s):

Arvind Doshi

Pro Se

Chandrika A Doshi

Pro Se

American Lending, Inc.

Pro Se

Plaintiff(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:18-12177 Rodolfo Aguiar and Irma D Aguiar

Chapter 13

#1.00 Motion for Order Denying Discharge and Dismissing Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 111

Tentative Ruling:

08/19/2021

BACKGROUND

On March 19, 2018, Rodolfo & Irma Aguiar ("Debtors") filed a Chapter 13 voluntary petition. On July 2, 2018, Debtors' Chapter 13 plan was confirmed. The plan was subsequently modified once. On March 3, 2021, the Court approved Debtors' counsel's request to withdraw as attorney of record.

On July 9, 2021, Trustee filed a notice of intent to file final report and, three days later, a notice of final cure mortgage payment re: Rule 3002.1. On July 21, 2021, Nationstar Mortgage LLC filed a response, indicating that Debtors were \$14,980.38 delinquent on mortgage payments, having not made payments between July 2020 and May 2021.

On July 22, 2021, Trustee filed a motion for order denying discharge and/or dismissing case on the basis that Debtor materially defaulted under the terms of the confirmed Chapter 13 plan.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Rodolfo Aguiar and Irma D Aguiar

Chapter 13

DISCUSSION

The Court does not formally "deny" a discharge for failure to make payments. Rather, if Debtor has not satisfied the requirements for receiving a discharge, the Court would dismiss the case rather than enter a discharge. Therefore, the Court will construe Trustee's motion as a request to dismiss the case under 11 U.S.C. § 1307(c)(6).

TENTATIVE RULING

Notice appearing proper, good cause appearing, and no opposition having been filed, the Court is inclined to GRANT the motion to the extent of dismissing the case, and DENY the request to enter an order denying discharge.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Rodolfo Aguiar	Pro Se
----------------	--------

Joint Debtor(s):

Irma D Aguiar	Pro Se
---------------	--------

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:19-19092 Hakim M. Iscandari and Christine E. Allen

Chapter 13

#2.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #2.1

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtors]

Docket 129

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hakim M. Iscandari

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Christine E. Allen

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Hakim M. Iscandari

Represented By
Christopher J Langley
Michael Smith

Christine E. Allen

Represented By
Christopher J Langley
Christopher J Langley

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Hakim M. Iscandari and Christine E. Allen

Chapter 13

Michael Smith

Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:19-19092 Hakim M. Iscandari and Christine E. Allen

Chapter 13

#2.10 CONT. Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

Also #2

From: 8/9/21

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtors]

Docket 125

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Hakim M. Iscandari

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Christine E. Allen

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:20-10517 Doreen M. Coronado

Chapter 13

#3.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

Also #4

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 32

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doreen M. Coronado

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Doreen M. Coronado

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:20-10517 Doreen M. Coronado

Chapter 13

#4.00 CONT. Trustee's Motion to Dismiss Case

Also #3

From: 7/22/21

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 27

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Doreen M. Coronado

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:20-14215 Silvestre Barajas

Chapter 13

#5.00 Motion under Local Bankruptcy Rule 3015-1 (n) and (w) to modify plan or suspend plan payments

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Gouveia, rep. Debtor]

Docket 49

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Silvestre Barajas

Represented By
Rabin J Pournazarian

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:20-15440 Tushar Anthony Jansen and Mary Frances Jansen

Chapter 13

#6.00 CONT. Motion compelling trustee to pay first the secured IRS taxes in full and second the FTB and IRS unsecured priority taxes in full and for an order correcting the factual errors, omissions & anomalies that continue to be propagated in the 12/28/20 amended order confirming chapter 13 plan

From: 7/22/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Tushar Jansen, Debtor]

[Tele. appr. Mary Jansen, Debtor]

Docket 69

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Tushar Anthony Jansen	Pro Se
-----------------------	--------

Joint Debtor(s):

Mary Frances Jansen	Pro Se
---------------------	--------

Movant(s):

Tushar Anthony Jansen	Pro Se
-----------------------	--------

Mary Frances Jansen	Pro Se
---------------------	--------

Trustee(s):

Rod Danielson (TR)	Pro Se
--------------------	--------

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12412 Lourdes P. Vargas

Chapter 13

#7.00 Notice of Objection and Objection to Proof of Claim #5-1 filed by Merrick Bank

Also #8, 9, 10

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 41

Tentative Ruling:

8/17/21

BACKGROUND:

On April 30, 2021, Lourdes Vargas ("Debtor") filed a Chapter 13 voluntary petition. On May 23, 2021, CACH, LLC filed a proof of claim for an unsecured claim in the amount of \$1,024.57 ("Claim 1"). That same day, LVNV Funding, LLC filed a proof of claim for an unsecured claim in the amount of \$794.27 ("Claim 2"). On June 18, 2021, Merrick Bank filed a proof of claim for an unsecured claim in the amount of \$608.51 ("Claim 5").

On June 22, 2021, Debtor filed objections to Claim 1, Claim 2, and Claim 5, asserting that each of the claims was statutorily barred. The Court notes that on the objections to Claim 2 and Claim 5, the service address listed on the proof of service does not match the address identified on the proof of claim. On July 1, 2021, LVNV Funding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... **Lourdes P. Vargas**
LLC filed a withdrawal of claim 2.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Lourdes P. Vargas

Chapter 13

As is required by LBR 3007-1, "an objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified."

ANALYSIS:

The Court notes that LVNV Funding LLC withdrew Claim 2 on July 1, 2021. While FED. R. BANKR. P. Rule 3006 prohibits a creditor from withdrawing a filed proof of claim after the filing of a claim objection, the Court will construe the withdrawal of Claim as consent to the relief requested.

Additionally, 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Lourdes P. Vargas

Chapter 13

unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

Claim 1 states that it is based upon a credit card. Therefore, it appears that Claim 1 fits within the category established by CAL. CODE CIV. P. § 337, and that the statute of limitations is four years. The proof of claim identifies a last payment date of October 28, 2013. That is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 1 is unenforceable.

Regarding Claim 5, the Court notes that service was improper because it was not mailed to the proper service address.

TENTATIVE RULING

For the reasons set forth above, the Court is inclined to SUSTAIN the objection to Claim 1 and to Claim 2, and OVERRULE the objection to CLAIM 5 based on improper service.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lourdes P. Vargas

Represented By
Michael Smith

Movant(s):

Lourdes P. Vargas

Represented By
Michael Smith
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12412 Lourdes P. Vargas

Chapter 13

#8.00 Notice of Objection and Objection to Proof of Claim #2-1 filed by LVNV Funding, LLC

Also #7,9,10

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 42

Tentative Ruling:

8/17/21

BACKGROUND:

On April 30, 2021, Lourdes Vargas ("Debtor") filed a Chapter 13 voluntary petition. On May 23, 2021, CACH, LLC filed a proof of claim for an unsecured claim in the amount of \$1,024.57 ("Claim 1"). That same day, LVNV Funding, LLC filed a proof of claim for an unsecured claim in the amount of \$794.27 ("Claim 2"). On June 18, 2021, Merrick Bank filed a proof of claim for an unsecured claim in the amount of \$608.51 ("Claim 5").

On June 22, 2021, Debtor filed objections to Claim 1, Claim 2, and Claim 5, asserting that each of the claims was statutorily barred. The Court notes that on the objections to Claim 2 and Claim 5, the service address listed on the proof of service does not match the address identified on the proof of claim. On July 1, 2021, LVNV Funding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... **Lourdes P. Vargas**
LLC filed a withdrawal of claim 2.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Lourdes P. Vargas

Chapter 13

As is required by LBR 3007-1, "an objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified."

ANALYSIS:

The Court notes that LVNV Funding LLC withdrew Claim 2 on July 1, 2021. While FED. R. BANKR. P. Rule 3006 prohibits a creditor from withdrawing a filed proof of claim after the filing of a claim objection, the Court will construe the withdrawal of Claim as consent to the relief requested.

Additionally, 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Lourdes P. Vargas

Chapter 13

unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

Claim 1 states that it is based upon a credit card. Therefore, it appears that Claim 1 fits within the category established by CAL. CODE CIV. P. § 337, and that the statute of limitations is four years. The proof of claim identifies a last payment date of October 28, 2013. That is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 1 is unenforceable.

Regarding Claim 5, the Court notes that service was improper because it was not mailed to the proper service address.

TENTATIVE RULING

For the reasons set forth above, the Court is inclined to SUSTAIN the objection to Claim 1 and to Claim 2, and OVERRULE the objection to CLAIM 5 based on improper service.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lourdes P. Vargas

Represented By
Michael Smith

Movant(s):

Lourdes P. Vargas

Represented By
Michael Smith
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12412 Lourdes P. Vargas

Chapter 13

#9.00 Notice of Objection and Objection to Proof of Claim #1-1 filed by CACH, LLC

Also #7,8,10

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 43

Tentative Ruling:

8/17/21

BACKGROUND:

On April 30, 2021, Lourdes Vargas ("Debtor") filed a Chapter 13 voluntary petition. On May 23, 2021, CACH, LLC filed a proof of claim for an unsecured claim in the amount of \$1,024.57 ("Claim 1"). That same day, LVNV Funding, LLC filed a proof of claim for an unsecured claim in the amount of \$794.27 ("Claim 2"). On June 18, 2021, Merrick Bank filed a proof of claim for an unsecured claim in the amount of \$608.51 ("Claim 5").

On June 22, 2021, Debtor filed objections to Claim 1, Claim 2, and Claim 5, asserting that each of the claims was statutorily barred. The Court notes that on the objections to Claim 2 and Claim 5, the service address listed on the proof of service does not match the address identified on the proof of claim. On July 1, 2021, LVNV Funding

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... **Lourdes P. Vargas**
LLC filed a withdrawal of claim 2.

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.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Lourdes P. Vargas

Chapter 13

As is required by LBR 3007-1, "an objection to claim must be supported by admissible evidence sufficient to overcome the evidentiary effect of a properly documented proof of claim executed and filed in accordance with FRBP 3001. The evidence must demonstrate that the proof of claim should be disallowed, reduced, subordinated, re-classified, or otherwise modified."

ANALYSIS:

The Court notes that LVNV Funding LLC withdrew Claim 2 on July 1, 2021. While FED. R. BANKR. P. Rule 3006 prohibits a creditor from withdrawing a filed proof of claim after the filing of a claim objection, the Court will construe the withdrawal of Claim as consent to the relief requested.

Additionally, 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

CONT... Lourdes P. Vargas

Chapter 13

unenforceable. *See e.g., Guaranty Trust Co. v. United States*, 304 U.S. 126 (1938).

Claim 1 states that it is based upon a credit card. Therefore, it appears that Claim 1 fits within the category established by CAL. CODE CIV. P. § 337, and that the statute of limitations is four years. The proof of claim identifies a last payment date of October 28, 2013. That is more than four years prior to the filing of the bankruptcy case, and, therefore, Claim 1 is unenforceable.

Regarding Claim 5, the Court notes that service was improper because it was not mailed to the proper service address.

TENTATIVE RULING

For the reasons set forth above, the Court is inclined to SUSTAIN the objection to Claim 1 and to Claim 2, and OVERRULE the objection to CLAIM 5 based on improper service.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Lourdes P. Vargas

Represented By
Michael Smith

Movant(s):

Lourdes P. Vargas

Represented By
Michael Smith
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12412 Lourdes P. Vargas

Chapter 13

#10.00 CONT. Confirmation of Chapter 13 Plan

Also #7,8,9

From: 7/1/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Lourdes P. Vargas

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12723 Kathleen A Lander

Chapter 13

#11.00 CONT. Confirmation of Chapter 13 Plan

From: 7/22/21

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Aaron Lloyd, rep. Debtor]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Kathleen A Lander

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12818 Robert Salazar and Elena Salazar

Chapter 13

#12.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Julie Villalobos, rep. Debtors]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Robert Salazar

Represented By
Julie J Villalobos

Joint Debtor(s):

Elena Salazar

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12847 Jack Kelly Jackson

Chapter 13

#13.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/11/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jack Kelly Jackson

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12887 Anthony Edward Alanis

Chapter 13

#14.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: DISMISSED 6/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony Edward Alanis

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12927 Cuahtemoc Baez Parra

Chapter 13

#15.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Natalie Alvarado, rep. Debtor]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Cuahtemoc Baez Parra

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12986 Carol Ann Venable

Chapter 13

#16.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Jenny Doling, rep. Debtor]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Carol Ann Venable

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-12988 Wayne Ira Abravanel and Dayna Lee Abravanel

Chapter 13

#17.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Jenny Doling, rep. Debtors]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Wayne Ira Abravanel

Represented By
Jenny L Doling

Joint Debtor(s):

Dayna Lee Abravanel

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13024 Ralph Frazier Bouknight, Jr. and Kathleen Patrice

Chapter 13

#18.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Norma Duenas, rep. Debtors]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ralph Frazier Bouknight Jr.

Represented By
Norma Duenas

Joint Debtor(s):

Kathleen Patrice Bouknight

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13051 Susan Elizabeth Schroeder

Chapter 13

#19.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: DISMISSED 6/21/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Susan Elizabeth Schroeder

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13061 Virginia Benavides

Chapter 13

#20.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Nancy Lee, rep. creditor, Wells Fargo Bank]

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13082 Luis Lopez

Chapter 13

#21.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Julie Villalobos, rep. Debtors]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis 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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13137 Jose Gomez Fernandez

Chapter 13

#22.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CASE DISMISSED 8/5/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Jose Gomez Fernandez

Represented By
George C Panagiotou

Trustee(s):

Rod Danielson (TR)

Pro Se

United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13193 Julie Rodriguez and Paul A Rodriguez

Chapter 13

#23.00 Confirmation of Chapter 13 Plan

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Julie Villalobos, rep. Debtors]

Docket 0

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Julie Rodriguez

Represented By
Julie J Villalobos

Joint Debtor(s):

Paul A 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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13194 Rosa Bertha Lopez

Chapter 7

#24.00 Confirmation of Chapter 13 Plan

EH__

Docket 0

***** VACATED *** REASON: CONVERTED TO CHAPTER 7 ON 6/23/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rosa Bertha Lopez

Pro Se

Trustee(s):

Larry D Simons (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13224 Maisha Tamu Mesa

Chapter 13

#25.00 Confirmation of Chapter 13 Plan

Docket 0

***** VACATED *** REASON: DISMISSED 7/9/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Maisha Tamu Mesa

Pro Se

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13428 Ronald Wayne Cloyd

Chapter 13

#26.00 Motion to Avoid Lien with Bankers Healthcare Group LLC under Section 522(f)
(1)(B)(i)with Notice and Proof of Service .

Also #27,28

(Placed on calendar by order entered 7/19/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Joanne Andrew, specially appearing for Debtor]

Docket 13

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
Jonathan D Doan

Movant(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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13428 Ronald Wayne Cloyd

Chapter 13

#27.00 Motion to Avoid Lien with Bankers Healthcare Group LLC under Section 522(f)
(1)(B)(i)with Notice and Proof of Service

Also #26,28

(Placed on calendar by order entered 7/19/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Joanne Andrew, specially appearing for Debtor]

Docket 12

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
Jonathan D Doan

Movant(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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:00 AM

6:21-13428 Ronald Wayne Cloyd

Chapter 13

#28.00 Motion to Avoid Lien with Bankers Healthcare Group LLO under Section 522(f)
(1)(B)(i)with Notice and Proof of Service

Also #26,27

(Placed on calendar by order entered 7/19/21)

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Joanne Andrew, specially appearing for Debtor]

Docket 11

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ronald Wayne Cloyd

Represented By
Jonathan D Doan

Movant(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 301 Calendar

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:16-18069 Gwyneth Martin

Chapter 13

#29.00 Trustee's Motion to Dismiss Case

EH ____

Docket 58

*** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gwyneth 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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:17-11131 Bruce Howard Ruggles and Ann Marie Ruggles

Chapter 13

#30.00 Trustee's Motion to Dismiss Case

EH ____

Docket 241

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/18/21**

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:17-16667 Linda Revoner

Chapter 13

#31.00 Trustee's Motion to Dismiss Case

EH__

Docket 76

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/18/21**

Tentative Ruling:

- NONE LISTED -

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:17-19027 Jaime Villalobos and Jennifer Villalobos

Chapter 13

#32.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

(Tele. appr. Jennifer Tanios, rep. Debtors)

Docket 140

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:18-16643 Jesus N Aguilera

Chapter 13

#33.00 Trustee's Motion to Dismiss Case

EH__

Docket 99

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21**

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:18-18415 Donna Denise Upton

Chapter 13

#34.00 Trustee's Motion to Dismiss Case

EH__

Docket 125

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/20/21**

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-10484 Xavier C. Luna

Chapter 13

#35.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Michael Smith, rep. Debtor]

Docket 117

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Xavier C. Luna

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-11911 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#36.00 Trustee's Motion to Dismiss Case

EH ____

Docket 109

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21**

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-12676 Anthony P Mendoza and Lena E Mendoza

Chapter 13

#37.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 95

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Anthony P Mendoza

Represented By
Paul Y Lee

Joint Debtor(s):

Lena E Mendoza

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-14843 Rhonda Jan Kennedy

Chapter 13

#38.00 Trustee's Motion to Dismiss Case

EH __

Docket 61

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rhonda Jan Kennedy

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-15511 Ralph Carver Lowe

Chapter 13

#39.00 Trustee's Motion to Dismiss Case

EH ____

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Ralph Carver Lowe

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-16544 Rudy Michael Castillo and Monica Michelle Castillo

Chapter 13

#40.00 CONT. Trustee's Motion to Dismiss Case

From: 7/1/21

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Joanne Andrew, specially appearing for Debtor]

Docket 79

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rudy Michael Castillo

Represented By
Nicholas M Wajda

Joint Debtor(s):

Monica Michelle Castillo

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-16904 Keisha Renette Williams

Chapter 13

#41.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Joanne Andrew, specially appearing for Debtor]

Docket 58

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Keisha Renette 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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-16979 Flor Aguilar

Chapter 13

#42.00 Trustee's Motion to Dismiss Case

EH__

Docket 87

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/3/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Flor Aguilar

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-17200 Michelle Crain

Chapter 13

#43.00 Trustee's Motion to Dismiss Case

EH__

Docket 51

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/26/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Michelle Crain

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-18216 Billy J Woody and Tamara L Woody

Chapter 13

#44.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Amanda Billyard, rep. Debtors]

Docket 41

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Billy J Woody

Represented By
Amanda G. Billyard

Joint Debtor(s):

Tamara L Woody

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-18397 Mark David Dixon

Chapter 13

#45.00 Trustee's Motion to Dismiss Case

EH__

Docket 46

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Mark David Dixon

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-18832 Rueben Duran

Chapter 13

#46.00 Trustee's Motion to Dismiss Case

EH__

Docket 39

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Rueben Duran

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-19922 Angela Clarice Atou

Chapter 13

#47.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Todd Turoci, rep, Debtor]

Docket 80

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Angela Clarice Atou

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:19-20173 Roshanda Jeannen Dodds

Chapter 13

#48.00 Trustee's Motion to Dismiss Case

EH ____

Docket 77

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
7/30/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Roshanda Jeannen Dodds

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:20-10899 Elizabeth T Baker

Chapter 13

#49.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 106

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:20-11251 Charles Boehmer and Tamy Boehmer

Chapter 13

#50.00 Trustee's Motion to Dismiss Case

EH ____

Docket 62

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/16/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Charles Boehmer

Represented By
Paul Y Lee

Joint Debtor(s):

Tamy Boehmer

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:20-11786 Paul Trevino

Chapter 13

#51.00 Trustee's Motion to Dismiss Case

EH__

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

Docket 66

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Paul Trevino

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:20-12148 Bernice H Antunez

Chapter 13

#52.00 Trustee's Motion to Dismiss Case

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Daniel King, rep. Debtor]

Docket 47

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bernice H 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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:17-13212 Liliana Martinez

Chapter 13

#53.00 CONT. Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

From: 8/9/21

EH ____

(Tele. appr. Joey De Leon, rep. Chapter 13 Trustee)

[Tele. appr. Ramiro Flores Munoz, rep. Debtor]

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Liliana Martinez

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:17-13729 Paula Rosales

Chapter 13

#54.00 CONT. Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

From: 8/9/21

EH__

Docket 72

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/18/21**

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 301 Calendar**

Thursday, August 19, 2021

Hearing Room 301

11:01 AM

6:18-13335 Annabelle M. Vigil

Chapter 13

#55.00 CONT. Trustee's Motion to Dismiss Case (Tax Returns/Refunds)

From: 8/9/21

EH ____

Docket 115

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/12/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Annabelle M. Vigil

Represented By
Christopher J Langley
Michael Smith

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 24, 2021

Hearing Room 301

10:00 AM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#1.00 Motion to Reconsider Pretrial Order Striking Defendant's Exhibits I, J, II, and JJ;
Request for Judicial Notice in Support Thereof

EH__

Docket 507

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

Represented By
Donald W Reid

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 301 Calendar**

Tuesday, August 24, 2021

Hearing Room 301

10:00 AM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#2.00 Trial RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21, 4/7/21,4/21/21,5/26/21

EH__

Docket 1

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

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 301 Calendar**

Wednesday, August 25, 2021

Hearing Room 301

10:00 AM

6:13-16964 Narinder Sangha

Chapter 7

Adv#: 6:13-01171 Schrader v. Sangha

#1.00 Trial RE: [1] Adversary case 6:13-ap-01171. Complaint by Charles Edward Schrader against Narinder Sangha for willful and malicious injury))

From: 4/17/19, 5/22/19, 8/28/19, 11/6/19, 1/29/20, 3/4/20, 4/1/20, 4/22/20, 7/1/20, 9/2/20, 9/9/20, 11/18/20,12/2/20,2/17/21, 4/7/21,4/21/21,5/26/21

EH__

Docket 1

Party Information

Debtor(s):

Narinder Sangha

Represented By
Deepalie M Joshi

Defendant(s):

Narinder Sangha

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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:18-14773 Juan I. Gallardo

Chapter 13

#1.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 205 Sheridan Street, Corona, California 92882
(Motion filed 7/26/21)

MOVANT: U.S. BANK TRUST NATIONAL ASSOCIATION

EH__

[Tele. appr. Tina Trinh, rep. Debtor]

[Tele. appr. Erica Loftis, rep. creditor, U.S. Bank Trust National Association]

Docket 52

Tentative Ruling:

Parties to apprise the Court of adequate protection discussions and the status of mortgage arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Juan I. Gallardo

Represented By
Tina H Trinh

Movant(s):

U.S. Bank Trust National

Represented By
Erica T Loftis Pacheco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:19-10669 Michael Anthony Delgado, III

Chapter 13

#2.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2008 GMC Light Duty Denali VIN No.1GKFK66898J145617

From: 7/20/21

MOVANT: WELLS FARGO BANK N.A.

EH ____

[Tele. appr. Joseph Delmotte, rep. Wells Fargo Bank]

[Tele. appr. Trang Phuong Nguyen, rep. Debtor]

Docket 74

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed twelve car payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT waiver of FRBP 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

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Michael Anthony Delgado, III

Chapter 13

Debtor(s):

Michael Anthony Delgado III

Represented By
Gary S Saunders
Trang Phuong Nguyen

Movant(s):

Wells Fargo Bank, N.A., d/b/a Wells

Represented By
Joseph C Delmotte

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:19-11911 Jorge Manuel Azmitia and Yoshiko Azmitia

Chapter 13

#3.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2017 Volkswagen Jetta

MOVANT: BRIDGECREST CREDIT COMPANY

EH__

Docket 114

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 8/17/21**

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

Movant(s):

Bridgecrest Credit Company, LLC

Represented By
Erica T Loftis Pacheco

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:19-14828 Portia Wondaline Barmes

Chapter 13

#4.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 6635 Cathy Place, Riverside, CA 92504

MOVANT: AJAX MORTGAGE LOAN TRUST 2019-E, MORTGAGE BACK SECURITIES, SERIES 2910-E BY U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE

From: 2/16/21,4/27/21,5/25/21,7/6/21

EH__

[Tele. appr. Donna Travis, rep. Debtor]

[Tele. appr. Reilly Wilkinson, rep. creditor Ajax Mortgage]

Docket 78

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Portia Wondaline Barmes

Represented By
Dana Travis

Movant(s):

Ajax Mortgage Loan Trust 2019-E,

Represented By
Reilly D Wilkinson
Joshua L Scheer

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:19-15018 Diana Nava and Ramiro Nava

Chapter 13

#5.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 9684 Sharon Avenue, Riverside, CA 92503

From: 4/20/21,5/25/21,7/6/21,8/10/21

MOVANT: NEWREZ LLC

EH___

[Tele. appr. Kristin Zilberstein, rep. creditor NewRez LLC]

[Tele. appr. Fritz Firman, rep. Debtors]

Docket 59

Tentative Ruling:

4/20/2021

Service: Okay

Opposition: Debtors

Given the evidence submitted by Debtors that Movant granted Debtors a COVID-19 related forbearance for the payments in question, the Court is inclined to DENY the motion for lack of cause shown.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Diana Nava

Represented By
Joseph A Weber
Fritz J Firman

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Diana Nava and Ramiro Nava

Chapter 13

Joint Debtor(s):

Ramiro Nava

Represented By
Joseph A Weber
Fritz J Firman

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Eric P Enciso
Dane W Exnowski
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:19-18247 Douglas E Crayton

Chapter 13

#6.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 15427 Esther Ave SE, Monroe WA 98272 .

From: 7/6/21

MOVANT: PENNYMAC LOAN SERVICES, LLC.

EH__

[Tele. appr. Christina Khil, rep. creditor, Pennymac Loan Services, LLC]

[Tele. appr. Paul Lee, rep. Debtor]

Docket 30

Tentative Ruling:

7/6/2021

Service: Proper
Opposition: Debtor

Parties to apprise the Court of the status of arrears.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Douglas E Crayton

Represented By
Paul Y Lee

Movant(s):

PennyMac Loan Services, LLC

Represented By
Robert P Zahradka
Christina J Khil

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Douglas E Crayton

Chapter 13

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:19-19092 Hakim M. Iscandari and Christine E. Allen

Chapter 13

#7.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 41015 Crimson Pillar Lane, Lake Elsinore, CA 92532

From: 7/20/21

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH ____

[Tele. appr. Daniel Fujimoto, rep. creditor, Deutsche Bank National Trust Company, as Trustee, in trust for the registered holders of Morgan Stanley ABS Capital I Inc. Trust 2006-NC5, Mortgage Pass-Through Certificates, Series 2006 NC5]

[Tele. appr. Michael Smith, rep. Debtors]

Docket 123

Tentative Ruling:

7/20/2021

Service: Proper

Opposition: Debtors

Parties to apprise the Court of the status of mortgage arrears and of any adequate protection discussion.

APPEARANCES REQUIRED.

Party Information

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Hakim M. Iscandari and Christine E. Allen

Chapter 13

Debtor(s):

Hakim M. Iscandari

Represented By
Christopher J Langley
Michael Smith

Joint Debtor(s):

Christine E. Allen

Represented By
Christopher J Langley
Michael Smith

Movant(s):

Deutsche Bank National Trust

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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:20-10591 Louis Anthony Coffin

Chapter 13

#8.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 21752 Mountain Avenue, Perris, CA 92570

MOVANT: LAKEVIEW LOAN SERVICING, LLC

EH__

[Tele. appr. Daniel Fujimoto, rep. creditor, Lakeview Loan Servicing, LLC]

Docket 35

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed three mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2 and 3;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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.

Movant to include the following language in the order: "In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Louis Anthony Coffin

Chapter 13

Party Information

Debtor(s):

Louis Anthony Coffin

Represented By
Daniel King

Movant(s):

Lakeview Loan Servicing, LLC

Represented By
Daniel K Fujimoto
Dane W Exnowski
Caren J Castle

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:20-11139 Anthony Sanchez

Chapter 13

#9.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 693 North Primrose Avenue, Rialto, CA 92376 With Proof of Service

MOVANT: DEUTSCHE BANK NATIONAL TRUST COMPANY

EH__

[Tele. appr. Darlene Vigil, rep. creditor, Deutsche Bank]

Docket 40

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed four mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2, 3, and 12;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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.

Movant to include the following language in the order: "In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Anthony Sanchez

Chapter 13

Party Information

Debtor(s):

Anthony Sanchez

Represented By
Laleh Ensafi

Movant(s):

Deutsche Bank National Trust

Represented By
Darlene C Vigil
Diane Tran

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:20-11777 Daniel Anthony Moral and Jennifer Rios

Chapter 13

#10.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 25544 Echo Valley Road, Homeland, CA 92548

MOVANT: NEWREZ LLC

EH__

[Tele. appr. Kristin Zilberstein, rep. creditor, NewRez LLC]

Docket 42

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

The Court having reviewed the motion, no opposition having been filed, finds cause exists where Debtor has missed six mortgage payments. Accordingly, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);
- GRANT request under ¶¶ 2, 3, and 12
- GRANT waiver of FRBP 4001(a)(3) stay;
- DENY relief from the co-debtor stay, as co-debtor was not served;
- 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.

Movant to include the following language in the order: "In granting relief from stay the Court does not rule on whether the requested nonbankruptcy action is subject to, or excepted from, any applicable pandemic-related moratorium."

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Daniel Anthony Moral and Jennifer Rios

Chapter 13

Party Information

Debtor(s):

Daniel Anthony Moral

Represented By
Kevin M Mahan

Joint Debtor(s):

Jennifer Rios

Represented By
Kevin M Mahan

Movant(s):

NewRez LLC d/b/a Shellpoint

Represented By
Mukta Suri
Dane W Exnowski
Kristin A Zilberstein

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:20-16018 Perry A Covello and Tia Lia Covello

Chapter 13

#11.00 CONT. Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 19112 CRONESE LN APPLE VALLEY, CA 92308

From: 8/10/21

MOVANT: BROKER SOLUTIONS, INC.

EH__

[Tele. appr. Christina Khil, rep. creditor, Broker Solutions, Inc.]

[Tele. appr. Trang Phuong Nguyen, rep. Debtor]

Docket 38

Tentative Ruling:

8/10/2021

Service: Proper

Opposition: None

The Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1);

-WAIVE Rule 4001(a)(3) stay;

-GRANT requests under ¶¶ 2 and 3;

-DENY alternative request under ¶ 13 as moot.

Movant to include in the proposed order a provision providing that: "In granting stay relief the Court does not rule on the applicability of any pandemic-related moratoriums."

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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Perry A Covello and Tia Lia Covello

Chapter 13

Debtor(s):

Perry A Covello

Represented By
Gary S Saunders

Joint Debtor(s):

Tia Lia Covello

Represented By
Gary S Saunders

Movant(s):

Broker Solutions, Inc. dba New

Represented By
Christina J Khil

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:20-17657 Juan Manuel Sanchez Tejada

Chapter 13

#12.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2016 Ford Transit Wagon, VIN: 1FBZX2ZM6GKB28914

MOVANT: TD AUTO FINANCE

EH__

Docket 40

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 8/19/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Juan Manuel Sanchez Tejada

Represented By
Raymond Perez

Movant(s):

TD Auto Finance 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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-10251 Steven Edward Owen

Chapter 13

#13.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 14006 La Salle Ct., Fontana, CA 92336 .
(Motion filed 7/29/21)

MOVANT: MIDFIRST BANK

EH__

Docket 34

***** VACATED *** REASON: ADEQUATE PROTECTION ORDER
ENTERED 8/25/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Steven Edward Owen

Represented By
Julie J Villalobos

Movant(s):

MidFirst Bank

Represented By
Jennifer C Wong
Nancy L Lee

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-13016 Gary Martin Greenlee and Nina Jo Greenlee

Chapter 7

#14.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 1981 Skyline Manufactured Home, Serial Nos. 01720381AP/01720381BP, Label Nos. 211032/211033, Decal No. LAA8560, located at 307 S Smith Ave., Sp 73, Corona, CA 92882. (Motion filed 7/23/21)

MOVANT: 21st MORTGAGE CORPORATION

EH__

Docket 11

***** VACATED *** REASON: WITHDRAWAL OF MOTION FILED
8/11/21**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Gary Martin Greenlee

Represented By
James P Doan

Joint Debtor(s):

Nina Jo Greenlee

Represented By
James P Doan

Movant(s):

21ST MORTGAGE

Represented By
Diane Weifenbach
Amy Dukes

Trustee(s):

Robert Whitmore (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-13092 Bradford James Clark

Chapter 7

#15.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2014 Lexus GS GS 350 Sedan 4D

MOVANT: CAPITAL ONE AUTO FINANCE

EH__

Docket 16

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 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):

Bradford James Clark

Represented By
Aaron Lloyd

Movant(s):

Capital One Auto Finance, a division

Represented By
Marjorie M Johnson

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Bradford James Clark

Chapter 7

Trustee(s):

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-13324 Howard Edward Terrell, Jr.

Chapter 7

#16.00 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: U.S. BANK NATIONAL ASSOCIATION

EH__

[Tele. appr. Diane Weifenbach, rep. creditor, U.S. Bank National Association]

[Tele. appr. Joanne Andrew, specially appearing for Debtor]

Docket 13

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

As an initial matter, the Court notes that there is no stay in effect pursuant to 11 U.S.C. § 362(c)(4)(A)(i), as Debtor had two previous Chapter 13 cases dismissed in the previous year. Next, regarding the attorney fee request, LBR 4001-1 (c)(4) states that a motion for relief from stay may not be combined with any other request for relief, absent a court order. Finally, for the reasons set forth in the motion, *inter alia* Debtor's multiple bankruptcy filings and refusal to vacate the property, the Court finds that Movant has established bad faith. Accordingly, the Court is inclined to:

-GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(4)

-GRANT request under ¶ 2

-GRANT waiver of FRBP 4001(a)(3) stay;

-DENY relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2) as MOOT;

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

**CONT... Howard Edward Terrell, Jr.
APPEARANCES REQUIRED.**

Chapter 7

Party Information

Debtor(s):

Howard Edward Terrell Jr.

Represented By
Brian J Soo-Hoo

Movant(s):

U.S. Bank, National Association as

Represented By
Diane Weifenbach

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-13398 Luke E. Kirkendall and Soukha M. Kirkendall

Chapter 7

#17.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2011 BMW 1 Series Convertible, VIN: WBAUN1C53BVH82252 (Motion filed 7/27/21)

MOVANT: KINECTA FEDERAL CREDIT UNION

EH__

[Tele. appr. Mark Blackman, rep. creditor, Kinecta Federal Credit Union]

Docket 9

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

11 U.S.C. § 362(h)(1)(A) provides:

(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)--

(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, *if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and*

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Luke E. Kirkendall and Soukkha M. Kirkendall

Chapter 7

Here, Debtor did not file a statement of intention as to the BMW. Debtor was required to select to either abandon or redeem the property, or to enter a reaffirmation agreement. *See* 11 U.S.C. § 362(h)(1)(A). As the thirty-day deadline for filing or amending the statement of intention has passed pursuant to 11 U.S.C. § 521(a)(2)(A), the automatic stay as to the BMW has terminated as a matter of law. Therefore, the Court is inclined to DENY the motion as MOOT.

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Luke E. Kirkendall

Represented By
Ahren A Tiller

Joint Debtor(s):

Soukkha M. Kirkendall

Represented By
Ahren A Tiller

Movant(s):

KINECTA FEDERAL CREDIT

Represented By
Mark S Blackman

Trustee(s):

Steven M Speier (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-13620 Andrew Jeffrey Jensen

Chapter 7

#18.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2020 Ford F150, VIN: 1FTEW1EG9LFA40448

MOVANT: FORD MOTOR CREDIT COMPANY LLC

EH__

[Tele. appr. Sheryl Ith, rep. creditor, Ford Motor Credit]

Docket 9

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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):

Andrew Jeffrey Jensen

Represented By
Norma Duenas

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Andrew Jeffrey Jensen

Chapter 7

Movant(s):

Ford Motor Credit Company 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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-13665 Joel Orlando Mejia

Chapter 7

#19.00 Notice of motion and motion for relief from the automatic stay with supporting declarations PERSONAL PROPERTY RE: 2019 Heartland Cyclone Fifth Wheel

MOVANT: BANK OF THE WEST

EH__

[Tele. appr. Mary Tang, rep. creditor, Bank of The West]

Docket 17

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

For the reasons stated in the motion, the Court is inclined to:

- GRANT relief from stay pursuant to 11 U.S.C. § 362(d)(1) and (d)(2);
- GRANT request under ¶ 2;
- GRANT waiver of FRBP 4001(a)(3) stay;
- 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):

Joel Orlando Mejia

Represented By
Stephen K Moran

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT... Joel Orlando Mejia

Chapter 7

Movant(s):

Bank of the West

Represented By
Mary Ellmann Tang

Trustee(s):

Arturo Cisneros (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

6:21-14259 Mario Jose Juarez

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 2838 S. Pine Valley Ave, Ontario, CA 91761

MOVANT: SELECT PORTFOLIO SERVICING, INC.

EH__

[Tele. appr. Trang Phuong Nguyen, rep. Debtor]

Docket 8

Tentative Ruling:

8/31/2021

Service: Proper

Opposition: None

11 U.S.C. §362(c)(3) provides, in relevant part, that

(B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

(i) as to all creditors, if--

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

11:00 AM

CONT...

Mario Jose Juarez

Chapter 13

...

(II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to--

(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

11 U.S.C. § 362(c)(3)(B), (C)(i)(II)(aa) (emphasis added).

Here, Debtor had one case dismissed in the same year for failure to file required information due to his attorney's negligence as set forth by declaration. Finding the declaration satisfactory, noting that no relief from stay motions were filed in the previous case, and there is no opposition, the Court is inclined to:

-GRANT continuing the automatic 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):

Mario Jose Juarez

Represented By

Trang Phuong Nguyen

Movant(s):

Mario Jose Juarez

Represented By

Trang Phuong Nguyen

Trustee(s):

Rod Danielson (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:17-15816 Integrated Wealth Management Inc and Anthony Pisano

Chapter 11

#21.00 CONT Post Confirmation Status Conference

From: 10/23/18, 4/10/19, 10/9/19, 4/22/20, 8/25/20,12/15/20,4/27/21

EH__

[Tele. appr. Robert Opera, rep. Debtor/Plan Agent Counsel]

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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:17-15816 Integrated Wealth Management Inc

Chapter 11

Adv#: 6:19-01177 Issa v. Pisano

#22.00 CONT Status Conference RE: [1] Adversary case 6:19-ap-01177. Complaint by J. Michael Issa against Anthony Pisano. (13 (Recovery of money/property - 548 fraudulent transfer)) (Ignatuk, Joseph)

From: 2/25/20, 4/28/20, 6/9/20, 7/21/20, 8/25/20, 9/29/20, 1/24/20, 12/1/20, 1/20/21, 3/31/21, 6/8/21

EH__

Tele. appr. Robert Opera, rep. Integrated Wealth Management/Plan Agent Counsel/Debtor]

[Tele. appr. Ronald Ignatuk, rep. Plaintiff]

Docket 1

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Integrated Wealth Management Inc

Represented By
Andrew B Levin
Robert E Opera
Jim D Bauch

Defendant(s):

Anthony Pisano

Represented By
Scott P Schomer

Plaintiff(s):

J. Michael Issa

Represented By
Joseph R Ignatuk

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#23.00 CONT. Motion to Sell Property of the Estate Free and Clear of Liens under Section 363(f) Motion for Order: (1) Approving the Sale of Real Property (Subject to Overbids); (2) Approving the Sale Free and Clear of Liens and Interests; (3) Finding Buyer a Good Faith Purchaser; (4) Authorizing Payment of Real Estate Fees and Costs of Sale; and (5) Waiving Fourteen-Day Stay of Rule 6004(h); Declarations of Dr. Rao Daluvoy, Shawn Smithson, and Reza Safaie In Support Thereof.

Also #24

From: 8/10/21

EH__

[Tele. appr. Dawn Coulson, rep. Arvind Doshi and Chandrika A. Doshi, Trustees of the Doshi Family Trust, dated 7/24/2006]

[Tele. appr. William Beall, rep. Barstow Daluvoy Mortgage Investors, LP.]

[Tele. appr. Ali Matin, rep. United States Trustee]

[Tele. appr. Donald Reid, rep. Debtor and Reza Safaie, Yucca Valley Property LLC, proposed buyer]

Docket 97

Tentative Ruling:

8/10/2021

BACKGROUND

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

On December 8, 2020, Raman Enterprises LLC ("Debtor") filed a Chapter 11 voluntary petition. Among the scheduled assets was a parcel of raw land located in Barstow, California (the "Property"). Schedule A identified the value of the Property as \$1,950,000. Schedule D identified three creditors holding a security interest in the Property: (1) Santa Barbara Commercial Mortgage (in the amount of \$761,099); (2) Arvin Doshi (in an unknown amount)¹ and (3) the San Bernardino County Tax Collector (in the amount of \$17,631.66)².

On January 14, 2021, Debtor filed an application to employ a real estate broker; RE/MAX was approved as broker pursuant to order entered February 5, 2021.

On April 20, 2021, Barstow Daluvoy Project Lenders LP filed a motion for relief from stay as to the Property. On May 11, 2021, Debtor filed an opposition. At a hearing held on May 25, 2021, the Court indicated that it was inclined to order relief from stay, but continued the matter for: (a) Debtor to file a supplemental brief; and (b) Debtor to continue marketing the Property. After a continued hearing on June 22, 2021, the Court continued the matter again, for further marketing efforts and for the parties to discuss an agreement. At the third hearing, on July 6, 2021, the Court granted the motion, delaying the effectiveness of the order, entered July 12, 2021, until October 6, 2021.

On July 20, 2021, Debtor filed the instant sale motion. Debtor proposes to sell the Property to Yucca Valley Property, LLC (the "Purchaser") for \$1,050,000. Proposed payments from the proceeds include: (1) \$47,250 for broker's commission³; (2) \$15,750 for costs of sale; (3) \$17,580.52 for property taxes; and (4) \$784,485.31 for Barstow Daluvoy First Mortgage Investors, LP. This distribution leaves \$184,934.43 for the estate. The motion does not propose to pay the liens of American Lending, Inc. and The Doshi Family Trust, for the reasons set forth in the discussion section.

DISCUSSION

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

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 asserts that the Property was marketed for more than five months, the evidence presented in support of the motion is lacking in any description of the marketing. The Court also notes that the unsigned declaration of the managing member of the Purchaser indicates that the Purchaser has personally known the managing member of the Debtor for several years and has previously discussed purchasing the Property. Finally, the Court notes that the Property is being sold for \$900k less than its scheduled value.

While not directly relevant to the Court's analysis under § 363(b), the Court notes that page 8, lines 12-13 of the instant motion state that "Debtor intends to distribute the Net Sales Proceeds pursuant to the distribution schemes in the Bankruptcy Code." It is not clear what Debtor means by this statement.

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 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

(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, Debtor is requesting that the sale be free and clear of the liens of: (i) the County of San Bernardino; (ii) Barstow Daluvoy First Mortgage Investors, LP; (iii) American Lending, Inc.; and (iv) The Doshi Family Trust. Regarding (i) and (ii), Debtor states the sale proceeds are sufficient to satisfy the liens in full, and, therefore, the sale can be approved free and clear of those liens pursuant to § 363(f)(1) and (5).

Regarding the liens of American Lending, Inc. and The Doshi Family Trust, Debtor contends that § 363(f)(4) is applicable because those liens are subject to a bona fide dispute. Importantly, Debtor does not present any analysis or evidence whatsoever regarding this bona fide dispute, nor does Debtor request the Court to take judicial notice of the complaint. Assuming, *arguendo*, the Debtor include the complaint in the record, Debtor must show that there is an "objective basis for either a factual or legal dispute as to the validity of the debt." *See In re Gaylord Grain L.L.C.*, 306 B.R. 624, 627 (B.A.P. 8th Cir. 2004) (*quoting In re Busick*, 831 F.2d 745, 750 (7th Cir. 1987)).

Here, the complaint filed by Debtor alleges that the granting of deeds of trust to

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

American Lending, Inc. and The Doshi Family Trust constitute constructively fraudulent transfers because Debtor did not receive any value in exchange. While Debtor concedes that Debtor was a borrower in the underlying loan documents, Debtor asserts that Debtor's managing member, Dr. Daluvoy, or his other entities, used all of the loan proceeds for purposes unrelated to Debtor.

As noted by one bankruptcy court, the Court's inquiry is more complicated than simply determining whether Debtor received the loan proceeds:

In bringing this action the Johnsons contend that they did not receive reasonably equivalent value in exchange for the transfer of the mortgage on their house since it was the corporation and not themselves who received all of the loan proceeds. This argument is without merit. It is well settled that a debtor need not benefit directly in order to receive reasonably equivalent value for a transfer. He may benefit indirectly through benefit to a third person. *Williams v. Twin City Co.*, 251 F.2d 678, 681 (9th Cir.1958), *Klein v. Tabatchnick*, 610 F.2d 1043, 1047 (2d Cir.1979), *Rubin v. Manufacturer's Hanover Trust Co.*, 661 F.2d 979, 991 (2d Cir.1981).

Johnson v. First Nat'l Bank, 81 B.R. 87, 88-89 (Bankr. N.D. Fla. 1987). The Court notes that this third-party/indirect benefit analysis is a factual inquiry that varies upon the facts of each case, and, in the instant case, Debtor has not provided any admissible evidence or legal argument to support its contention that the liens of American Lending, Inc. and The Doshi Family Trust are in bona fide dispute. As a result, Debtor has not met its burden on this issue.

Additionally, the Court notes that there appear to be further issues regarding additional elements of a constructively fraudulent transfer. For example, the complaint asserts that Debtor became insolvent of a result of the transfers, but the record in this case, for example docket number 26, suggests that Debtor was still solvent after the transactions at issue.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

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).

IV. Miscellaneous Provisions

The Court has reviewed the remainder of Debtor's miscellaneous requests. The Court has reviewed the request for payment of a reduced broker's commission and closing costs. The Court notes that the motion states that the proposed broker's commission is \$47,250 on page 4 and \$42,000 on page 10.

The Court has reviewed Debtor's request for a § 363(m) good faith finding. As stated in the first section of the discussion section, the declaration of Purchaser submitted with the motion is unsigned, and, additionally, raises questions about whether a good faith finding is appropriate.

TENTATIVE RULING

Movant to supplement the motion to respond to the issues raised in the above tentative.

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

CONT... Raman Enterprises LLC, a Nevada corporation

Chapter 11

APPEARANCES REQUIRED.

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

Movant(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:20-17826 Raman Enterprises LLC, a Nevada corporation

Chapter 11

#24.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference And (2) Requiring Status Report

Also #23

From: 1/5/21, 4/6/21,4/20/21,5/25/21,6/22/21,7/6/21,8/10/21

EH__

[Tele. appr. Dawn Coulson, rep. Arvind Doshi and Chandrika A. Doshi, Trustees of the Doshi Family Trust, dated 7/24/2006]

[Tele. appr. William Beall, rep. Barstow Daluvoy Mortgage Investors, LP.]

[Tele. appr. Ali Matin, rep. United States Trustee]

[Tele. appr. Donald Reid, rep. Debtor and Reza Safaie, Yucca Valley Property LLC, proposed buyer]

Docket 6

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Raman Enterprises LLC, a Nevada

Represented By
Donald W Reid

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#25.00 Disclosure Statement hearing

[Tele. appr. Steven Fox, rep. Debtor]

[Tele. appr. Cameron Ridley, rep. U.S. Trustee]

Docket 198

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:21-10758 DW Trim, Inc.

Chapter 11

#26.00 CONT. Order (1) Setting Scheduling Hearing and Case Management Conference and (2) Requiring Status Report

From: 3/16/21, 3/30/21,5/25/21,6/29/21,8/10/21

EH__

[Tele. appr. Steven Fox, rep. Debtor]

[Tele. appr. Cameron Ridley, rep. U.S. Trustee]

Docket 15

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

DW Trim, Inc.

Represented By
Steven R Fox

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:21-14536 Bear Valley Ranch Market & Liquor Inc

Chapter 11

#27.00 Motion to Use Cash Collateral
(Motion filed 8/27/21)

Also #28

(OST entered 8/27/21)

EH__

[Tele. appr. Luke Hendrix, rep Debtor]

[Tele. appr. Everett Green, rep. U.S. Trustee]

[Tele. Kevin Kobbe, rep. creditor, Itria Ventures, LLC]

Docket 4

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bear Valley Ranch Market & Liquor

Represented By
J. Luke Hendrix

**United States Bankruptcy Court
Central District of California
Riverside
Judge Mark Houle, Presiding
Courtroom 301 Calendar**

Tuesday, August 31, 2021

Hearing Room 301

2:00 PM

6:21-14536 Bear Valley Ranch Market & Liquor Inc

Chapter 11

#28.00 Motion For Authorization to Maintain Pre-Petition Bank Account
(Motion filed 8/27/21)

(OST entered 8/27/21))

Also #27

EH__

[Tele. appr. Luke Hendrix, rep Debtor]

[Tele. appr. Everett Green, rep. U.S. Trustee]

[Tele. Kevin Kobbe, rep. creditor, Itria Ventures, LLC]

Docket 7

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Bear Valley Ranch Market & Liquor

Represented By
J. Luke Hendrix